

## **An Overview on the Violation of Humanitarian Law During Indonesia-GAM (Free Aceh Movement) Conflict**

**(Tinjauan Terhadap Pelanggaran Hukum Humaniter Dalam Situasi Konflik Di  
Aceh Antara Pemerintah Republik Indonesia dan Gerakan Aceh Merdeka)**

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### **Abstract**

The research aims to study the enforcement of Humanitarian Law in the Aceh non-international armed conflict, which is extended into the following objectives: (1) to study whether or not the stipulations subsisted in the humanitarian law (Geneva Convention of 1949 and Supplementary Protocol of 1977) are applicable and effective in Aceh conflict, (2) to study the possibility of the enforcement of non-humanitarian law in the Aceh conflict, (3) to study the law enforcement against the violation of law in Aceh conflict.

The research concludes that the armed conflict between the Indonesian Army (TNI) representing the Government of the Republic of Indonesia and Neugara Aceh Army (TNA) representing the Free Aceh Movement (GAM) is included into the non-international armed conflict category as mentioned in the Article 3 of Geneva Convention of 1949. In addition to the implementation of the humanitarian law, the following regulations, i.e. the stipulations subsisted in the Act No. 26 of 2000 on Human Rights Judicature, the Criminal Law (KUHP), and the Act No. 39 of 1999 on Human Rights are also implemented in Aceh. *Based* on the prevailing state law, the government should take procedural legal actions against either the suspects of the violation of humanitarian law or the people proven guilty of any violation thereof. Otherwise, the International Crime Court will take over the case.

Suggestions: the central government's attitude towards the problem of Aceh should be carefully decided; the National Commission on Human Rights should carry out investigation into suspected violation of the humanitarian law and serious violation of human rights in Aceh under martial law; the Supplementary Protocol of 1977 and the conclusion of Rome Statutes/ICC 1998 should be ratified by the Indonesian Government, in order not to let the suspected violation of the humanitarian law and serious violation of human rights in Aceh under martial law being brought before the International Crime Court.

**Keywords :** violation of humanitarian law, Aceh conflict, Indonesia, the Free Aceh Movement

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