

Aceh: So Far, So Good

I. OVERVIEW

The Aceh peace process is working beyond all expectations. Guerrillas of the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) have turned in the required number of weapons. The Indonesian military (Tentara Nasional Indonesia, TNI) has withdrawn troops on schedule. The threat of militia violence has not materialised. Amnestied prisoners have returned home without incident. The international Aceh Monitoring Mission (AMM), led by the European Union's Peter Feith, has quickly and professionally resolved the few violent incidents between GAM and the TNI. A new law on local government in Aceh, incorporating provisions of the 15 August 2005 peace agreement signed in Helsinki, has been drafted in consultation with broad sectors of the Acehnese public and GAM, and submitted to the Indonesian parliament. While there are still challenges, the peace process has active support from the highest levels of the Indonesian government, and Acehnese who were sceptical at the outset that it could hold are slowly beginning to change their minds.

The peace process now has entered a critical stage on two fronts. The first of these involves the reintegration of former GAM members into civilian life. While many combatants have returned spontaneously to their communities, most are unemployed. Disagreement between GAM leaders and the government over whether cash payments to facilitate reintegration should be made directly to individual combatants or channelled through GAM commanders is holding up more comprehensive programs to establish new livelihoods. It also appears to be creating some friction within GAM itself. If the problem is not resolved, the danger in the long term is that bored or jobless ex-combatants will turn to crime or seek to resume fighting.

The second front is the legal process of incorporating the provisions of the 15 August agreement into a new law that must be adopted by the Indonesian parliament. The transformation of GAM from an armed movement to a political one hinges on this law, particularly its provisions on local political parties and the mechanics of local elections. The question is whether the parliament will accept the Acehnese draft without serious revisions or dilutions. While the prospects look brighter now than they

did several months ago, a new issue has arisen that is causing anxiety in Aceh: whether there will be any reference in the final version to the possibility that Aceh in the future can be divided into more than one province. Such a reference could undermine the consensus in Aceh around the current draft and ultimately, the peace itself. Since wiser heads have prevailed thus far every time a potential obstacle has arisen, there is every reason to believe that a way will be found around this problem, too.

This briefing records the key achievements a year after the Indian Ocean tsunami devastated Aceh and reordered the political landscape. It also highlights some of the remaining possible bumps in the road to a lasting peace.

II. DESTRUCTION OF ARMS AND TNI “RELOCATION”

Successful decommissioning of its weapons and the parallel withdrawal of military and police temporarily deployed to Aceh have helped reduce, although by no means erase, distrust between GAM and the TNI.¹ Three rounds of decommissioning have proceeded without incident, and the fourth was getting underway as this report went to press. GAM's commitment was to have turned over by the end of the third round on 22 November 2005 630 usable, standard-issue weapons – that is, three-quarters of the total agreed on in the Helsinki agreement. It actually turned in 856 guns by that date, but the AMM, which has the authority to determine whether they satisfy the criteria, rejected more than 200, and the Indonesian government disputed another 67.² One member

¹ For earlier analysis of the current peace process, see Crisis Group Asia Briefing N°40, *Aceh: A New Chance for Peace*, 15 August 2005.

² The AMM is composed of 226 men and women from European Union countries, Norway, Switzerland and five South East Asian nations -- Thailand, Malaysia, Brunei, the Philippines and Singapore. Its mission formally began on 15 September 2005, and it maintains 11 offices around Aceh. Under the 15 August agreement, it is tasked with monitoring the demobilisation of GAM; decommissioning and destruction of its weapons, ammunition and explosives; the relocation of military forces and police not normally based in Aceh (i.e. sent as reinforcements to local troops); reintegration of active GAM members; and human rights situation. It is also expected to

of the AMM said wryly that if Aceh ever wanted to set up a museum of antique guns, it now had some choice items for display.

Television footage of the first days of decommissioning in particular provided people all over Indonesia with compelling images of a peace process underway. Although the precise location of each decommissioning site is only revealed shortly beforehand, large crowds have gathered to watch GAM's weapons being destroyed.

The three rounds of decommissioning have been an important opportunity for GAM's leaders to demonstrate that they can persuade guerrilla commanders in the field to honour the terms of the Helsinki agreement. At first, the field commander of Singkil, Teungku Abrar Muda, refused to turn over weapons. But after a meeting in Banda Aceh with Muzakir Manaf, GAM's overall military commander, he agreed to cooperate.

The withdrawal of troops has also gone according to plan. By the end of the third round, the TNI had taken out approximately 18,000 "non-organic" troops (troops from other commands temporarily stationed in Aceh), while the police had pulled back 3,700 men and women from Aceh.³ Initially, GAM suspected the TNI would withdraw less than the agreed number of troops and so sent representatives to witness the departures. After the AMM began monitoring these, it discontinued the practice.

The question now is whether the fourth round of decommissioning, set to begin on 14 December, will go as smoothly. The potential spoiler is GAM's defence minister, Zakaria Saman alias Karim Bangkok, who has been with the movement since its founding in 1976. A leader of great influence within insurgent military circles, he was based in Bangkok until 2004 – hence his *nom de guerre* – and was reportedly responsible for procuring arms from southern Thailand and the southern Philippines.⁴ He is believed to have returned to Aceh in 2004 and like Muzakir Manaf was instrumental at the outset in securing

monitor legislative changes, rule on disputed amnesty cases, and handle complaints about alleged violations of the agreement. The AMM is the EU's first monitoring mission in Asia. The head of AMM, Peter Feith, a Dutch and European Union diplomat, makes the final ruling in disputed cases. "Decommissioning phase III successfully completed", AMM press release, 22 November 2005.

³ "First phase of re-location and decommissioning completed", AMM press release, 27 September 2005; "Second phase of decommissioning and re-location completed", AMM press release, 25 October 2005; "On the outcome of the meeting of the Commission on Security Arrangements (COSA)", AMM press statement, 13 November 2005.

⁴ Crisis Group interviews with GAM figures, Bireuen and Peureulak, 26-27 September 2005.

the cooperation of field commanders. But he is reportedly now insisting that the 15 August agreement specified only that GAM would turn in 840 weapons. (The stipulation that the guns be both usable and factory-produced rather than homemade is the result of discussions in the AMM's Commission on Security Arrangements). The fact that GAM has now turned over 856 weapons, Zakaria maintains, means that it has fulfilled its promise in Helsinki, whether or not the AMM or the TNI agree, and does not have to surrender any more.

Other Aceh-based GAM representatives, recognising that this stance is sure to fuel the worst fears of the TNI and the Indonesian government about their commitment to the peace, take issue with it and say they intend to go forward as planned with the next round of decommissioning. But because Zakaria Saman is seen as a representative of the Sweden-based leadership, resolution of this issue will speak volumes about the ability of GAM to stay united, the relative influence of different parts of its power structure and the capacity of both sides to look beyond one possible trouble-maker.

