BRING BACK THE SOLUTION OF ACEH TO THE PEACEFUL WAY: EVALUATION OF MILITARY EMERGENCY IMPLEMENTATION IN ACEH

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Abstract

The report is based on six months observation of the military emergency in Aceh. It is also to question about the policy of military emergency, whether it is the right policy for the permanent solution of the Aceh conflict. Seeing the implementation of military emergency in detail, the answer is no. Though military emergency could reduce the number of Free Aceh Movement (*Gerakan Aceh Merdeka* - GAM) activities, not in some way it can be the policy for permanent solution of Aceh conflict. Moreover, Military Emergency had been proven failed of reducing all problems of economy, social, politic, legal, and the human rights enforcement. Military emergency is only the different name of military operation.

Learning from the last six months experience, a few important things can be withdrawn from the failure of conflict solution in an area where the military emergency was implemented. They, among others, are:

1. The importance of understanding the military emergency regulations before it is chosen as the policy of the conflict solution:
   When the solution of a conflict in an area comes to the military emergency policy, it is certainly cannot solve the conflict permanently. However, the content of military emergency is purely the use of military power to overcome the problems. Moreover, in the end the use of military power is just going to add new problems such as the wave of evacuation and other human rights violations. Moreover, the use of military power is undoubtedly neglecting the problems of economy, social, politic, law enforcement and human rights protection.
2. The form of military emergency implementation is purely emergency to support the victory of war:
   The implementation of military emergency in Aceh is more emphasized in emergency, where all side of the implementation is more directed for the sake of military operation victory. Therefore, it is impossible to insert non-military achievements in military emergency such as the handling of evacuation, law reinforcement, the restoration of the local government efficiency, etc.
3. The capacity of military emergency institution is purely a war organizer:
   Military emergency institution is however a military institution whose job is to organize the national defense, from the inside and from the outside. Assumption that it gives great expectation of a positive change in one conflict area is a vague expectation. It is important to know that military emergency institution do not have the capacity to solve any other conflict outside the capacity to organize government for the sake of the war victory. Military emergency institution has never been trained to revive the wheel of economy, to liberate civilians from poverty, to handle unemployment, to uphold the law, and to appreciate and protect human rights of civilians.

This report is intended to reveal the six months military emergency implementation, which included the field implementation, achievement, and the cause of failure. This report also contains information about victims of unlawful killing, disappearance (missing people), arrest, and detention, since situation of military emergency was implemented.

Recommendation

For The Government of Republic of Indonesia

1. Reconsider the implementation of military emergency status, and to substitute it with the law-restore operation and social reconstruction in Aceh. In addition, as soon as possible take concrete steps to return the solution of Aceh conflict to a peaceful way;
2. Form an Independent Team with the members of law experts, human rights activists, and military experts to do the human rights auditing toward the joint operation, which able to serve objective judgment toward the Aceh situation at the moment. This team shall use the principal of humanitarian law and international human rights instruments as the measure to do the evaluation.
3. Fully entrust the national commission of human rights (Komnas HAM) to investigate, to act in accordance with the report of human rights violations that have been done by Indonesian National Armed Force (TNI), Police Mobile Brigade (Brimob), and GAM, and bring them to the level of pro-justicia investigation, as mandated in the Law no 26/2000 on Human Rights Court.
4. Reopen greater civilian access, both domestic humanitarian institution and international humanitarian institution, to handle evacuation and other prosperity program for the suffering Aceh civilians.

For Free Aceh Movement (GAM)

1. Stop the act of violent and other violation of human rights toward the civilians and establish an internal mechanism that can prevent such actions in the future, with respect to humanitarian law and other international human rights instruments.
2. Prosecute the regional commanders who have violated the international humanitarian law and human rights. Stop kidnapping and terrorizing the civilians.
3. Motivate and reopen the peaceful process of conflict solution, and take concrete steps to realize the peace in Aceh.
4. Stop the recruitment and exploitation of children as the part of armed movement (child combatants).

For The International Community

1. Taking part actively to motivate the government of Indonesia and Free Aceh Movement to return to the negotiation table, to finish Aceh problems through the peaceful way.
2. Urge the government of Indonesia to invite special rapporteurs for the protection of human rights defenders and the handling of internally displaced people (IDPs).
3. Urge the government of Indonesia and Free Aceh Movement (GAM) to immediately take action to realize every points of concern as written above.

RESTORE THE SOLUTION OF ACEH TO THE PEACEFUL WAY: EVALUATION OF MILITARY EMERGENCY IMPLEMENTATION IN ACEH

I. PREFACE

The failure of the negotiation between the government of Indonesia and GAM in Tokyo may 18th 2003, caused fatal result. It annulled all efforts of achievements for the peace realization, which had been resulted from the previous meeting and agreements. The government of Indonesia launched the military operation as the reaction of armed incidents so that they pushed the solution of this long conflict to a militaristic way. As the result, bureaucracy and civilians who actually could play important role were forced to step aside from the arena. Protests came from all level of societies in Aceh and Jakarta, from the members of Parliament (DPR), National Commission of Human Rights (Komnas HAM), experts, religious organizations, university students, and Non Government Organizations, received no answers. The people of Aceh eventually who had to pay the bill since the war had made their cost of lives even more decreasing.

As the sixth month of military emergency implementation approaches, it is important to raise question whether the military emergency is the right policy of the permanent solution for the Aceh problems. Seeing the implementation in detail, we can say that it is not the right policy for the permanent solution of the Aceh problems. Though Military Emergency has been able to reduce the GAM movement, it is failed to solve the problems of economy, the emergence of social problems, the low protection and low respect toward the civilians' human rights and crisis in civilian government in Nanggroe Aceh Darussalam (NAD).

The "failure" of Military Emergency in Aceh is the result of the not functioning all operations that included in joint-operation, which are humanitarian operation, law enforcement operation, and local government-restore operation, due to the domination of security-restore operation. There were many important actions of non-military operation that could not be done partially since they were confronting with the strategy of the security-restore operation.

This report is based on the observation of Military Emergency implementation in Aceh during the last six months, with the mean to be the consideration for all sides to immediately reconsider the decision to lengthen the military emergency period. This report also shows that solving the Aceh problems in peaceful ways is a more adequate policy. In addition to analyze all documents and reports from many sources of all sides including the official government report, the writer also consulted with some public figures, Aceh observers, human rights activists, and civil societies.

