

**STATUS OF MISSION AGREEMENT (SOMA)
ON THE ESTABLISHMENT AND MANAGEMENT OF THE HDC ACEH
MONITORING MISSION (HAMM)**

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.

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

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.

Based on COH agreement and the above, the GOI and HDC have concluded a Status of Mission Agreement (hereinafter referred to as SOMA), in which the status, privileges and immunities of the HDC Aceh Monitoring Mission and its members are defined and set out. The GAM has in writing declared its willingness to fully implement all parts of this SOMA.

The establishment of the HAMM constitutes a Specific Agreement under article 3 in the Framework Agreement between GOI and GAM regarding Cessation of Hostilities dated December 9, 2002.

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.

Article 2

A. The Mission

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:
 - a. 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 that such waiver of immunity does not extend to any measure of execution.
 - b. 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.

B. Taxes and duties

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.

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.

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

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.

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.
2. All vehicles and premises at the disposal of the mission will be marked with the JSC emblem.
3. The members of the HAMM will not carry any other kind of weapons

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.

Article 6

Laws and regulation

1. Privileges and immunities are accorded to the HAMM and its members in the interests of efficient and independent fulfillment 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.
2. Violation to this agreement will be subject to the Indonesian laws and Regulations.

Article 7

Miscellaneous provisions

1. The GOI will assist the HAMM in finding appropriate office space to the HAMM as required and deemed necessary.
2. The GOI will assist the HAMM in finding appropriate and suitable accommodation for all international personnel.
3. HDC will bear all expenses of the HAMM, except for emergency medical evacuation and emergency evacuation based on security consideration.

Final provisions

This Status of Mission Agreement enters into force on the date of its signature, and shall remain in force for the duration of the HDC Aceh Monitoring Mission.

For the Government
Of the Republic of Indonesia

SUDI SILALAHI

For the Henry Dunant Centre
for Humanitarian Dialogue (HDC)

MARTIN GRIFFITHS

Jakarta, 16 desember 2002