III. AMNESTY AND RELEASE OF PRISONERS

Release of amnestied GAM prisoners has gone remarkably smoothly, and the number of disputed cases is being steadily reduced. The peace agreement provided for amnesty and unconditional release of "political prisoners and detainees held due to the conflict" no later than the end of August 2005. The timing meant that prisoners would be released before any weapons had been collected and when only some 50 international monitors were in place. Problems with release or subsequent reintegration of the prisoners would have struck a serious blow to the peace process but the relatively problem-free process is proving an important first step in building trust.

In accordance with the amnesty provision, the government released 1,424 GAM members from prisons across Java and Sumatra almost on schedule. (Glitches in getting presidential authorisation of the releases caused a few days' delay.)⁵ Upon release, the government, supported

⁵ See Indonesian Presidential Decree No. 22/2005, "Regarding the Granting of Amnesty and Abolition to Every Person Involved in the Free Aceh Movement", 30 August 2005. The amnesty applied to all people under investigation or in detention for their involvement in GAM, as well as those who bore arms. Minister for Law and Human Rights Hamid Awaluddin stated that of the 1,424 people the government considered eligible for release, 958 were being held in Aceh, three in Bengkulu

by an international organisation, registered the prisoners, gave them an immediate “reinsertion” assistance package of Rp. 2 million (\$200)⁶ together with clothes and other goods, and arranged plane and bus transport for immediate return to their home districts. The released prisoners were eligible for two further safety net payments of Rp. 1.5 million (\$150) in December and January, before longer-term reintegration assistance would be available.⁷

The decision to grant an amnesty was not an easy one. The government stressed that it would not extend to GAM members held for purely criminal activities. Despite this, members of the national parliament were critical, particularly members of Commission III, responsible for law and legislation, human rights and security. They sought a requirement for GAM members to sign a loyalty oath to the unitary Indonesian state before being amnestied, and they also sought to block any amnesty for foreign citizens – thus making most of the GAM leadership resident in Sweden ineligible.⁸

The government of President Bambang Soesilo Yudhoyono was more interested in ensuring that the peace settlement was “permanent, fair, and honourable”, so it issued a decree extending the amnesty to all members of GAM, including foreign citizens. In line with the Helsinki agreement, the decree also opened the door for GAM members who were foreign citizens to acquire or regain Indonesian citizenship provided they renounced their foreign loyalty within six months. Only these GAM members would be required to sign loyalty oaths.⁹

Not all detained GAM members were freed, however. GAM and the government were at odds over whether the cases of more than 100 prisoners held in Java and Sumatra were criminal or political.¹⁰ In the government’s view,

political cases involved those formally charged with *makar* (rebellion), but GAM maintained that many of its members had been arrested before the military emergency began in 2003, when they were as likely to be imprisoned for ordinary criminal offences that were in fact political acts as for rebellion. The AMM has the authority under the peace agreement to resolve such disputes but it clearly would be far better if the two sides could reach an agreement themselves. They have made significant progress, reaching an understanding that about twenty of the names GAM initially proposed will be excluded from the amnesty. Discussion is continuing about the others.¹¹

One example of a disputed case involves Teungku Ismuhadi bin Jafar, former GAM commander for the greater Jakarta area, who is serving a life sentence in Jakarta’s Cipinang prison for allegedly masterminding the 13 September 2000 bombing of the Jakarta Stock Exchange. Ten people died in that attack, which to this day has never been satisfactorily explained.¹² Ismuhadi and another bomber initially were not slated for amnesty.¹³ The government’s argument that the case was criminal was buttressed by the fact that throughout his trial, Ismuhadi had steadfastly denied that he was a member of GAM. Leaders of GAM also denied involvement, saying they had never extended their armed struggle beyond Aceh. After the peace agreement was signed, however, they argued that the trial had not been fair and information had been coerced through torture.¹⁴ A decision is pending.

Many GAM members are reported to be disappointed by the continued detention of their friends. One in Bireuen said the disappointment could give rise to criminal acts such as took place in Dumai, Riau province on 22 October 2005, when five armed men broke into the prison to release two GAM members, Taufik Ismail and Samirun

and the remaining 463 in Java. See “Mayoritas Makar”, *Gatra*, 10 September 2005.

⁶ Figures denoted in dollars (\$) in this report refer to U.S. dollars.

⁷ Crisis Group phone interview with the representative of an international organisation, 6 December 2005. The international organisation that assisted the government in this process asked not to be identified in order not to divert attention from the government’s role.

⁸ “DPR Minta Amnesti Mantan GAM Disertai Pernyataan Setia Pada NKRI”, *hukumonline.com*, 25 August 2005; “Ketua MPR Setujui Syarat Komisi III”, *Tempo Interaktif*, 26 August 2005.

⁹ See third point of Indonesian Presidential Decree No. 22/2005, op. cit. Two GAM leaders, Malik Mahmud and Bachtiar Abdullah, were born in Singapore and never had Indonesian citizenship.

¹⁰ GAM’s senior representative to the AMM, Irwandi Yusuf, stated in October that 116 GAM members remained in prison in Jakarta (Cipinang, Salemba), West Java (Karawang, Sukamiskin, Tangerang), Central Java (Nusakambangan), North Sumatra (Tanjung Gusta Medan, Rantau Prapat, Binjai, dan Sibolga). In

Aceh, he said, several GAM members were being held at a police station and Joint Intelligence Unit (Satuan Gabungan Intelijen – SGI) posts. “116 Anggota GAM Belum Memperoleh Amnesti”, *Tempo Interaktif*, 11 October 2005.

¹¹ Crisis Group interview with GAM member, November 2005.

¹² Several of the perpetrators were army deserters, and the case revealed the extent of the illegal arms trade between the military’s munitions plant, PT Pindad, and various private dealers, including one with ties to GAM. A key witness was shot and killed before he could testify. Two important defendants escaped from the supposedly maximum security prison in Cipinang, Jakarta. One was later rearrested in Aceh; a second was never caught.

¹³ In their verdict, the panel of judges also considered the case only in criminal terms, without making any mention of GAM involvement. See “RI Diminta Bebaskan GAM”, *Kompas*, 8 September 2005; South Jakarta District Court Verdict no. 386/Pid.B/2001/PN.Jak.Sel.

¹⁴ Interview with GAM source, 25 November 2005.

Fuadi. In the chase that followed, Fuadi tried to throw a grenade at police but was shot and killed. The police were able to arrest one of the five men involved in the breakout but the others, including Taufik, escaped.

