

|                                 |  |
|---------------------------------|--|
| <b>Country/entity</b>           | Indonesia<br>Aceh  |
| <b>Region</b>                   | Asia and Pacific   |
| <b>Agreement name</b>           | Status of Mission Agreement (SOMA) on the Establishment and Management of the HDC Aceh Monitoring Mission (HAMM) |
| <b>Date</b>                     | 16 Dec 2002  |
| <b>Agreement status</b>         | Multiparty signed/agreed   |
| <b>Interim arrangement</b>      | Yes  |
| <b>Agreement/conflict level</b> | Intrastate/intrastate conflict   |

#### Indonesian Conflicts (1976 - )

##### Aceh Conflict (1976 - )

After a decade of increasing grievances against the centralist tendencies of the Suharto-government, the Free Aceh Movement (GAM) started a military campaign in 1976 for the independence of the province in the far northeast of the Indonesian archipelago. After near defeat in 1979, GAM regained strength with Libyan support and the heaviest fighting occurred during the late 1980s when the Indonesian military intensified its violent counter-insurgency policies. The devastating tsunami in December 2004 effectively destroyed Aceh's infrastructure and severely reduced the operational capabilities of GAM. This weakening led to a signed peace agreement in August 2005, facilitated by the Finish NGO CMI Peace Negotiations.

##### Indonesia-Moluccas Conflict (1999-2002)

The fall of Suharto in 1997 sparked off a number of conflicts across Indonesia. In the Moluccas region, the administrative division was divided into Moluccas and North Moluccas, thereby exacerbating a conflict characterised by communal and sectarian divisions. In part these divisions were a result of an official government transmigration programme running from late 1960s onwards that spurred conflict over resources, including land. Faith-based militias were generally responsible for the fighting from 1999 until 2002, including Laskar Jihad, and human rights abuses were committed by both sides. Opportunistic crime was also responsible for of the violence. The military campaign by Lashkar Islam was aimed to displacing Christian residents. One such event was the expulsion of the Christian residents of the Banda Islands in April 1999. The conflict ended with the signing of the Malino II Accord on 13 February 2002.

Close

Indonesian Conflicts (1976 - )

|                        |                      |
|------------------------|----------------------|
| <b>Stage</b>           | Ceasefire/related    |
| <b>Conflict nature</b> | Government/territory |

|                      |   |
|----------------------|---|
| <b>Peace process</b> | Indonesia-Aceh peace process  |
| <b>Parties</b>       | For the Government Of the Republic of Indonesia<br>SUDI SILALAH<br>For the Henry Dunant Centre for Humanitarian Dialogue (HDC)<br>MARTIN GRIFFITHS  |
| <b>Third parties</b> | -   |
| <b>Description</b>   | Agreement outlines the responsibilities of the HDC-led Monitoring Mission to monitor the cessation of hostilities agreement between GAM and the Indonesian Government (GOI). All costs are taken on by HDC, but the GOI is responsible for locating office and living space as well as ensuring security. |

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**Agreement document** [ID\\_021216\\_SOMA.pdf \(opens in new tab\)](#) | [Download PDF](#)

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### Groups

|  |                      |
|--|----------------------|
| <b>Children/youth</b>                    | No specific mention. |
| <b>Disabled persons</b>                  | No specific mention. |
| <b>Elderly/age</b>                       | No specific mention. |
| <b>Migrant workers</b>                   | No specific mention. |
| <b>Racial/ethnic/<br/>national group</b> | No specific mention. |
| <b>Religious groups</b>                  | No specific mention. |
| <b>Indigenous people</b>                 | No specific mention. |
| <b>Other groups</b>                      | No specific mention. |
| <b>Refugees/displaced<br/>persons</b>    | No specific mention. |
| <b>Social class</b>                      | No specific mention. |

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## **Gender**

**Women, girls and gender** No specific mention.

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

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## **State definition**

**Nature of state (general)** No specific mention.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** No specific mention.

**State symbols** No specific mention.

**Independence/secession** No specific mention.

**Accession/unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision** No specific mention.

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## **Governance**

**Political institutions (new or reformed)** No specific mention.

**Elections** No specific mention.

|                                      |  |
|--------------------------------------|--|
| <b>Electoral commission</b>          | No specific mention.   |
| <b>Political parties reform</b>      | No specific mention.   |
| <b>Civil society</b>                 | Page 1, Article 1 , General Provisions<br>HDC undertakes to coordinate, facilitate and lead the establishment of the HAMM. The members of the Mission will be recruited from among citizens of the Philippines and Thailand. The mission and its members shall have such status, privileges and immunities as are conferred on them by this SOMA and any other applicable instrument of international law. |
| <b>Traditional/religious leaders</b> | No specific mention.   |
| <b>Public administration</b>         | No specific mention.   |
| <b>Constitution</b>                  | No specific mention.   |