II. THE IMPLEMENTATION OF MILITARY EMERGENCY IN ACEH

On May 19 2003, President Megawati issued Presidential Decree No 28/2003 about the operation of Military Emergency in NAD province. Though such policy has raised many critics

from both inside and outside of the country, the government persisted in implementing the military operation in Aceh. The reason was that GAM would not want to solve Aceh conflict peacefully so the government of Indonesia needed to take military actions to maintain the union of the country, as mandated in the constitution of Republic of Indonesia.[1]

Content and Concept of Military emergency

Mainly, the content of Presidential Decree no 28/2003 has two important conclusions. They are to decide NAD province as an emergency area at the level military emergency for six months, and to appoint the commander of Regional Military Command (Kodam) Iskandar Muda as the head of the Military Emergency regional, with the assistances by head of provincial police (Kapolda), governor, and chief public prosecutor of NAD province. In that regulation, president commanded the executive officers to use regulations no. 23 Prp 1959 and regulation no. 57 Prp 1960 as the guidance for Military Emergency implementation in Aceh.

The form of Military Emergency implementation in Aceh is the joint-operation. This operation includes four operations. They are operation on security restoration, humanitarian operation, operation on law-enforcement, and operation on government-stabilization. Generally, each operation has its own purpose and authority. Here are the targets of each operation:[2]

1). Humanitarian operation targeted to physically protect the civilians' securities and give help in health, education, food, religious activities, and concretely supply the field of work.
2). Law-enforcement operation targeted to do the intensification of law enforcement in NAD province. This operation was also the initiation of the statement that the separatist movement, GAM, is crime for the country. According to that, members of GAM combat or non-combat must be caught and legally processed.
3). Security-restore operation targeted to restore security and reduce the power of armed force of GAM by executing military operations. The person responsible for this operation was commander of Indonesian National Armed Force (TNI).
4). Government-functioning operation targeted to revive the wheel of the local government which has not been effective.

Though the frame of the operations impresses the joint approach between military action and non-military action, the main operation of the joint-operation is security-restore operation. It means that the three non-military operations are launched to support the actions done by the security-restore operation.[3]

Mechanism and Executive Institution

To run the joint-operations, Megawati formed structure of the Central Command of Military Emergency (*Penguasa Darurat Militer Pusat*, PDMP) and the Regional Command of Militer Emergency (*Penguasa Darurat Militer Daerah*, PDMD). To do her job as PDMP, Megawati

[1] See "Understanding The Assessment of Danger of Military Emergency Status in NAD province", Information of The Head of Aceh Military Emergency, preface, June 30th 2003
[2] Ibid
[3] Ibid

formed Daily Executive Committee of Central Command of Militer Emergency (PDMP) who is the head and members are Coordinating Ministers, Ministers, Commander of Indonesian National Armed Forces (TNI), Chief of Indonesian Police (Kapolri), Head of State Intelligent Institution (BIN), General Attorney, and Chief of Staff.

At the level district, Mega appointed the Territorial Military Commander (Pangdam) Iskandar Muda as PDMD. Pangdam then use the military territorial command –*kodam*- structure as the structure of the main Military Emergency executor. Start with appointed the Chief of Staff of Territorial Command (Kasdam), Iskandar Muda, as the Deputy of Regional Commander of Military Emergency. She then appointed the assistants of executive task force commander. Meanwhile, to do the duties, Regional Commander of Military Emergency is also assisted by the Governor, Provincial Police Chief (Kapolda) and Provincial Chief Prosecutor (Kajati) of NAD.

With such Military Emergency structure, Regional Commander of Military Emergency would exercise their authority as written in Regulation No 23 Prp 59. They are:

a. To restrict, or to forbid distribution, the manufacture of firearm or explosive devices.
b. In charge of all post and telecommunication instruments.
c. Close exhibition halls, meeting halls, restaurants, etc.
d. Arrange, restrict, and forbid ground, air, and sea traffic, and also the fish catching.
e. Arrange, restrict, and forbid the distribution of things, to and from the area of ME status.
f. Seize or confiscate any kind of letters, shipments, money orders and receipts.
g. Forbid one to stay and leave the area of ME.
h. Militarize certain bureaus, company, or position.
i. Detain and arrest one maximally 20 days and report it to the central chief in 14 days.
j. Forbid the product of legislation (regulation) of the local government, and/or other district officers.

At the level of battle operation, Megawati formed an executive operational command (Kolakops) of military in Aceh, functioning as executive institution of security-restore operation on the field. Kolakops is straightly under the authority of Indonesian National Armed Forces (TNI) commander.[4] Kolakops is also functioning as the central command for the battalions from the outside of Aceh, or non-organic battalion. Position of Kolakops is apparently at the same level as Regional Officers of Military Emergency, so that the relation between the two is just the matter of coordination. In doing the duties, Kolakops commander is assisted by few mid-ranking officers from three task forces, including ground task force, sea task force, and air task force. For the ground task force in particular, it is divided to mobile task force, national/regional vital object task force (obvitnas/da), intelligent task force, law enforcement task force, and information task force. Troops involved in this operation reaches 34.154 personnel, with the specification, 25.886 army ground personnel, 3.234 navy personnel, 2.971 air force personnel.[5] Weapons used in operations in Aceh include the battle vehicles (32 tanks, 47 panzers), planes (3 units of F16, 4 units of Hawk, 4 units of OVs) and warships (1 BTD, 2 corvettes, 3 Kals, 1 Ac, 4 FPBs, 1 SLT, and 1 PKML). They among others are troops of Armed Force Strategic Command

[4] See "Understanding the Assessment of Danger of Military Emergency in the NAD Province", PDMD official report, part four. Implementation of Joint-operation, point c. Security-Restoration Operation, June 30 2003.
[5] See "The Security-Restoration Operation Is the Essence of Joint-operation", PDMD official report, July 18 2003.

(Kostrad), Special Force Command (Kopassus), Marine Force, Air Force Special Troops (Paskhas), BAIS, Military Police, and information unit.