The Dumai police chief said that the armed men were Acehese but that it was not clear whether they were GAM members. One of the two men freed was not on the list of detained GAM members prepared by either the government or GAM.¹⁵ A GAM negotiator, M Nur Djuli, called the Dumai affair a purely criminal incident that had nothing to do with the movement. He stressed that there were no armed GAM members outside Aceh.¹⁶

IV. REINTEGRATION

The biggest problem to emerge thus far in the reintegration process is not community hostility toward returning combatants or revenge acts by the latter against military informers or militia members, as initially feared, but rather a technical problem: how to get cash assistance to ex-guerrillas to enable them to restart civilian lives. That technical problem has political overtones, however. Does GAM trust the government enough to release names of potential recipients? Would the TNI convert those names into a hit list if hostilities resumed? Is GAM looking for a way to control reintegration funding for purposes beyond economic support to ex-fighters? The questions raised over the course of debate on this issue speak volumes about the reservoir of distrust that still has to be drained.

A. REINTEGRATION FUNDS AND “WIDOW PAYMENTS”

The peace agreement requires GAM to demobilise “all of its 3,000 military troops”. Because it does not specify how reintegration assistance will be given, the government, donors and international organisations have tried to work out a mechanism that meets the needs of all parties, namely security for GAM, transparency for the TNI and accountability for the donors.

Reintegration assistance to those troops is to consist of two parts: initial safety net cash payments of Rp. 1 million (\$100) per month for six months, followed by longer-term aid tailored to help former guerrillas establish new

livelihoods. In line with international best practice in post-conflict areas, government and donor funds are also available for less-targeted assistance to affected communities.¹⁷

Initially, the government proposed that the funds be paid directly to each former combatant, following an individual registration process.¹⁸ This plan was shelved after GAM rejected two methods of disbursement that would have revealed the identities of the recipients. The first was for GAM to work jointly with district-level government social affairs (Dinsos) offices. Combatants would come to these offices of their own volition, and (two) GAM representatives could verify that they were indeed fighters.¹⁹

The second was for GAM to designate a location for AMM and Dinsos representatives to meet with it. The local GAM commander would then hand a list of combatants to the AMM, which would disclose to Dinsos only the number of names on the list. Dinsos representatives would then hand the reintegration funds to the commander, witnessed by other GAM members, for him to disburse to the combatants. The peace agreement does not require GAM to hand over a list of combatants, however, even to a neutral third party, and it decided not to, citing security and other concerns discussed below.

Instead of individual disbursement, the government and GAM reached agreement in a 1 October meeting of the Commission on Security Arrangements (COSA) to begin disbursements by paying a sum to each GAM regional commander based on a calculation of the numbers of fighters to be demobilised in his area.²⁰ The commanders are responsible for distributing the money. Using this method – essentially a modification of the second proposed plan but without name lists – the government

¹⁷ Based on payments to 3,000 demobilised guerrillas, the initial safety net payments amount to a total commitment of Rp. 18 billion (\$1,800,000); overall, the government has allocated Rp. 200 billion in 2005 (\$20 million) and Rp. 600 billion in 2006 (\$60 million) for both reintegration and broader assistance to conflict victims. “GAM belum Serahkan 3.000 Nama Anggota”, *Media Indonesia*, 29 November 2005, p. 1.

¹⁸ The government and donors scrambled to organise registration desks near the decommissioning sites during the first phase in case GAM combatants wished to register, but the guerrillas would not have been aware of what reintegration assistance was available, and none chose to sign up at that time.

¹⁹ Crisis Group interviews, September, October 2005. GAM has subsequently agreed to nominate two candidates to staff these offices for the purpose of processing further instalments of the safety net disbursements and developing reintegration plans for the amnestied prisoners.

²⁰ “AMM welcomes the start of allocations for former GAM combatants”, AMM press release, 12 October 2005.

¹⁵ See “Pembebasan Paksa”, Anggota GAM di Rutan Dumai, Satu Tewas, Antara News Agency, 23 October 2005. Notes of interview with Dumai Police Chief Khaidir Ismanto Siregar made available to Crisis Group, 9 November 2005.

¹⁶ See “GAM Bantah Keterkaitannya dengan Kasus Dumai”, Antara News Agency, 26 October 2005.

made two rounds of payments to GAM, in October and November 2005.²¹

But GAM is still under pressure to hand over a list or at least allow its combatants to reveal their identities voluntarily. AMM has encouraged the GAM leadership to authorise members to register on an individual basis with Indonesian authorities, while acknowledging they are not obligated to do so.²² TNI Commander Endriartono Sutarto has stated publicly that a list of names is required to ensure reintegration funds are paid to the right people.²³

Paying funds to GAM is sensitive for the TNI, which felt it was close to crushing the movement militarily before the peace deal was signed. After the failure of demilitarisation in the 2002 Cessation of Hostilities Agreement (CoHA), when GAM used the pause in hostilities to regroup (and some guerrillas came down from the hills only to be arrested or attacked), the TNI was particularly worried that the insurgents would use some of the money to recruit more young men, even if for political rather than combat activities.²⁴ A senior TNI officer in Aceh also noted that a list of combatants could also help AMM to verify quickly whether victims of violence were GAM members.²⁵

Senior GAM figures, however, cited two reasons for refusing to provide name lists to the government. First, by definition, all of the combatants to be demobilised had escaped capture during the intensive military operations under martial law, beginning in May 2003. To hand over their names, a representative said, would be akin to providing “a free information service to the military”. He added that when the peace process came to a successful conclusion and the political situation was stable, GAM would identify its fighters.²⁶ The TNI’s response was that it had compiled thick files of GAM fighters, village by village, and that GAM could not tell it anything it did not already know.²⁷

Secondly, GAM states that in addition to the 3,000 combatants mentioned in the agreement, it feels obliged to assist the many orphans and widows whose fathers and husbands perished fighting for the movement. It plans to deduct money for them from the funds allocated to combatants.

We have 3,000 fighters and we have to take care of widows and children, too. So that's 3,000 times three. And if you take into consideration all the people who constitute our logistic support, intel[ligence] and others, we're responsible for about 20,000 people.²⁸

Even those outside GAM acknowledge that it may be responsible for far more than just 3,000 combatants across the province. The district head of Bireuen, Mustafa Geulanggang, for example, said that some combatants there received only around Rp. 300,000 (\$30) of the Rp. 1 million promised by the government. Bireuen was allocated payments for 333 combatants; Geulanggang estimated that it may in fact have as many as 3,000 combatants and supporters.²⁹

Quite apart from these reasons, a source close to the movement told Crisis Group that retaining control over the disbursement of funds was part of GAM’s attempts to preserve its chain of command. GAM reportedly felt that if the government distributed the funds directly to individual guerrillas without going through the organisational hierarchy, it could weaken that chain of command. This would in turn hamper GAM’s efforts to recreate itself as a political movement. Retaining control of the funds would also allow commanders to reserve a portion of the money for operational expenses. A senior GAM figure said that since the Helsinki agreement was signed, GAM has been running short of money, because it stopped collecting *pajak nanggroe* (war taxes), its main source of operational financing.³⁰

The risk for GAM in controlling disbursements, however, is that discontent among foot soldiers about how the money is apportioned may weaken their loyalty to their commanders. A GAM fighter in North Aceh complained that reintegration funds have only reached members of the commander’s immediate circle. He said that senior GAM members were now driving cars and owned expensive mobile phones. At a time when demobilised combatants do not have jobs, and financial support from the organisation has diminished, any disparities in how

²¹ “On the outcome of the meeting of the Commission on Security Arrangements (COSA)”, AMM Press Statement, 24 November 2005.

