



The Chair and Committee Members
Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)
Office of the High Commissioner for Human Rights (OHCHR)
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Dear Chair and Committee Members,

On behalf of the People of Acheh, the indigenous people of the northern tip of Sumatra, Acheh Sumatra National Liberation Front (ASNLF) would give the following remarks to the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

Briefly History of Acheh

1. Acheh is located at the northern tip of the island of Sumatra, which had been established for hundreds of years as an internationally recognized state before the European conquerors arrived. On 26 March 1873 the Kingdom of the Netherlands declared war on the Sultanate of Acheh. It was one of the bloodiest wars in the Dutch colonial history with an estimation of over 100.000 deaths.
2. During the second World War, the Japanese took over the administration of Acheh, but not without any resistance. However, after Japanese capitulation in August 1945, The Dutch once again attempted to resume its colonial activities in their former colonial empire, now changed to Indonesia, but they did not dare to put their foot again in Acheh. So by right, and by all international conventions, the then once independent Acheh should have been restored and would have become a free and sovereign state again, like it had always been before the invasion.
3. After the Second World War, nine long years after they had vanished from Acheh without a trace, the Netherlands illegally transferred the sovereignty of Acheh to a newly created state called „Indonesia“ on 27 December 1949. Whereas all Western colonial empires were decolonized by returning each colonial territory to its indigenous peoples and becoming independent again, the Dutch East Indies have never been returned to respective indigenous peoples from whom the Dutch had confiscated the territories. The Dutch gave their entire colonial empire of the Dutch Indies to the new entity called Indonesia – not to the rightful owners of the separate territories, as required by the decolonization rules and

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principles. So, this is the first violation of the UN decolonization rules and principles taking place in the former Dutch East Indies and Acheh in particular.

The Legal Status of Acheh

4. On 4 December 1976, Dr. Hasan Muhammad di Tiro re-declared the independence of Acheh based undoubtedly on UN Resolutions, such as the UN Resolution 1514-XV, UN Resolution 2621-XXV, UN Resolution 2711-XXV, UN Resolution 3314-XXIX, as well as all relevant Articles of the Charter of the United Nations, the Universal Declaration of the Rights of the Peoples, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights etc.
5. The struggle of the indigenous people of Acheh to regain their legitimate right of self-determination, represented by the Acheh-Sumatra National Liberation Front, affirms its internationalist character by its solidarity with other movements of the indigenous peoples all over the globe.
6. The United Nations, as stipulated in its Resolution 2711-XXV, recognized the legitimacy of the liberation struggle, waged by the colonized peoples to gain their rights of self-determination and to get rid of foreign domination. All member nations are requested to give necessary aid to such struggles.

Human Rights Issues and Self-Determination

7. Indonesia, where there are more than 150 million indigenous peoples, has obviously adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), but the government does not fully adhere to its concept. However, indigenous peoples in Indonesia are experiencing criminalisation and violence.
8. Although Indonesia is a signatory to UNDRIP, the government argues that the concept of indigenous peoples is not irrelevant. As a result, the government has rejected calls for the specific needs of groups that identify themselves as indigenous.
9. As the Government of Indonesia pushes self-determination movements to the margins of society and criminalise them, the people of Acheh, who are still struggling for the right to self-determination have no other choice except for obeying the centralized system. Until now, even none of the members of parliament could express freely the deepest desire of the Achehnese.
10. The Government of Indonesia has neglected the fundamental human rights of the Achehnese people to exercise their rights for self-determination or independence.



11. Under Indonesian law Achehnese people have no right to express themselves freely. Non-violent self-determination and freedom of expression are restricted, if not entirely forbidden. For example, naming the word “referendum” or raising a flag other than the national red-white one could be punished under Article 106 of the Indonesian Criminal Code (KUHP) and could face up to life imprisonment, as it has been faced by the indigenous peoples of Acheh, South Moluccas, West Papua etc.
12. On 15 August 2005, the Government of the Republic of Indonesia and the Free Aceh Movement signed a peace deal, called the Memorandum of Understanding in Helsinki (the MoU Helsinki), which explicitly included human rights issues/provisions. In point 2.1, for example: *“The Government of Indonesia will adhere to the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.”*
13. Referring to the point 2.1 of the Helsinki MoU, Article 1 of the above covenants stipulates that *“all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”*. In accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.
14. As is known, the tropical rainforests contribute to stabilize the world’s climate, but tragically the Acheh rainforest has been completely deforested in the past decades. According to our references, Acheh loses some 32,000 ha of more than two million ha of forest annually due to deforestation, including from illegal timber activities. The uncontrolled deforestation, especially in this rainforest area, has led to massive floods more frequently from year to year. The disasters have destroyed not only the ecosystem, but also the very existence of the indigenous peoples.
15. Practices of violence and criminalization of indigenous peoples are ongoing and there has been no significant effort to systematically stop acts of violence against indigenous peoples. In addition, the cases of violence and criminalization of indigenous peoples have become more complicated, since Indonesian police/armed forces intervention is often implicated in many issues such as land disputes or land grabbings and illegal timber activities.

Recommendations:

- A. ASNLF recommends the EMRIP to closely monitor the situation of the indigenous issues in Indonesia and urge the government to fully recognise the rights of the indigenous peoples to self-determination and fundamental freedom;



- B. ASNLF through the EMRIP calls on Indonesia to stop human rights violations against indigenous peoples and stop its police and armed forces involved in acts of violence against indigenous peoples, especially with regard to land grabbings and illegal timber activities;
- C. ASNLF calls the EMRIP to urge the Government of Indonesia to make legal decision, so that the indigenous peoples could exercise the right to freedom of opinion and expression publicly without fear.