Humanitarian operation is formed by the government generally to serve the refugees and Aceh civilians with the intention to reduce their sufferings caused by the hostility between the GAM and Indonesian National Armed Force (TNI). Controlled by Coordinating Minister of People Prosperity (Menkokesra), Jusuf Kalla, the humanitarian operation involves minister of national education, minister of social affairs, minister of health, and also minister of settlement and infrastructure. The person responsible at the central level is the minister of social affairs Bachtiar Chamsyah, while at the regional level is the vice governor of NAD Azwar Abubakar. For the humanitarian operation, Megawati use Executive Coordination Unit of Disaster Prevention and Refugees Treatment (Satkorlak PBP) as the executor of humanitarian operation. The implementation of humanitarian operation is entirely still involving the Indonesian National Armed Force (TNI) though, while the officers and civil servants are only the assistants in the form of "Operation of Indonesian National Armed Force's Devotion".

While to execute the Law Enforcement Operation, the *Rencong* Executive Operation Command (Kalakops Gakkum Rencong) is straightly under the command of the Chief of Indonesian Police. This institution is an institution that becomes the command of BKO police troops from outside of Aceh. The number of personnel involved in this operation is 14.500, with the specification, 2.063 Brimob personnel, and the rest personnel composed of Detective, Pacification Intelligent, Samapta, Traffic, Society Construction and Information Unit.

Technical Work Team of Stabilization of NAD's Provincial Government is formed at the level Department of Internal Affair to execute the operation of administrative-stabilization with the assistance by The Indonesian National Armed Forces (TNI) Intelligent and The Indonesian Police's Intelligent. The person responsible for this operation is the minister of internal affairs, with the assistance by heads of Director General who are under the ministry of internal affairs. At bottom, the security-restoration operation have the operation of administration-stabilize executed in order to make all of the local government to the level of sub-district and most of village administration able to execute the well development and service for the society.

Implementation of joint-operation

1. *Security-Restoration Operation*

According to the Presidential Decree no 28/2003 and the official explanation from the chief of NAD province Military Emergency in addition, the security-restoration operation has the purposes to destroy the power of GAM rebels, to secure the national and regional vital objects, to help the smooth running of administration and to protect and secure the communal social life. In the Regional Command of Military Emergency's official explanation, it is also explained that the steps taken by commander of military emergency and security-restoration operation will always respect the humanitarian law and the international and national human rights.

Steps taken by Regional Commander of Military Emergency and Kolakops include the Kolakops' frame of military operation, which consisted of five major steps.[6] First, detect the existence and activists of GAM rebels through the information search and information developing (intelligent operation). Second, intensify the mobile troops to attack the GAM concentrated areas/basis (operation of destruction). Third, increase the active patrols in the areas that indicate the existence of GAM rebels (the operation of GAM movement-restriction). Fourth, separate GAM from the civilians through the operation of espionage, inside and outside of the civilians' settlement (Sweeping Operation). Fifth, protect and secure the National/Regional Vital Object from the security disturbance by increasing the number of Indonesian National Armed Force (TNI) personnel (operation of pacification).

Commitment	**Implementation**	**Important Notes**
To destroy The GAM power		
Identify information and the network of GAM	partially implemented	Great number of arrests occurred toward civilians without exception, specially to family of, sympathizer of and those who were accused as GAM member
Destroy the armed GAM	Partially implemented	The utility of heavy artillery often took victim from civilians. Many members of non-combat GAM even become the target of TNI/Brimob military actions. Some field reports also mentioned that TNI/Brimob at the moment were only capable of destroying the weak GAM basis
Separating civilian from the armed GAM	partially implemented	often use violence acts such as intimidation, forced displacement, incineration, destruction, civilians' houses plundering
Reducing the GAM's space of movement	Not implemented adequately	The forms of sweeping operation or routine patrol used very Limited resource and mostly used civilians to control their own areas, such as forming the neighborhood security system (siskamling), force the head of village to observe the inhabitants, & to issue policies that prohibit civilians' routine activities, such as implementing a must-report for civilians who needed to go to forests, Field, fishpond, or sailing.
Protect and secure civilians' social life		
Protect civilians from acts of violence	Not implemented	Cases of human corpse founding and assassination of civilian, especially civil servant assassination, retired officer of TNI/Polri, And those who were closed to the government, still occurred. Kidnapping cases still occur until now.
Guarantee the safety of civilians' properties	Not implemented	Protection for the safety of civilians' properties, especially them who take refuge, not executed until recently. The civilians' report of their missing properties after return from evacuation often occurred.
Guarantee the smooth running of government wheel and protect the government's important assets		
Protect national/regional vital Objects	partially implemented	Protection given is restricted only for the trans national corporation such as Exxon Inc.Ltd., KKA Inc.Ltd., Bumi Flora Inc.Ltd., and Arun Inc.Ltd., while traditional markets had never had sufficient protection
Guarantee the smooth running of government wheel	partially implemented	Some administration had not been able to run smoothly because the employee, specially at lower level, never had safety guarantee from PDMD

[6] See "Security-restoration Is the Essence of The Implementation of Joint-operation", PDMD Official Report, July 18th 2003

It is important to underline that the implementation of security-restoration operation do not fully fulfill the commitments as what have been stated previously by the military officer and civil officer at the national and regional level. Commitment to respect humanitarian law and human rights is worst implemented practically. Brutal actions and despotism, also the civilian extortionate by the member of TNI/Brimob often occur in sweeping actions, routine patrols, or even in the siege of GAM basis. So do the commitment to guarantee and protect society's social life, Regional Commander of Military Emergency is weak to fill the commitment. Assassination, civilian kidnapping by GAM or intelligent institution still often occur during the six months of military emergency implementation in Aceh, while the commitment to protect national/regional vital objects was discriminatively operated. The placement of troops is more likely to be in big companies rather than in economy, social and people culture location such as market, hospital, PDAM, relay stations of State Electricity Enterprise (PLN), and main streets.

General assessment: Partially Implemented

2. *Humanitarian operation*

The humanitarian operation intends to motivate the flawless stroll of society economy, help the victims of conflict, and reconstruct areas.[7] The implementation pattern is done with the concept of Emergency Action. Then, steps taken by this team are: first, determining the sensitive areas; second, determining the locations for the shelter of refugees with considering safety aspect; third, distributing food and health service, distributing first aid for refugees which include: temporary shelter, food/drink supply, health service, clean water service and sanitation, funeral service, with the assistance by or the cooperation with security elements (TNI/Polri).