²² Crisis Group e-mail correspondence with Juri Laas, AMM spokesperson.

²³ “TNI Tetap Butuh Nama Mantan Anggota GAM”, *Kompas*, 29 October 2005.

²⁴ Crisis Group interview with TNI officer, Aceh, 25 October 2005. The CoHA, brokered by the Geneva-based Henri Dunant Centre, was signed in December 2002 and collapsed in May 2003.

²⁵ Ibid.

²⁶ Crisis Group interview with senior GAM figure, 24 October 2005.

²⁷ Crisis Group interview with TNI officer, 25 October 2005.

²⁸ Crisis Group interview with M Nur Djuli, 24 October 2005.

²⁹ Notes of interview with Mustafa Geulanggang made available to Crisis Group, September 2005. See also “Ketika Senjata Tak Lagi Bicara”, *Tempo*, 31 October–6 November 2005.

³⁰ Crisis Group interview with M Nur Djuli, 24 October 2005.

money is apportioned can cause friction and eventually feed into post-conflict criminality. “We still have lots of weapons that we can use without an order from our commander”, one said.³¹

The government needs to be conscious of one other problem arising from reintegration funding: resentment from some tsunami victims that returned rebels are getting more funds, delivered more efficiently, than they are. Speedier reconstruction in tsunami-affected areas should keep that sentiment within manageable levels.

B. RETURN OF GAM COMBATANTS

On the whole, returning GAM prisoners and combatants have not been subjected to serious harassment by either TNI or members of anti-GAM fronts, nor, for the most part, have they engaged in such harassment themselves. The most common GAM complaint seems to be about soldiers and intelligence operatives stopping by their houses to introduce themselves – on the surface a friendly gesture, but often interpreted as intimidation. A former GAM fighter in Bireuen said that he and almost all of his friends had received a visit. “It makes us a bit uneasy. The problem is that the TNI are still carrying weapons, while we’re not”, he said.³²

The return of GAM guerrillas has caused some friction in areas where anti-separatist fronts were strong, such as Bireuen, Bener Meriah, Central Aceh and North Aceh.³³ In Bireuen, for example, members of the Resistance Front Against GAM Separatists (Front Perlawanan Separatis GAM) told Crisis Group they quickly withdraw if they run into former GAM members. Sofyan Ali, the leader of this group, refused an invitation to join Darwis Jeunib, the regional GAM commander at a police-hosted function to “break the fast” during Ramadan. He said the time was not yet ripe to meet the guerrilla leader.³⁴

In Bener Meriah, home of the local Red and White Defenders’ Front (Front Pembela Merah Putih - FPMP), led by coffee grower Misriadi, almost all houses still fly a red and white Indonesian flag. Safrisayah alias Buyung, a key figure in FPMP, said that the front has about six members in each village and remains on guard in case the peace process fails. But he said the front has also

taken steps to forge peace with GAM members, that it welcomed the return to their communities of eighteen local GAM members around the time the Helsinki agreement was signed.³⁵

In North Aceh, however, Satria Insan Kamil, the head of that district’s anti-GAM front, People’s Bastion Against Separatism (Berantas), has reported several acts of vigilantism against his members to the local AMM office.³⁶ In one incident, a Berantas member named Herman Sulaiman was abducted by former GAM members in Nisam sub-district but escaped when his captors let down their guard. GAM’s representative to the AMM attributed Sulaiman’s case to “personal problems” between GAM members and Berantas in areas where the latter had burned houses during the military emergency.³⁷ Villagers in Nisam said that they had not seen local Berantas members since the peace deal was signed; some Berantas members have claimed they are fearful of returning now that former GAM members are back.³⁸

In other cases, GAM has tried to improve its image by stamping out the practice of collecting war taxes. A senior police officer in Bireuen gave the example of Muammar Khadafi, a young man found collecting *pajak nanggroe* in Jeunieb, purportedly on behalf of GAM. He was using a forged letter from the “GAM Secret Intelligence Service” to extort money from Bireuen businesspeople. GAM itself “arrested” Muammar, and on the orders of the local commander, Darwis Jeunieb, turned him over to the Bireuen police.³⁹ GAM’s senior representative to the AMM, Irwandi Yusuf, stressed that *pajak nanggroe* was abolished when the Helsinki agreement was signed. Anyone now collecting unofficial taxes, he said, was committing a crime and should be reported to the AMM.

³¹ Crisis Group interview with former GAM member, 7 November 2005.

³² Crisis Group interview, September 2005.

³³ Vigilantism has been a minor but persistent problem. For figures on vigilantism, see “Aceh Conflict Monitoring Update, 1-31 October 2005”, World Bank/Decentralization Support Facility (DSF).

³⁴ Interview with the Bireuen police chief, 30 October 2005.

³⁵ Interview with Safrisayah, 25 September 2005.

³⁶ In his report to AMM, Satria stated that his men have been the target of four similar cases since the Helsinki agreement was signed. In one of these cases, three former GAM members attacked Usman Risyad (50), the treasurer of Berantas, with machetes in Alue Keurenyai village. Usman was also attacked on 30 August 2005. In another instance, eighteen village chiefs left their villages as a result of intimidation after GAM members returned.

³⁷ See “Menjaga Damai Agar Tak Retak”, *Tempo*, 31 October-6 November 2005.

³⁸ Crisis Group interviews, North Aceh, September-October 2005.

³⁹ The forged letter Khadafi (20) was carrying purported to be issued by the Sweden leadership and bore the signature of Munawar Liza (assistant to GAM Sweden spokesperson Bakhtiar Abdullah). Notes of interview with Bireuen police chief made available to Crisis Group, 30 October 2005.

V. DISPUTED INCIDENTS AND THE ROLE OF THE AMM

Clashes between GAM and the TNI after the 15 August 2005 signing of the peace agreement were inevitable; under its terms, the AMM must investigate each incident and rule on responsibility. While neither party has been happy with AMM rulings, both have agreed to abide by them.

