



human rights *first*

FORMERLY THE LAWYERS COMMITTEE FOR HUMAN RIGHTS

May 24, 2005

The Honorable Richard G. Lugar
Chairman of the Senate Committee on Foreign Relations
United States Senate
306 Hart Senate Office Building
Washington, D.C. 20510-1401

Dear Senator Lugar:

We are writing to urge you to raise human rights concerns in Indonesia on the occasion of President Yudhoyono's visit to Washington. In particular, we urge you to focus on recent attacks and intimidation directed against Indonesian human rights defenders.

Human Rights First has documented this pattern in a report we published this week, *Reformasi and Resistance*, a copy of which is enclosed. One important factor that has led to these attacks is the Indonesian government's misapplication of counterterrorism measures, which have contributed to reversals in hard-fought reforms of the Indonesian military.

Today, soldiers are once again being allowed to occupy key civilian positions or are granted leave to run in local elections. The territorial command system, which posts military units down to the local level, has been expanded rather than dismantled. Those suspected of human rights violations are being promoted rather than prosecuted. As a result, Indonesia is plagued by continuing human rights problems that have not been addressed by the democratic election of a new president. These include:

Impunity for attacks on human rights defenders: Five years ago, Members of Congress led the call for accountability for the torture and death of human rights defender and U.S. permanent resident Jafar Siddiq Hamzah. Not only has there been no accountability for his death, but more than a dozen human rights activists have been killed since then. One of Indonesia's most prominent human rights activists, Munir, was fatally poisoned on an international flight last September. An investigation by an official fact-finding team has so far led to employees of the state airline, who just last week were revealed to have been in contact with top Indonesian intelligence officials. All available means of pressure, including reporting requirements and conditions on military ties in Foreign Operations Appropriations and Defense Appropriations bills, should be taken to urge the Indonesian government to identify and prosecute those responsible – at all levels – for Munir's murder.

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Impunity for crimes against humanity in East Timor: Conditionality for restoring full military ties with Indonesia includes accountability for crimes against humanity in East Timor. But the record is just the opposite: all police and military defendants have been acquitted before Jakarta's *ad hoc* tribunal, which has served as a mechanism of impunity. Now the Indonesian government is proposing a bilateral mechanism of dubious worth dubbed the Truth and Friendship Commission. Meanwhile, members of a United Nations Commission of Experts examining prospects for justice were only issued visas following intense international pressure. This is not just a question of justice for the East Timorese, but also for Indonesians in the conflict areas of Papua and Aceh and throughout the archipelago who are subject to human rights violations by an institution that has not had to answer for past crimes.

Tsunami relief and reconstruction in Aceh: Defense officials from both the United States and Indonesia point with well-placed pride to the role of their militaries in post-tsunami relief operations. But these accomplishments do not erase important questions of impunity for human rights violations. Furthermore, relief and reconstruction that is both accountable and transparent will do more than effectively reach those in need; it will also support military reform and efforts to find a real solution to the conflict in Aceh. It is also essential that residents of Aceh enjoy the civil and political rights necessary for full and free participation in planning and executing relief and reconstruction. Congress should use every means, including reporting requirements on bilateral aid, to encourage the Indonesian government to limit and clarify the role of the military, including military-linked businesses, in all relief and reconstruction efforts.

Military ties

We recognize and appreciate the fact that President Yudhoyono has come to office with strong democratic credentials. He decisively won his country's first direct presidential elections last September. He has also staked out a set of reformist positions, most prominently with regard to fighting corruption. But as the United States considers the expansion of military ties with Indonesia, it is important to bear in mind that there have also been significant setbacks in the struggle for accountability and reform, including those we have outlined in this letter.

Indonesia is an important ally in the fight to stop terrorist acts by members of Al Qaeda and other similar groups. Indonesia also has made important strides in democratization. But neither democratic progress nor the need for cooperative counterterrorism efforts should become justification to support an unaccountable military or to condone the continuing attacks on human rights defenders.

In February the State Department restored Indonesia's eligibility to participate in the IMET training program based in part on the argument that it would help professionalize the Indonesian military. It is now incumbent on the U.S. government to ensure that all U.S. counterterrorism and other military assistance, including IMET, is carefully monitored, including through credible vetting of participants and tracking of their subsequent adherence to human rights standards. This monitoring must be carried out in a transparent manner so that the impact of U.S. military assistance can be assessed and debated openly.

As noted in our report, in addition to constructive support to the Indonesian police, the United States is increasingly training members of the Indonesian military in ways that avoid existing human rights conditionalities, such as through the Regional Defense Counterterrorism Fellowship Program. Such programs should be subject to reporting requirements that enable Congress to assess the overall impact, and to preclude participation by officers linked to serious human rights violations. So as not to undermine safeguards and reporting requirements imposed by Congress on IMET, the Fellowship program should retain its original focus on non-lethal training.

The restoration of eligibility for IMET removed an important form of leverage to ensure progress in the investigation of the August 2002 Timika killings. The State Department must make the full resolution of this case, including the investigation of allegations of military involvement, a continued priority. Considering the ongoing lack of cooperation in the case and the ongoing resistance by the military to accountability for human rights violations more generally, reinstatement of IMET restrictions in the Fiscal Year 2006 appropriations legislation should remain an option.

We also urge you to maintain restrictions on Foreign Military Financing and export licenses for lethal defense articles until all conditions have been met. These include financial transparency of the Indonesian military and their accountability for crimes against humanity in East Timor and for gross human rights violations elsewhere.

We appreciate your consideration of these important matters, and would welcome the opportunity to discuss them further.

Sincerely yours,

A handwritten signature in black ink that reads "Michael Posner". The signature is written in a cursive, slightly slanted style.

Michael Posner
Executive Director