Commitment	Implementation	Important Notes
The handling of Conflict victims		
construction of evacuation camps and the supporting facilities (public bathing, washing, toilet, sanitation, clean water supply, health post, etc)	partially implemented	Almost half of the evacuation camps, clean water facilities, public bathing; washing; toilet, health post, children playground, can not accommodate the number of Refugees
distribution of main needs	partially implemented	Main needs distribution often disturbed because of the insufficient capability of government resources and the unequal position between humanitarian operation team and Regional Command of Military Operation and Kolakops.[8] The strategy of PDMD and Kolakops to separate the civilians from GAM has never been coordinated to the team of humanity. There were many evacuation camps formed without the knowledge of humanitarian operation's team.
supply and service of medical workers	implemented partially	The medical workers are not well distributed in all of evacuation camps. If there were any, it would not be proportional with the number of refugees needed to be taken care of.
supply and service of social workers	partially implemented	Almost 80% of evacuation camps have no sufficient social workers
The treatment of non-refugees civilians		

[7] *Guidance for Arranging Emergency Plan*, Roman IV letter B and C. op. cit.
[8] "*The number of refugee in NAD increases to 39.649*," Waspada, June 16th 2003; "*Refugees in Nisam starve*," Suara Pembaruan, July 1st 2003. In one of the camps, a refugee said that a can of sardine had to be divided to feed 100 persons because of the lack of distribution.

Main needs supply	Half implemented	The main needs supply only exist in city areas. While in village area, specially war area, the main needs supply is still inadequate
Health service	Half implemented	Since war, the number of health service is only concentrated in the city areas or villages which become the TNI/Brimob basis of defense.[9]
Education service		Acts of violence and school destruction have not been fully taken care of, especially in the combat areas. Many children discontinue their school because their safeties are not guaranteed
Stimulate the smooth running of society's economy		
Unemployment handling	Partially Implemented	The program of unemployment handling is only reactive up to this moment. The compact work Program is civil government and military's reliable Program to handle unemployment. Unfortunately, this program is combined with the development Planning of government's big projects, such as the project of Ladia Galaska street development. The implementation of training & functioning for those unemployed are concentrated only in certain areas, and become the government's lipstick for the public.
Distribution of fund aid	Partially Implemented	Program of fund aid distribution is very limited and will always be hooked with the efforts plan of big plantation companies.
Development of supporting infrastructures	Not implemented	Infrastructures development in Aceh is tightly interrelated to the development of big projects' instruments that have not been implemented, such as the projects of Kuala Langsa Harbor's development plus the street, which then become the oil palm's Transportation.[10]
Area Rehabilitation		
Reconstruction of settlements	Not fully implemented	Settlement and area infrastructure can only build 10.000 units out of 23.084 units of destroyed houses The other 13.084 units said to be built next year
Reconstruction of Schools	Not fully implemented	Until late September 2003, 596 out of 607 school building were built and the other 11 were still in ruin
reconstruction of destroyed street bridges caused by war & non war	Not fully implemented	Construction of streets and bridges are only concentrated in Middle Aceh area.[11]
Distribution of compensation for victims	Partially implemented	The distribution of compensation for conflict victims were only found in Aceh Lues, Central Aceh, and Aceh Jaya.[12]

The commitments of humanitarian operation which are to motivate the flawless stroll of society economy help for the victims and areas rehabilitation, not effectively implemented. The great authorities of Regional Commander of Military Emergency and kolakops often make the work of humanitarian operation team not effective. Meanwhile, the commitment to motivate the flawless stroll of society economy seems failed to be implemented. The main cause of it is the great concentration for the security-restoration operation. Instead, head of the NAD provincial

[9] "*Langsa residents have free treatment together*," Waspada, November 7th 2003
[10] "*KOPALMAS, Prepare Fund To Build Terminal CPO*," Waspada, November 7th 2003
[11] See Minister Of Settlement And Area Infrastructure's Meeting Material At Paripurna Coordination Meeting (Rakor) Level Minister, Field Of Politic And Security About The Developing Problems In Nanggroe Aceh Darussalam Province, August 14th 2003; see also "Kimpraswil *Service Of Southeast Asia Was Urged To Repair Bridges And Street*," Waspada, November 7th 2003
[12] "*Conflict Victims In Gayo Lues Received Helps*," Waspada, November 11th 2003

chambers of commerce stated that the military emergency had not been able to increase the people economy rate.[13]

One important thing need to be noted is that the humanitarian operation was the operation that has always been full of corruption and collusion. NAD Police in many chances of time admitted that they were handling 29 cases of corruption in Aceh. According to task force command of law enforcement (*Dansatgas* Gakkum) Tegak Rencong I, the *modus operandi* starts from deviation of humanitarian fund, undistributed children education fund, corruption and fund embezzlement from several government institutions.[14]

General assessment: partially implemented.

3. *Operation of Law Enforcement*

The law enforcement operation is executed to restore the neat, orderly, and authorized way of state life, in accordance with the valid regulations. The steps taken for this operation include the search, arrest, and detention of the non-combatant GAM members; examining and registering those who were involved with the GAM; give the elucidation for the society to increase awareness to the law and country devotion; execute the operation of vehicle's license administration; execute the justice operation; and execute trials for those allegedly involved with GAM.

Commitment	Implementation	Important Notes
Return the neat, orderly, and authorized life state, in accordance with Law		
Investigation of assassination/human corpse founding cases	Not Implemented	Until now police has not been able to reveal any of assassination/human corpse founding cases which occurred during emergency military operation
Investigation of missing people cases	Not implemented	Idem
Investigation of contraband cases	Not implemented	During May-October 2003, the smuggling of luxurious car in Aceh was keeping increasing. 100 - 200 units of cars reported to illegally enter Sabang.[15]
Investigation of wood stealing cases	Not implemented	No police activities to investigate the illegal logging cases
Investigation of civilians' extortion	Not implemented	No police activities to investigate civilians' extortion cases
Investigation of corruption cases	Partially implemented	Police investigation of corruption cases is highly restricted. Police could only reveal 29 cases out of 56 corruption cases that were able to be identified by BPK.[16]
Investigation of regular criminal cases	partially implemented	Almost during military emergency, the emphasize of NAD's local police to uphold the law started to decrease, because the personnel were mobilized to support the security-restore operation.[17]
The arrest-detention and punishment of GAM members, Both combatant and non-combatant		