As Crisis Group staff travelled through Aceh in October and November, it found that attitudes to the peace were positive, even in GAM strongholds where conflict had been most intense such as Bireuen, North Aceh, East Aceh and Central Aceh. It was clear that both GAM and TNI commanders were exerting control over their troops to ensure the peace held.⁴⁰ Nine shootouts have taken place since the signing of the peace agreement, with two deaths.⁴¹ None, however, was serious enough to threaten the peace.

One incident took place on 12 October in Jeuram, Nagan Raya district, where a GAM member was shot and killed during a police response to a report that a car belonging to an employee of a major Indonesian company, PT Sucofindo, had been stolen. The police tried to stop a car with four passengers, but it refused to slow down and only stopped after the police fired at it. One of the bullets killed Syafruddin, aged 32, the driver of the car and a GAM member.⁴²

On 14 October 2005, another incident occurred in Peudawa, Aceh Timur, after three GAM members on a motorcycle violated a traffic regulation while riding past a TNI post. Three people on a bike is forbidden, and the TNI stopped them and began interrogating the men. When several other GAM members realised their companions had a problem, they descended on the post and a clash broke out. In the end, one member of Company B, Infantry Battalion 111, shot at the GAM members, wounding four, one critically.

⁴⁰ Crisis Group interviews North Aceh, East Aceh, Central Aceh, Bireuen, October-November 2005.

⁴¹ Seven clashes with two deaths had taken place by the end of October. Two more took place between then and mid-December but were quickly resolved. For the first seven, see "Aceh conflict monitoring update, 1-31 October 2005", World Bank/DSF. A summary table in the report lists four dead, but as the text points out, two were killed and two injured.

⁴² See "Menjaga Damai Agar Tak Retak", *Tempo*, 31 October-6 November 2005.

The AMM ruled on each violation within a week.⁴³ It decided that the shooting in Jeuram was a purely criminal incident, although it expressed strong regrets over the disproportionate use of force by the police.⁴⁴ In Nagan Raya, AMM head Peter Feith ruled the TNI was at fault. It had agreed in the Helsinki document to take a defensive position at its posts and not deal with public order issues that were the authority of the police.

Neither GAM nor the TNI strongly protested either ruling. Commenting on the Jeuram incident, GAM representative Irwandi Yusuf only clarified that the car had been borrowed, not stolen, and criticised the police for firing at the driver rather than the car's tyres.⁴⁵ The head of the TNI's Information Task Force under the Security Restoration Operational Command, Lt. Col. Erie Soetiko, criticised AMM's ruling in the Nagan Raya incident as premature and inaccurate⁴⁶ but the TNI representative on the AMM, Maj. Gen. Bambang Darmono, accepted the ruling.⁴⁷

The generally strong performance of the AMM has made many Acehnese eager to have its mandate extended beyond the six months envisaged in the original agreement between the Indonesian government and the European Union.⁴⁸ The six-month mandate was originally intended to lead up to local elections, so that international election monitors could quietly replace the AMM without any hiatus. If, as is likely, the elections are postponed, a critical gap could emerge during which no neutral, authoritative body is on the ground to reduce tensions and resolve disputes.

VI. EXCHANGING BULLETS FOR BALLOTS

One of the biggest challenges GAM faces is to transform itself from a guerrilla organisation into a political movement. With discussion of the draft Bill on Acehnese Government expected to start in the national parliament in Jakarta in January 2006 and local elections to follow shortly after it is passed, GAM's lack of a comprehensive political strategy is becoming more and more apparent. A GAM leader in Bireuen complained that he had received

⁴³ Under the Helsinki agreement, one of AMM's seven tasks is to "investigate and rule on complaints and alleged violations".

⁴⁴ "On the outcome of the meeting of the Commission on Security Arrangements (COSA)", op. cit.

⁴⁵ "Menjaga Damai Agar Tak Retak", op. cit.

⁴⁶ "AMM Terburu-buru", *Kompas*, 21 October 2005.

⁴⁷ "Menjaga Damai Agar Tak Retak", op. cit.

⁴⁸ Council Joint Action 2005/643/CFSP of 9 September 2005 on the European Union Monitoring Mission in Aceh.

no instructions on preparation for political struggle. One member of the leadership-in-exile, Bakhtiar Abdullah, returned to Aceh from Sweden on 29 October but his role is unclear.

To address the lack of a strategy, GAM created a new National Assembly (Majelis Nasional) in a closed meeting attended by almost all senior members in Aceh at the Rajawali Hotel, Banda Aceh, in the third week of October 2005.⁴⁹ The participants chose as chair of the new body Teungku Usman Lampoh Awe, respected in GAM circles as the man in Aceh closest to Hasan di Tiro, the movement's elderly founder. The election of the movement's military commander, Muzakkir Manaf, as head of security, suggests that the armed wing will be subordinate to it. Zakaria Saman alias Karim Bangkok was elected as head of political affairs. Ilyas Abid was chosen to head economic affairs, while an additional department, covering culture and customs, will be headed by an Acehese religious scholar, who has not yet been selected.

A GAM source said that the National Assembly will be the highest body for determining political moves, including what steps should be taken to prepare for local elections in 2006.⁵⁰ Although debate over participation continues, GAM has decided that it will contest the election for governor of Aceh, perhaps by running Hasbi Abdullah, an economics lecturer at Syiah Kuala University, former political prisoner, and brother of GAM Foreign Minister Zaini Abdullah.⁵¹

An Acehese politician who himself does not support GAM suggested that it was vital to a lasting peace for GAM to gain a few early electoral victories so as to strengthen its commitment to the political process. If it gains nothing from taking part in local elections in 2006, some of its members may begin to feel the decision to abandon armed struggle was wrong.⁵² "They're not just going to sit around doing nothing from 2006 to 2009", he said, referring to the date of the next national elections. On the other hand, a stronger-than-expected showing in the polls could trigger a backlash from conservative nationalists who already fear that the Helsinki agreement has opened the door to Aceh going the way of East

Timor. Even after the bill on government is passed, the formulation of implementing regulations on local elections will still be a sensitive process.

VII. THE BILL ON ACEHNESE GOVERNMENT

The Helsinki agreement's provisions have to be enacted into law in Jakarta if they are to have lasting impact, and a major effort is underway to do that. A draft law to replace the 2001 Special Autonomy Law, representing an Acehese consensus position, was submitted to the Indonesian parliament in December 2005. Its prospects today look much brighter now than several months ago, when the drafting process was just getting under way.

Some aspects – particularly the issue of dividing Aceh into more provinces and, to a lesser extent, the creation of local parties – are still controversial. It is also almost inevitable that the law will not be in force by the 31 March 2006 deadline stipulated in the peace agreement, meaning local elections will be delayed beyond April. The delay, however, is unlikely to have negative repercussions on the peace process.

