

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

Stage	Ceasefire/related
Conflict nature	Government/territory

Peace process	Indonesia-Aceh peace process
Parties	For the Government Of the Republic of Indonesia SUDI SILALAH For the Henry Dunant Centre for Humanitarian Dialogue (HDC) MARTIN GRIFFITHS
Third parties	-
Description	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.

Agreement document [ID_021216_SOMA.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

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

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

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.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	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.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	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.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

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 HAMM²⁸
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 HAMM²⁸
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.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

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.

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 duties²⁹

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.

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.

Security sector

Security Guarantees

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.

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.

Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

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 HAMM²⁸
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.

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 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 customs clearance of the HAMM's operational supplies, goods and equipment, including smooth entries and exist of the HAMM's international personnel.

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