[13] "*Economy Emergency Must Be More Emphasized In NAD*," Waspada, November 12th 2003
[14] "*NAD's Provincial Police Handling 29 Cases of Corruption*," Waspada, November 7th 2003
[15] "*Conflict Victims In Gayo Lues Received Helps*," Waspada, November 11th 2003
[16]
[17]

The arrest and detention of civilians who are involved with GAM	Partially implemented	The arrest and detention of civilians who are involved with GAM often neglected the principles of human rights
Executing the elucidation of law awareness and country devotion		
Execution of regular elucidation	Not implemented	The information about the law elucidation done by the police has never been heard
Court efficiency		
Increase the number of judges	Not implemented	Until now Aceh is still considered a judge-crisis area[18]
Increase the number of attorney	Not fully implemented	The plan to send 50 attorneys to Aceh is known to help presiding over the separatists.[19] Only 15 attorneys who were actually sent until August 2003
establishment of new court	Not implemented	No information about the establishment of new court in the new formed residencies
Trials of GAM members	partially implemented	Until September 9th 2003 the prisoners of GAM rebels reached 863 people, and were handed to the prosecuting attorneys 428 dossiers (470 suspects), 317 dossiers (352 suspects) P21 and 49 people have been sentenced by court of first instance and 393 people still arrested by the Indonesian police.[20]
Trial for regular criminal cases	Not implemented	Since the implementation of military emergency, the trials for usual crimes are rarely executed. The Concentration for executing trials is only in separatist cases
Internal law enforcement		
The investigation of TNI/Polri involvement in cases of smuggling, wood stealing, and extortion.	Not implemented	No effort to process the investigation of the involvement of TNI/Polri in cases of wood stealing, luxurious car smuggling, drugs dealing, and civilians Extortion
The investigation of TNI/Polri's involvement in cases of violence and human rights violation	Partially implemented	Only few in number of the violence perpetrator and human rights violator that have been processed by military police and police ethic code assembly.[21]
Motivate the efficiency of military/police court		
trial of smuggling, wood stealing, and extortion by TNI/Polri members	Not implemented	Military court has never hold a trial
trial of violence cases and human rights violation cases by TNI/Brimob	Partially implemented	So far, the role of military court and state court to preside over the members of TNI/Polri involved in violence and human rights violation are very limited. Cases processed in court are only the violence cases and human rights violation cases that have been known by public. Nevertheless, the punishments are still far from just

Generally, the commitment of law enforcement operation, which is to return the neat, orderly and authorized life of state, in accordance with the valid regulations, is still far with what have been expected. The problem of the decrease of police effectiveness in doing their duties caused by the implementation of military emergency became the main factor of the worse law enforcement in Aceh. So far, the police role is still motivated to support the military emergency (battle operation and the arrestment of GAM members), rather than doing their main duty to uphold the law in the land of Aceh. Other thing need to be noted is that this law enforcement is only valid for the civilian, not for the member of TNI/Polri. Many violation of laws, which

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19 "*Untuk Adili Perkara GAM, 15 Jaksa Dikirim Ke Aceh*," Kompas, June 25th 2003

20 Report of NAD province's KADARMIL, point 2b, September 2003

21 "*Catut Nama PDMD, Gasak Ratusan Juta*," Kompas, July 22nd 2003

involved the TNI/Polri apparatus, are not processed by law. Similar condition goes for the cases of violence and human rights violation, which are not the priority of investigation for the TNI/Polri officers so far.

General assessment: Discriminatively implemented, only towards GAM.

4. *Operation of Government-Stabilization*

The operation of government-stabilization is executed in order that all local administration, to the sub-district level and most of village administration, are able to execute better service for the societies. Steps of this operation include first, the reinforcement of sub-district administration and village administration. Second, the reinforcement of local dynamic analysis, including determining the status of an area, whether it is white, gray, or black. Third, administration improvement, planning, and project supervising. The team of this program is more emphasized in supervising dimension. Fourth, development coordination that is summarized the cross-sector agenda.

Commitment	Implementation	Important Notes
Restore the wheel of government from level sub-district to village		
Identify and determine the disfunctioning local government	partially implemented	So far the observer team can only determined the management of local government at the level sub-district and village. At the provincial and regency level this team have no assessment on the work of regency's local government
Special observation of civil servants and BUMN employee	partially implemented	The process of civil servants and BUMN employee special observation is full of political interest, including removal of civil servants who are not in support of the implementation of military emergency in Aceh
Substitute sub-district's and village's officers to the members of TNI/Polri	Not implemented	So far the efforts to improve civil servants' work are more emphasized to support the military operation such as participants raising of devotion ceremony, voluntary involvement in labor service and the forming of neighborhood security system's groups in villages.[22]
Improvement of administration, planning and project supervision		
Improving services for the public	Not implemented	There are still many civilians who are difficult to get administration service from local government, specially in the field of civil letters
Supervise the running of local government projects	Not implemented	Supervising process of local government is not running well. It is proved in the not-running many local government's programs because of the safety reason or even the minimum implementation capacity
Coordinating Development		
Determine the projects of economy and the development of local government	Not implemented	So far, team of government-stabilization operation only executes bazaar and exhibition of development.
bridging cross-sector development	n/a	n/a

Generally, the operation of government-stabilize is the worst operation among all operations. Almost all commitments are not executed as they have been planned to be, caused by the

[22] See "Declaration of Devotion from People of Aceh," http://pdmd-nad.info, August 16th 2003

dependence on the success of TNI/Polri to seize the power in GAM areas.[23] Results that have been reported resemble to the areas that have been controlled by TNI/Brimob.[24] Thus with the commitment to increase public service.

So far, the implementation of the commitment is only in the making of red-white Residence Identification Card (KTP), which has been known to be the part of military strategy to separate the GAM members from the civilians. One can say that this operation is the main supportive operation of military operation at the level regional, rather than to fix the wheel of local government.[25] However great the problems in the local administration is, the team in charge of this operation cannot solve those problems. The corruption, collusion, and nepotism (KKN) cases; the bad performance of governor, regent, and mayor, have never been an evaluation in the team's work. For the commitment to coordinate the local development in particular, this team did efforts which far from the commitment itself. Instead, this team executed an exhibition of local development in this current Aceh situation.[26]

General assessment: badly implemented

III. IS THE MILITARY EMERGENCY ABLE TO COMPREHENSIVELY SOLVE THE ACEH PROBLEMS?

The main problems of Aceh are in fact not only the problem of separatist movement, but more further includes the complicated and multifarious problems. Until this moment Aceh has not been able to leave its economic crisis caused by the prolonged war. Such economic crisis effected to the increasing number of unemployment and also poverty in that province. Acts of violence also make the people of Aceh become the victims of human rights violation by the conflicted parties. Moreover, the Aceh people's trust toward the local civil government and central government (Jakarta) keep decreasing due to the failure of stopping the war.