A. AUTONOMY DRAFTS

A frequent complaint about the 2001 Special Autonomy Law was that it had been enacted without sufficient consultation in Aceh and contained provisions that Acehese, if asked, might have contested. It would be difficult to make the same objection to the draft that is intended to replace it. On 5 December 2005, a delegation from the Aceh provincial legislature (DPRD) handed copies of this draft, as it emerged from extensive consultations with Acehese, both in Aceh and in diaspora communities elsewhere in Indonesia, to the head of the Indonesian parliament (DPR) and the head of the Regional Representative Council (DPD).⁵³

Consultation on it began in mid-September, when acting Governor Azwar Abubakar invited three universities in Banda Aceh to produce their versions of an autonomy law that took the Helsinki provisions into account. After these drafts were merged and refined into a single document, the governor turned the process over to the provincial legislature, which in October formed an

⁴⁹ Senior GAM figures had planned to transform the movement's military wing, known as the TNA, into the Aceh Transitional Command (Komando Peralihan Aceh - KPA). But several GAM leaders objected to the use of the word "Command", concerned that its military overtones would arouse Jakarta's suspicions.

⁵⁰ Crisis Group interview with GAM source, November 2005. Crisis Group phone interview with Tgk Kamaruzzaman, 6 December 2005.

⁵¹ Crisis Group phone interview with Tgk Kamaruzzaman, 6 December 2005. Hasbi Abdullah was arrested in 1978 and again in 1981.

⁵² Crisis Group interview, Jakarta, 6 December 2005.

⁵³ Crisis Group interview with Azhari Basyar, head of Pansus DPRD Aceh for Draft Law on Government in Aceh, 5 December 2005. The DPD is a 128-member elected body with four representatives from each of Indonesia's provinces.

eighteen-person special committee (Pansus) to synthesise and refine it.⁵⁴

Assisted by several technical experts and with funding support from the United Nations Development Programme's Partnership for Governance Reform in Indonesia, the committee engaged in a further month-long consultation process with GAM, religious leaders, NGOs, academics and members of the provincial government. The final draft, running to 209 articles, was a composite created from different documents drafted by GAM, civil society, and the governor's office. Tgk Kamaruzzaman, the head of GAM's drafting team, said GAM "did not endorse or reject" the final product but it was "very (accommodating of people's) aspirations".

The draft goes beyond the 2001 Law in several key respects:

- It establishes the boundaries of Aceh consistent with the 1 July 1956 borders.⁵⁵ This reflects a consensus among most stakeholders – not just GAM – that those boundaries are fixed. It is intended to close the door on any future division of Aceh through the process of administrative division known as *pemekaran*, literally "blossoming". GAM opposes *pemekaran* in part because of the perception that during the conflict, the government may have sought to split off those parts that did not support GAM. So far, the government and DPR members have given mixed messages on *pemekaran*. Home Affairs Minister Ma'aruf told the DPR Commission II that although this was not the right time to divide Aceh, it might be appropriate to include *pemekaran* as "the Papua special autonomy law also includes

regulations on forming new autonomous regions (i.e. provinces or districts)".⁵⁶

- It allows establishment of local parties, but, at GAM's request, these can only take part in elections for the Aceh provincial and district legislatures – they cannot field candidates for the national parliament.⁵⁷ During the peace negotiations, acceptance of local parties was a controversial concession to GAM, with opponents in the government and among conservative sectors in Indonesian society claiming it would fuel separatism.
- Independent candidates will be allowed in the 2006 elections for governor.⁵⁸ Under the draft, candidates must be at least 30 years old, uphold Islamic law, and hold Indonesian citizenship. Those who served sentences for political crimes or subversion are still eligible, meaning newly released GAM prisoners can run in the elections not only for governor but also for district heads.
- In line with the Helsinki agreement, the bill makes no reference to "province", "autonomy" or "special autonomy" and establishes the name of the territory as "Aceh" rather than "Nanggroe Aceh Darussalam", the term used in 2001. Nomenclature is a key issue for GAM, because it wants to establish a clear difference with previous autonomy arrangements and show that Aceh is indeed a distinct entity from, although formally part of, Indonesia. An official involved in the final drafting process said many of the amendments GAM requested to the DPRD draft related to the names of institutions.⁵⁹

⁵⁴ The three university drafts were discussed at an open seminar at Syiah Kuala University attended by over 1,000 people on 11 and 12 October 2005. The governor's drafting team, led by Dr Abdullah Ali, former rector of Syiah Kuala, then produced a merged document with more than 200 articles. On 18 October, the governor formally turned over that draft to the provincial legislature. He also gave a copy to GAM.

⁵⁵ This replicates Article 1.1.4 of the Helsinki agreement. In fact, the reference to July 1956 is unclear. The government appears to have understood the reference to mean the existing borders of Aceh as defined (more or less) by Law 24 of 1956 creating the autonomous province of Aceh. But this law was only passed in November 1956. In July 1956, Aceh was still legally part of a single province with North Sumatra. It was also in a state of rebellion. The guerrillas of the Darul Islam movement – the organisation from which GAM emerged – controlled territory extending into North Sumatra. In the aftermath of the Helsinki agreement and the reference to July 1956, the heads of districts bordering North Sumatra have expressed concern about the implications. See "Perbatasan Aceh Bisa Rumit" [The borders of Aceh could get complicated], *Kompas*, 23 September 2005.

⁵⁶ "Ala-Abas Diusahakan Masuk UU", *Kompas*, 7 December 2005, p. 4.

⁵⁷ Crisis Group interview with Azhari Basyar, 5 December 2005; Crisis Group phone interview with Tgk Kamaruzzaman, 6 December 2005.

⁵⁸ Before the peace agreement, the DPRD had passed a *qanun* (provincial regulation) to allow independent candidates but the Ministry of Home Affairs in Jakarta objected, saying that it violated the national regional autonomy law (Law 32/2004). See Crisis Group Briefing, *Aceh: A New Chance for Peace*, op. cit.

⁵⁹ Crisis Group phone interview with Tgk Kamaruzzaman, 6 December 2005. GAM's suggested changes correspond to Provision 1.1.3 of the Helsinki agreement but are an apparent softening of its position that the new law should be transitional, not permanent. An earlier GAM draft had proposed that the entire law be transitional, remaining in force only until the legislature elected in 2009 enacted a new one. See Article 212 in "Changes Desired by GAM in the Draft Law on Acehese Government" (Perubahan-Perubahan yang Dikehendaki oleh Gerakan Aceh Merdeka atas Rancangan Undang-Undang Republik Indonesia,

- The *wali nanggroe*, an individual who would occupy the symbolic position of custodian of Aceh's cultural identity, will serve a five-year term after being elected by representatives from customary (*adat*) groups and religious scholars (*ulama*) and "prominent citizens" from each of Aceh's 21 districts, as well as the heads of provincial-level *ulama* and *adat* organisations. GAM originally proposed that the position of *wali nanggroe* be given to GAM's Hasan di Tiro for life. Electing the position as proposed under the new draft will make it less controversial.