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**Power sharing**

|                                  |                      |
|----------------------------------|----------------------|
| <b>Political power sharing</b>   | No specific mention. |
| <b>Territorial power sharing</b> | No specific mention. |
| <b>Economic power sharing</b>    | No specific mention. |
| <b>Military power sharing</b>    | No specific mention. |

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**Human rights and equality**

|                                 |  |
|---------------------------------|--|
| <b>Human rights/RoL general</b> | Page 1, Article 1 , General Provisions<br>HDC undertakes to coordinate, facilitate and lead the establishment of the HAMM. The members of the Mission will be recruited from among citizens of the Philippines and Thailand. The mission and its members shall have such status, privileges and immunities as are conferred on them by this SOMA and any other applicable instrument of international law. |
| <b>Bill of rights/similar</b>   | No specific mention.   |
| <b>Treaty incorporation</b>     | No specific mention.   |

**Civil and political rights** No specific mention.

**Socio-economic rights** No specific mention.

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**Rights related issues**

**Citizenship** No specific mention.

**Democracy** No specific mention.

**Detention procedures** No specific mention.

**Media and communication** Rights related issues→Media and communication→Media logistics  
Page 3, Article 2,  
2. The HAMM is authorized to set up and operate internal communications systems (including mobile transceiver in all vehicles and the members of the HAMM) and external communication system (satellite communication)

Page 3, Article 3  
The individual members of the HAMM<sup>28</sup>  
All members of the HAMM shall also be accorded:  
... 4. For the purpose of internal and external communications, the HAMM and its members shall have right to use codes and to receive papers of correspondence by courier or in sealed bags. No official communication directed to the HAMM or to any of its members, nor any outward official communication of the mission, by whatever means or in whatever form transmitted, shall be detained in anyway or suffer any interference with its confidentiality.

**Mobility/access** Page 3, Article 3  
The individual members of the HAMM<sup>28</sup>  
All members of the HAMM shall also be accorded:  
... 3. Freedom of movement for the performance of their tasks.

**Protection measures** Rights related issues→Protection measures→Other  
Page 4, Article 5, Security, safety and emergencies  
The GOI is responsible for the protection and security arrangements of all the HAMM personnel residing in NAD. The GOI will, if necessary provide emergency medical evacuation of the HAMM personnel on Indonesian territory as well as evacuation for security problems.

**Other** No specific mention.

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## **Rights institutions**

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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## **Justice sector reform**

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.

**Judiciary and courts** No specific mention.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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## **Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation**

Socio-economic reconstruction→Taxation→Reform of taxation

Page 2, Article 2, B. Taxes and duties<sup>29</sup>

In accordance with the Main Agreement, the following will apply to the HAMM:

1. For HAMM activities and its members in Indonesia shall be given taxes facilitates in accordance with the existing law.
2. In meeting its logistical and operational needs, the HAMM may make use (by purchasing and hiring) of local resources, such as communication systems housing, food, fuel, repairs, medical services, etc.

Page 3, Article 2,

3. The GOI will facilitate smooth costume [customs?] clearance of the HAMM's operational supplies, goods and equipment, including smooth entries and exist of the HAMM's international personal.

**Banks**

No specific mention.

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**Land, property and environment**

**Land reform/rights** No specific mention.

**Pastoralist/  
nomadism rights** No specific mention.

**Cultural heritage** No specific mention.

**Environment** No specific mention.

**Water or riparian  
rights or access** No specific mention.

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## **Security sector**

### **Security**

Page 4, Article 5, Security, safety and emergencies

### **Guarantees**

The GOI is responsible for the protection and security arrangements of all the HAMM personnel residing in NAD. The GOI will, if necessary provide emergency medical evacuation of the HAMM personnel on Indonesian territory as well as evacuation for security problems.

### **Ceasefire**

Security sector→Ceasefire→Ceasefire provision

Page 1, Preamble

In accordance with the cessation of hostilities (COH) agreement, the Government of the Republic of Indonesia (hereinafter referred to as the GOI) and the Free Aceh Movement (hereinafter referred to as the GAM) have requested the Henry Dunant Centre for Humanitarian Dialogue (hereinafter referred to as HDC) to organize, equip and establish an international mission, called the HDC Aceh Monitoring Mission (hereinafter referred to as The HAMM), to monitor the implementation of the COH agreement.

Page 1, Preamble

... The GOI and The GAM have stressed the importance of monitoring the COH, expressed the willingness to facilitated and support the establishment and administration of the HAMM, and guaranteed their cooperation with the mission.

Page 1, Preamble

... HDC has accepted the request with the understanding that the HAMM will conduct verification in the context of JSC and in accordance with the COH, through on-site monitoring in accordance with the COH agreement. It is, however understood that effect of the HAMM will depend on the parties' willingness to abide with recommendations from the HAMM.