At this part, we will try to see if the policy of military emergency implementation able to handle the Aceh conflict entirely. Without denying the achievements of military emergency which have been able to reduce the number of GAM activities, it does not mean that the military emergency can reduce the problems of social economy, the weak law enforcement, the low human rights enforcement, and the crisis of civil government in the area. Almost in six months period of

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[23] See "*Joint-operation in Nanggroe Aceh Darussalam: Day 92*," http://pdmd-nad.info, August 18th 2003: The realization of red-white residence identification card (KTP) has reached 78,66% or 2.089.644 sheets out of 2.625.976 must-have KTP residents. The delay of KTP substitution was because the ward level of military headquarters' (Koramil) office and Sector Police's office in the developing area had not been formed.

[24] See "*Regional Officers of Military Emergency's Daily evaluation Report of The Military Emergency Implementation*," http://pdmd-nad.info

[25] During the months of May-August 2003, Aceh's local governments keep becoming the main activator of devotion ceremony for The Union Republic of Indonesia, by mobilizing all of civil servants in each ceremony. See "The governor of NAD province kunker in East Aceh, Residents Of Three Sub-Districts Declared Against Gam," http://pdmd-nad.info, July 31th 2003

[26] Exhibition of Development and Bazaar, Day 8, "*Few Officers And Assistants Of The Local Administration Of NAD Province Suddenly Inspected The Arena*," http://pdmd-nad.info, August 24th 2003

military emergency implementation, the main problem of Aceh has not showed any good sign toward a better improvement.

1. The Sank Of Local Economy Still Continue

Since the last five years of war, the wheel of economy in the NAD province keep decreasing, and in fact approaching the zero point. Dozen of investors started to withdraw their investment in Aceh because the war will not guarantee any advantages for them. Although the military emergency guarantee the safety of companies which keep operating –in the form of TNI/Polri personnel increase in each company– the military emergency still can not put up collateral the supply of raw materials for those companies. It causes the unbearable closing and product reduction of industrials, plantations, and mining.

Until mid of this year, there have been reported that at least 32 projects of financial investment in the country or foreign country has stopped their operation because of the safety reason and the difficulties of getting the main raw materials.[27] On this November 2003, Pupuk Iskandar Muda Inc., Ltd., a fertilizer company which is located in the area of Krueng Geukeuh – Dewantara, North Aceh, has been reported to reducing its number of production because the company continues to shortfall. The increase of cost production due to the rare raw materials caused the reduction of its production.[28] Similar with thee, The Exxon Mobile, has also been reported to start reducing its production because the war causes the increase of its cost production. In East Aceh, 27 plantations of oil palm were reported closing their enterprises caused by the continuing suffer.[29] Even worse, KKA Inc. Ltd. and AAF Inc. Ltd. are no longer operating because the incapability to cover the cost production which keep increasing caused by the war.

At the lower level, the war has caused thousands farmers, anglers, and merchants losing their means of livelihood. Some reports mentioned that the discontinuance of lower level economic wheel was practically caused by the increase in unmanaged areas of fields, plantations, paddy fields, and fishpond.[30] One of the report mentioned the presence of thousands hectares unmanaged oil palm plantation in Simpang Keuramat-North Aceh because the farmers are frightened to go to the plantation.[31] While in the coastal area, it has also been reported that many anglers cannot go fishing because of the safety reason and the complicated process of fishing license from the Regional Officers of Military Emergency.

2. The Increasing Social Problems

The reduction of productivity and the closing of several big companies causes big wave of unemployment, which affected to the increasing number of unemployment in NAD province. Although the military emergency has made some projects of unemployment handling in the form

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[27] "*Caused By The Prolonged Conflict In NAD, The Poor Reached 1,6 Million*," Serambi, June 26th 2003
[28] "*PIM Inc. Ltd. Suffer Loses of Rp 170 Billion*," Waspada, November 3rd 2003
[29] "*East Aceh Residency*," Kompas, April 23rd 2003
[30] "*War and Food Defense In Aceh,*" Down To Earth (DTE), Nr58, August 2003
[31] "*Thousands Hectares of Oil Palm Plantations in North Aceh Left Unmanaged*," Waspada, November 10th 2003

of compact work projects, the distribution of financial aid and the endowment of skill training, those projects are incapable to include all unemployment number in NAD.

According to the official report of Regional Commander of Military Emergency the number of unemployment has reached 363.398 people up to November 2003. This number is estimated to be increasing until the end of this year in accordance with a number of closing of the big companies in Aceh. Such number of unemployment has not even including thousands of farmers, fishermen, who no longer able to go fishing or manage their rice fields, plantation, fishponds, and fields, because of the staying in the evacuation camps, the rare of seeds, and the lack of fund.

The increasing number of unemployment was then spread to the increasing number of poverty in Aceh. In the last four years, the number of poverty in Aceh keeps increasing year by year. Up to the beginning of November the number of poor people in Aceh has reached 1,6 million people, or about 40,1% out of 4,1 million people of Aceh.[32]

Table 2: The number of Poor in Aceh Period of 1999-2003
(Source: Data of NAD Administration, August 2003)

Year	Number of People
1999	886.809
2000	1.100.000
2001	1.300.000
2002	1.101.368
2003	1.680.000

This amount straightly affected the increasing number of abandoned children, street children, vagrant, and beggar. According to the official report of NAD Social Duty, there are 16.882 people of abandoned elder people, 50.994 people of abandoned children, 30.205 handicapped people, 47.175 women sensitive status of social economy, 1.599 beggars, 27.145 people live at the improper areas, and 353.517 poor people.[33]

3. Deteriorating Human Rights Protection

Protection for the people of Aceh is the main action that must be taken by all parties, national and international, to protect the people of Aceh from destruction. War strategy and brutal actions of both confronting sides has caused the people of Aceh to become the victims of violence and human rights violations. Though the military emergency claimed to obey the humanitarian law and human rights law, it does not reduce the risk of Aceh people from the acts of violence against human rights, done by the troops of TNI and GAM. So far the military emergency officers are known to be failed to protect and to respect human rights of the civilian.