The Indonesian parliament itself cannot formally begin discussion of the provincial draft until the government submits its own draft, which it expects to do in early January.⁶⁰ Any changes the parliament makes to the wording of the law are likely to be final: the Indonesian constitution states that a law comes into force after 30 days even if the president refuses to sign it.⁶¹

B. DIVIDING ACEH – ALA AND ABAS

The issue of dividing Aceh could undermine the entire peace process, which is based on the premise of a single territory. The Yudhoyono government has made clear in several statements that it does not support a division, and it is unlikely that the move to create new provinces will succeed any time soon. But the issue has gained prominence after supporters of two proposed provinces – called Aceh Leuser Antara (ALA) and Aceh Barat Selatan (ABAS) – held a rally in Jakarta on 4 December 2005 to mark the unilateral "declaration" of their proposed territories. The timing of the rally on the date GAM celebrates as the anniversary of its founding was no accident. Supporters of the proposed provinces said they were fed up with the provincial legislature not taking their campaign seriously. By holding their rally on 4 December, they were emphasising that they were "rebellious" against the government of Aceh.⁶²

The push to separate the non-ethnic districts of Aceh from the GAM strongholds goes back at least five years, to when its supporters proposed to call a single new province GALAKSI, an acronym for Gayo, Alas, and Singkil, the

three main ethnic groups represented. The renewed public push for ALA and ABAS may reflect unhappiness with the peace agreement, a perception that the window of opportunity for creating the province might be closing, or direct intervention from individuals with deep pockets in Jakarta. The 2003 presidential decree to divide Papua appears to have been very much rooted in the Megawati government's determination to weaken the independence movement.

In other parts of Indonesia, new provinces can be created by dividing existing ones under the *pemekaran* procedures set out in the Regional Autonomy Law (Law 32/2004) and a 2000 government regulation. Under law, however, the proposed provinces must seek the agreement of the provincial legislature and governor, which ALA and ABAS have consistently failed to obtain. When it became clear that the draft law was unlikely to contain provisions for *pemekaran*, the eleven *kabupaten* (districts) in Aceh that would become ALA and ABAS sent an ultimatum to the provincial government: if articles laying the foundation for *pemekaran* were not inserted, they would "secede" from Aceh and hand administration of their districts to the central government.⁶³ The general secretary of ALA's campaign committee, Burhan Alpin, said that the districts would continue their "administrative rebellion" until they achieved their goal. This could include appealing to ALA's 300,000-odd registered voters to boycott the elections that will be held in 2006 in Aceh under the new law.⁶⁴

The *pemekaran* issue is difficult. There are several reasons for the strength of opposition to division of Aceh. One is a determination to avoid a division-by-fiat such as occurred in Papua in 2003. There the legislature challenged the legality of West Irian Jaya, while the government of West Irian Jaya argued that it was not bound by the provisions of the Special Autonomy Law, which applies only to Papua. By the same rationale, the government of a province created out of but divided from Aceh might argue that it was not bound by the articles of the Helsinki agreement.

Draf Pemerintah Wilayah Aceh), *Aceh Modus*, vol. 3, no. 25, 20-26 October 2005.

⁶⁰ "Draf RUU Aceh Selesai Desember", *Media Indonesia*, 7 December 2005.

⁶¹ Article 1.1.2 (c) of the Helsinki agreement could be interpreted to mean that the law requires the consent of the Aceh legislature, but it is not clear that this would be enforceable.

⁶² Notes of interview with member of the campaign committee to establish ALA province, made available to Crisis Group, November 2005.

⁶³ "Pemberontakan Setengah Hati", *Tempo*, 11 December 2005, p. 36. The provisions the eleven *kabupaten* wanted included were: 1) In the General Stipulations of the Law on Government in Aceh change the definition of a province to "a province in Nanggroe Aceh Darussalam which is granted special autonomy with the Unitary State of Indonesia"; and 2) Division of territory, "The territory of Nanggroe Aceh Darussalam consists of several provinces which would have special authority as autonomous regions". See appendix to letter of Tim Perumus Lokakarya Pembahasan Rancangan Undang-undang Pemerintahan di Aceh, dated 10 October 2005.

⁶⁴ Notes of interview with Burhan Alpin made available to Crisis Group, November 2005.

The history of Aceh itself also fuels the belief of many that *pemekaran* is inappropriate. Some Acehnese believe that by creating a new province or two, the central government could reward areas where GAM support in the past was low. Fauzan Azima, commander in the Linge region of central Aceh, said that GAM rejects any division as a continuation of Jakarta's strategy during military operations to weaken GAM.⁶⁵ Any reference to *pemekaran* in the draft law would inevitably inflame GAM and others whose support is critical to preserving the peace.

That said, not all support for the new provinces is artificial. In the case of ALA, Burhan Alpin said support for a split from Aceh was galvanised by the effects of an escalation in GAM-TNI conflict at the beginning of 2000 that caused serious casualties in the five districts from which it would be formed.⁶⁶ At the same time, an armed group, almost certainly GAM, set up a blockade on the road connecting Bireuen and Takengon, the main access road to Aceh's east coast. This blockade caused fuel prices in Central Aceh and Southeast Aceh to soar, with dire economic consequences for local residents.⁶⁷

The other reasons ALA's supporters advance to justify splitting from Aceh correspond broadly to the cases put forward by many other districts and provinces to the Ministry of Home Affairs. Residents of the districts that would form ALA differ ethnically from the Acehnese who live along the east coast, both in language and customs.⁶⁸ ALA's supporters have also made their case in geographic and economic terms, arguing that the distance between their districts and the provincial government in Banda Aceh has caused development and economic growth to lag behind other parts of Aceh. Similar arguments are made about the area that would form ABAS, consisting of the districts of West Aceh, Aceh Barat Daya, Aceh Jaya, Nagan Raya, and Simeulue. The new draft law for Aceh will grant the territory wide-ranging authority to govern its own affairs and manage its resources. Whatever its outcome, the campaign for *pemekaran* also serves as a reminder that its government will need to take steps to ensure that these benefits extend to all of Aceh, including

areas like the districts in ALA and ABAS located far from the capital.

VIII. CONCLUSION

Reintegration remains the most serious challenge to the peace process, but overall, implementation of the August 2005 agreement is going far better than many anticipated. Several factors are involved. One is the careful crafting of the agreement itself. Because it provides a clear time-line for decommissioning and quantifies precisely how many weapons must be gathered and how many troops may remain in Aceh, it is not open to the drastically different interpretations that bedevilled its 2002 predecessor.