Page 2, Article 2, C. Equipment

1. As a basis for its reporting activities, the HAMM may use necessary equipment such as maps, compasses, GPS, binoculars, laser range finders, all kind of communication system, the internet, e-mail, cameras, videotapes recorders, etc.

### **Police**

No specific mention.

### **Armed forces**

No specific mention.

### **DDR**

No specific mention.

### **Intelligence services**

No specific mention.

### **Parastatal/rebel and opposition group forces**

No specific mention.

### **Withdrawal of foreign forces**

No specific mention.



|                              |                      |
|------------------------------|----------------------|
| <b>Corruption</b>            | No specific mention. |
| <b>Crime/organised crime</b> | No specific mention. |
| <b>Drugs</b>                 | No specific mention. |
| <b>Terrorism</b>             | No specific mention. |

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## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** Transitional justice→Amnesty/pardon→Relief of other sanctions  
Page 3, Article 3  
The individual members of the HAMM<sup>28</sup>  
All members of the HAMM shall also be accorded:  
1. Immunity from personal arrest or detention and from legal process in respect all of acts, including words spoken or written, performed by them in the course of duty

Page 4, Article 6, Laws and regulation  
1. Privileges and immunities are accorded to the HAMM and its members in the interests of efficient and independent fulfilment of the mission tasks and not for the personal benefit of the individual concerned. Without prejudice to their privileges and immunities, the Mission and its members shall take all appropriate steps to ensure respect for and compliance with the laws and regulations of Indonesia.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** No specific mention.

**Vetting** No specific mention.

**Victims** No specific mention.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

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**Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

**International mission/force/similar**

Page 1, Article 1 , General Provisions

HDC undertakes to coordinate, facilitate and lead the establishment of the HAMM. The members of the Mission will be recruited from among citizens of the Philippines and Thailand. The mission and its members shall have such status, privileges and immunities as are conferred on them by this SOMA and any other applicable instrument of international law.

Page 2, A. The Mission, Article 2

1. The premises of the HAMM shall be inviolable.
2. The property and assets of the Mission, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation and expropriation.
3. The archives of the HAMM and in general all its documents in paper or electronic form, including audio and videotapes, shall be inviolable wherever located and by whomsoever held.
4. The HAMM's property and assets, wherever located and by whomsoever held, shall enjoy immunity from any form of legal process except:
  1. In so far as in any particular case it has expressly waived its immunity in writing. It is however, understood that such waived its immunity in writing. It is, however, understood hat such waiver of immunity does not extend to any measure of execution.
  2. In the case of civil action brought by the third party for damages arising from accident caused by the use equipment, including a motor vehicle, belonging to or operated on behalf of the mission.
5. The HDC should ensure that the activities of members of the HAMM and the need for equipment and goods are consistent with the role and mandate of the HDC under the COH.

Page 3, Article 2,

2. The HAMM is authorized to set up and operate internal communications systems (including mobile transceiver in all vehicles and the members of the HAMM) and external communication system (satellite communication).

Page 3, Article 2,

3. The GOI will facilitate smooth costume [customs?] clearance of the HAMM's operational supplies, goods and equipment, including smooth entries and exist of the HAMM's international personal.

Page 3, Article 3

The individual members of the HAMM

All members of the HAMM shall also be accorded:

1. Immunity from personal arrest or detention and from legal process in respect all of acts, including words spoken or written, performed by them in the course of duty.
2. Inviolability for all papers and documents related to their duties.
3. Freedom of movement for the performance of their tasks.
4. For the purpose of internal and external communications, the HAMM and its members shall have right to use codes and to receive papers of correspondence by courier or in sealed bags. No official communication directed to the HAMM or to any of its members, nor any outward official communication of the mission, by whatever means or in whatever form transmitted, shall be detained in anyway or suffer any interference with its confidentiality.

Page 3, Article 4, Clothing, identification and armament

1. The members of the HAMM shall wear the HAMM uniforms and carry the HAMM ID card, to be visually recognizable. Page 11 of 12
2. All vehicles and premises at the disposal of the mission will be marked with the JSC emblem

**Enforcement mechanism** No specific mention.

**Related cases** No specific mention.

**Source** HDC; [http://www.hdcentre.org/fileadmin/user\\_upload/Our\\_work/Peacemaking/Aceh\\_Indonesia/Supporting\\_documents/Status-of-Mission-Agreement-\\_SOMA\\_-16-December-2002.pdf](http://www.hdcentre.org/fileadmin/user_upload/Our_work/Peacemaking/Aceh_Indonesia/Supporting_documents/Status-of-Mission-Agreement-_SOMA_-16-December-2002.pdf)

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