[32] "*Poor In Aceh Reached 1,6 Million People*," Kompas Cyber Media (KCM), June 26th 2003
[33] "*The Number Of Poverty In NAD Is High*." Suara Pembaruan, January 9th 2003

Table 12. Recapitulation of Human Rights Violation Event in Aceh per October 2003[34]

Residency	Summary killing	Corpse finding	Disappearance
SIMELEU	-	-	01
ACHE SINGKIL	-	-	02
SOUTH ACEH	44	12	30
EAST ACEH	54	22	10
MIDDLE ACEH	35	12	08
WEST ACEH	17	09	28
ACEH BESAR	28	16	01
NORTH ACEH	80	14	12
SOUTHWEST ACEH	11	04	-
ACEH JAYA	10	03	06
ACEH TAMIANG	11	12	05
BIREUN	43	40	14
PIDIE	52	11	01
BANDA ACEH	12	08	02
SABANG	-	-	-
LHOKSEUMAWE	-	01	-
LANGSA	-	-	01
GAYO LUAS	03	-	03
NAGAN RAYA	09	04	11
Total	409	168	125

Independent report shows that both sides' actions of assassination, abduction, torture and terrorization toward civilian, forced evacuation, restriction on space of movement, espionage, often make the civilian felt that they are living under terror. Properties confiscation which often occur, specially in abandoned areas by civilians, become a serious problem because it has complicated the peaceful process of solution and has created the time bomb in the realm of society itself, as happened in many other places of armed conflict.

4. People's Disbelief toward the Civil Administration Increase

Military operation has annulled all progress achieved through the Cease of Hostility Agreement (CoHA). Villages suffer fear due to the armed contact between TNI and GAM, sweeping done by both of the conflicting sides, incineration and destruction of school building; civilians' houses; public facility, annoying restriction of movement. Ambush and bombardment frequently occur, including to public transportations that carry daily needs, making the society's level of life even more decreasing.

[34] Elsam's Documentary on Violence in Aceh Province, Period of May-October 2003

IV. WHY THE MILITARY EMERGENCY FAILED TO SOLVE THE ACEH PROBLEMS

From the description above it is obvious that the implementation of military emergency in the form of joint-operation in NAD province cannot entirely solve the Aceh problems. The joint-operation, whose grand concepts are the strategies of Aceh treatment by synergizing the military approach with diplomacy; law enforcement; protection; and increase the human dignity; and local administration efficiency, in the reality are not reflecting its genuine concepts. Many targets determined by the central officers of military emergency such as restoring security, upholding the law, solving social economic problems and repairing the bureaucracy of local government, could not be achieved. In fact, it is on the contrary. The military emergency later produces many problems such as the widespread of corruption, collusion, nepotism, and many illegal economic activities, which involving the government officers of military emergency executors.

From the evaluation of this six-month implementation, the failure of military emergency in handling the Aceh Conflict is caused by four things. First is the policy concept which was designed for military operation; second, the executive institution who is a purely war organizers; third is because the steps of the implementation of joint-operation are not the program of NAD's development improvement; and fourth is the weak support from the people of Aceh.

1. The Concept of Joint-operation is Military Operation

From the beginning, the concept of joint-operation is an unrealistic concept to be used for comprehensively solving the Aceh problems. The designs of joint-operation that is to synergize the solution of Aceh comprehensively, which are military actions and handling of economy; social; cultural; political; legal; and human rights enforcement problems, are a concept that will not be able to be implemented. In the condition of war, it is very impossible that an administration execute an area development as in peaceful condition. If there was any development program, it would be certainly destined to support the victory of war itself.

The government must be defied to be honest that the joint-operation has been purely designed to solve Aceh problems through military operation. From the design of joint-operation, it is obvious that the central government (Jakarta) intended to enforce the sovereignty and completeness of the united Republic of Indonesia (NKRI), and to return the credibility of Republic of Indonesia's government at the national and international level.[35] From that intention it is presumable that the joint-operation is the policy made by central government (Jakarta) to force people of Aceh admits the central government's superiority. Seeing the repressive character of the policy, it is certainly going to use ways of mobilization of military power rather than non-military.

This can also be observed from the background of emergence of the policy, where the military option was the main choice to be taken by Jakarta (central government) to solve Aceh problems immediately. It has become the public secret that before the signing of CoHA, the option of

[35] See "Security-restoration Operation Is The Essence Of Joint-operation," Regional Officers of Military Emergency's official report, http://pdmp-nad.info, July 18th 2003

negotiation was not a solid idea in the realm of Jakarta government, especially from the realm of military. The anti-negotiation elites saw that negotiation was only going to improve the GAM political position at the international level, and was going to open the possibility of Aceh separation from the NKRI, just like East Timor.[36] The opposite side mentioned that solving Aceh's problems through negotiation fitted the MPR assessment and would end critics from international community about human rights violations in Aceh, which influenced the decreasing aid for Indonesia in economy and military sectors.

When implementation of CoHA met dead-end, the anti-negotiation group started the political maneuver to gain political support about the importance of handing over Aceh problems to the military.[37] Since it was confronted with MPR assessment of solving Aceh problems through a peaceful way and reaction from many elements of society, the anti-negotiation group could not do anything.[38] While the Geneva negotiation was failed to held, this group had the chance to urge the civil administration to immediately solve Aceh problems through militaristic way. Later on, strong pressures from the anti-negotiation group finally change the mind of government in Jakarta, when Tokyo meeting failed to reach agreement. Such decision invited many critics from inside and outside of the country, including critics from International Monetary Fund, which had always been supporter to the peaceful solution of Aceh problems.

To suppress those critics, the Jakarta government then combined the military handling and the non-military handling in the form of joint-operation. The joint-operation includes the humanitarian operation, law enforcement, refortifying local administration, and security-restoration operation.[39] Nevertheless, the essence of joint-operation is still the military operation to destroy the separatist movement of GAM.

Thus, no wonder that the implementation of joint-operation is only to emphasize the military operation rather than non-military operation, since the purpose of joint-operation is to immediately solve the Aceh problems through militaristic actions. No wonder if then the problems of economy, social, law enforcement and human rights are untouched proportionally by the joint-operation since it was designed for military operation since the beginning.