The political will of the Indonesian government and GAM to keep the process moving has led both to take risks that appear to have paid off. On the government side, the clearest example of this is releasing GAM prisoners two weeks before decommissioning began, a move regarded by some in the military and parliament as foolhardy. On the GAM side, the pressure on field commanders to turn in arms produced a very important symbolic success when the target was surpassed.

The timing was clearly right. Both parties were genuinely interested in reaching a settlement,⁶⁹ and the devastating tsunami that struck in December 2004 meant international organisations were already on the ground to support the agreement. The debate on allowing foreigners into Aceh had already taken place months before the peace agreement in the context of the natural catastrophe, which may have made inviting the AMM less controversial within Indonesia. At the same time, the international profile of post-tsunami Aceh has made it much easier to secure funding for conflict recovery programs.

Finally, the widespread recognition that this is the best chance Aceh is likely to have for peace means that many Acehnese have devoted energy to making the agreement work. GAM's compromise in setting aside demands for independence and articulating its goals in modern political terms has made it possible for local elites who oppose independence but favour much broader autonomy for Aceh to come on board.

The challenges now are to have a smooth conclusion to the decommissioning of weapons; ensure passage in Jakarta of the bill on Acehnese government without significant changes to the current draft; keep GAM united; prevent the issue of provincial division from gathering momentum;

⁶⁵ Note of interview with Fauzan Azima made available to Crisis Group, 29 November 2005.

⁶⁶ The five districts are Southeast Aceh, Central Aceh, Aceh Singkil, Gayo Lues and Bener Meriah.

⁶⁷ Notes of interview with Burhan Alpin made available to Crisis Group, November 2005.

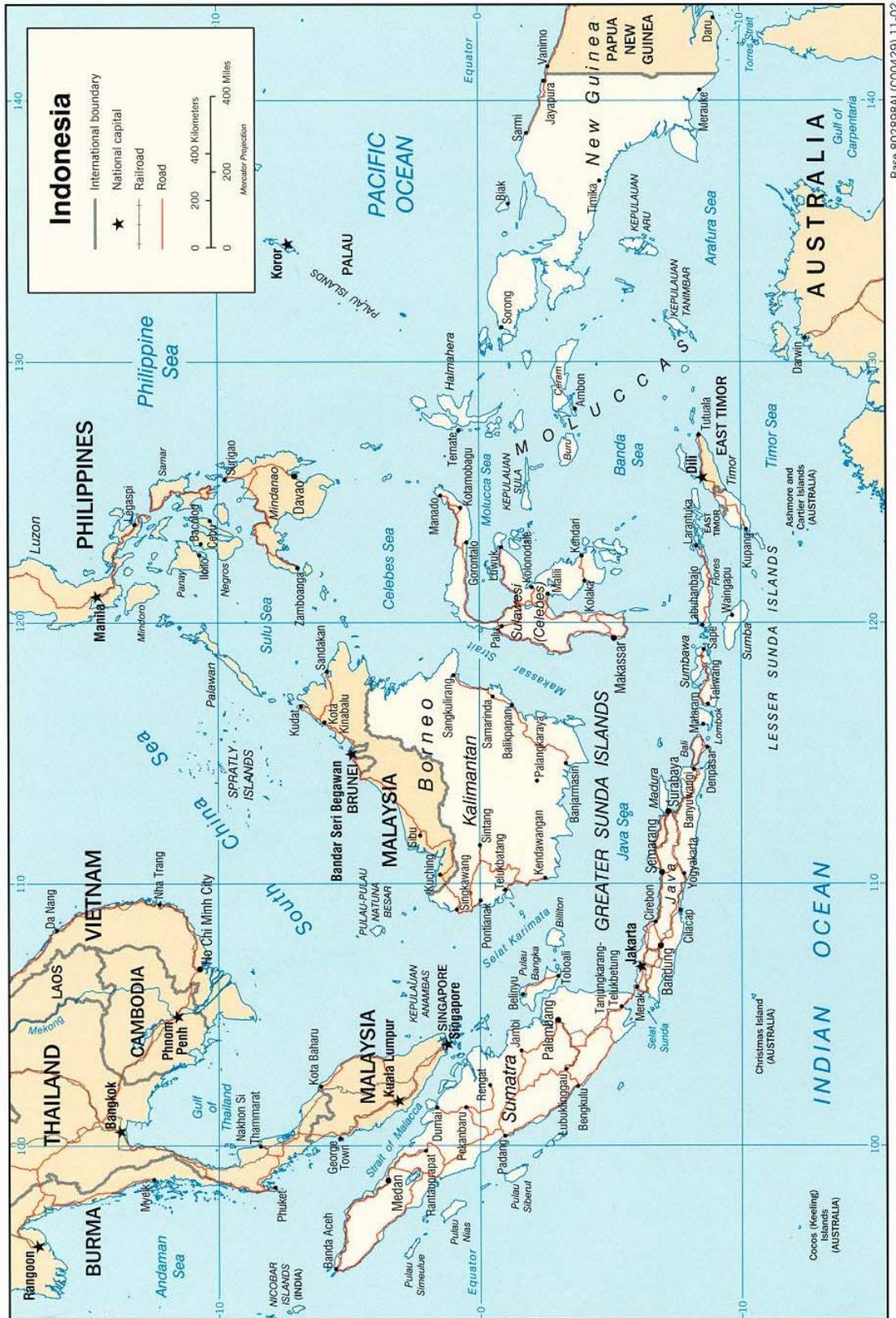
⁶⁸ The major ethnic groups in four of the five *kabupaten* are Gayo and Alas. A third ethnic group - the Aneuk Jamee - live in Singkil. Each of these ethnic groups have different languages and customs. These districts are in the hinterland of Aceh, around 100 kilometres from the east coast, in the foothills of the Gunung Leuser National Park.

⁶⁹ This is discussed in more detail in Crisis Group Briefing, *Aceh: A New Chance for Peace?*, op. cit.

reinforce GAM's incentive to participate in local politics; and make sure economic opportunities are available to demobilised GAM fighters. It is a tall order, but so far, all parties to the conflict seem determined to deliver.

Jakarta/Brussels, 13 December 2005

APPENDIX A MAP OF INDONESIA



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APPENDIX B

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December 2005

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As at December 2005



International Headquarters

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38
E-mail: brussels@crisisgroup.org

New York Office

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825
E-mail: newyork@crisisgroup.org

Washington Office

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630
E-mail: washington@crisisgroup.org

London Office

Cambridge House - Fifth Floor, 100 Cambridge Grove, London W6 0LE · Tel: +44 20 7031 0230 · Fax: +44 20 7031 0231
E-mail: london@crisisgroup.org

Moscow Office

ul. Fadeeva 6-1-32 - Moscow 125047 Russia · Tel/Fax: +7 095 251 44 85
E-mail: moscow@crisisgroup.org

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