2. The Executing Institution is Purely a War Organizer

Any restorations steps taken by Jakarta toward the executive structure of joint-operation, in order to be able to increase the treatment of many kinds of political, economy, social, law, and human rights problem, would be failed. The failure of joint-operation in handling or even to solve the basic problems in Aceh all this time is not only caused by the incapability of the executive structure, but it is also because the executive structure is not for executing the duties of economy, social, culture, politic, law and human rights restoration. The executive structure of joint-

[36] Interviews with Sidney Jones, Mid April 2003
[37] See "*TNI ultimate GAM*," TempoInteraktif, April 17th 2003
[38] "*Do not Be Hasty to Use the Military Operation in Aceh*," Kompas, April 12th 2003.
[39] Coordinative Meeting on Politics and Security (Rakorpolkam) in late April 2003 produced the government decision to implement the joint-operation, which includes the military field, stabilization of administration and humanity. See "*Government Focus to Four Operations*," Kompas, May 1st 2003.

operation is purely an institution of war organizer, so that any mandates given to the executors of joint-operation will always be read in the frame of war victory.

When military emergency is being implemented and then Kodam take over the wheel of civil government, all institutions in NAD province automatically are changed to supportive war institutions. This happened because the structure of Regional Commander of Military Emergency is a structure of military administration to face the war situation. Accordingly, any steps taken by Regional Commander of Military Emergency will always be in the frame to support the achievements of military actions, and not to solve the non-war problems.

From the information of mass medias, steps taken by Regional Commander of Military Emergency since May 19th until this late October is seen that the first step done by PDMP and PDMD was to announced new regulations of civilians' activities restriction, registering which civil servants are pro Republic of Indonesia (RI) and civil servants pro GAM by observation and census, arresting GAM politicians, restrict and control the distribution of goods, and restrict access of them who would disturb the running of military operation in Aceh.

3. Steps of Joint-Operation are not for the Development Program of NAD

In the situation of war, it is impossible that an administration can run its development program as in the situation of peace. It is certain that the development implementation in war situation is always implemented in an effort to support the success of war victory, including muffling social effects that eventually weaken the support of war.

Almost all steps made and implemented by PDMD institution are not Aceh province's development program as in the peaceful time. Most of the steps taken by PDMD are project of emergency development programs to support the military operation. No wonder if then many kinds of problem, especially problem of economic improvement, problem of social-cultural handling, law enforcement, and protection and human rights, are not included in the steps of PDMD because of the emergency situation.

Almost all steps of humanitarian operation as long as it is intended to suppress the social effects caused by the actions of military operation. Generally, PDMD realizes that the effects of implementation military operation are the nativity of evacuation wave, unemployment, and new poverty, which if not managed will emerge the social fluctuation and therefore will disturb the military operation. Thus its focus in the humanitarian operation is in the handling of evacuation rather than the two other targets, which are, motivate the societal economy and area rehabilitation to reduce social fluctuation caused by war.[40] Not surprising if then PDMD often make projects of distributing main needs and fund, mosque construction, compact work, skill training, small industry aid, which all of them are intended to temporarily suppress the effects of war.

Law enforcement program is more emphasized in how to snare the supporters of armed group in city areas, rather than upholding the law in NAD province as in many other provinces. Almost in

[40] "*Evacuation Handling Is The Focus Of Humanitarian operation*," Kompas, September 30th 2003

the last six months, NAD provincial police has been doing more investigation on the separatism rather than upholding law in the area. The dispatch of tens of judges to Aceh to help presiding over the separatists is an indication of decreasing role of judge and attorney in national law enforcement in Aceh.

Similarly, the steps of restoration and steps to improve efficiency of the local government are also intended to improve the quality of government officers, improve the government service for civilian, and to observe local development projects as in the peaceful time. The step that has been taken by PDMD is more emphasized in how the wheel of government can be dominated in order to strengthen the implementation of military operation, specially the regional operation. It has been known by many sides that during the implementation of military emergency, the administration-restore operation has changed more government instances as the political supporter of military operation. This is seen from the activity of civil government institution, especially at the level sub-district and village in the last six months that not reflected the result of administration-restore operation. During the last six months, the institution of local civil government is more involved in organizing civil servants and villagers to execute the devotion call ceremony toward the NKRI, which has been commanded by PDMD.[41] Then the institutions of local civil government are also often involved in implementation of screening toward civilians' going to get the red-white KTP in their own areas.[42]

V. CONCLUSION

The failure of CoHA was the reason used by the government of Indonesia to declare the military emergency status in Aceh. The implementation of Military Emergency in form of joint-operation, which included the security-restoration operation; humanitarian operation; law enforcement operation; and reinstatement of local civil government, is not effectively operated to permanently solve the Aceh problems. The frame of joint-operation, which emphasized in the security-restore operation causing the joint-operation is entirely partial implemented. As the result, many problems of economic sink, increasing social problem, weak law enforcement, low protection and respect toward the human rights are still not well handled.

Civilians become the victims of violence and human rights violation because the strategy and tactic used by both of the sides making them a target (proxy violence). Inexistence of control from the local/national independent organization or international independent organization makes the situation difficult to controlled and estimated. The government of Indonesia so far has not made the detailed report or to invite independent body which can confirm all sort of news and information of negative effects of the operation. Without that kind of step, it is worried that the number of victims will keep increasing and heading to the extinction as happened in the handling of rebellious movement in.

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[41] "*Devotion Call Ceremony toward NKRI Was Greatly Executed*," Suara Media, July 12th 2003

[42] To get the special KTP, each people has to bring four postcard photos of 2x2.5 and the letter of explanation from his/her own head of village which explains that he/she is truly the resident of the village. They also must be guided by their head of village when coming to the sub-district office or when the signing of KTP in Koramil Base is being. See "*Bireuen Residents Start To Use The Red-White KTP*," Tempo Interaktif, July 11th 2003.

From the experience we have had in both places (East Timor and Papua), and also in Aceh itself, military emergency and acts of violence had been proven failed in solving the problems, and will only resurrect the bigger resistances among civilians. The military way of solution will obviously intricate the process of reconstruction and reinstallation of normal condition in the future, and there is even a greater possibility of making the situation even worse.

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