

September 20, 2005

Dear Senator/Member of Congress:

As a member of the Conference Committee reconciling the Senate and House versions of the Foreign Operations, Export Financing, and Related Programs Appropriations bill, 2006, we urge you to actively support the inclusion in final law of the following Senate provisions: Indonesia, Section 6072; Report on Indonesian Cooperation, Section 6108; and West Papua Report, Section 6109.

In spite of progress toward democracy in Indonesia, there has been little improvement within Indonesia's armed forces (TNI), and soldiers continue to commit abuses with impunity. Indonesia, Section 6072, provides conditions on foreign military financing (FMF) and export licenses for lethal defense articles for the Indonesian armed forces. This provision should remain until the TNI has implemented reforms which increase the transparency and accountability of their operations and financial management, and until the Indonesian government is prosecuting and punishing members of the armed forces alleged to have committed gross violations of human rights in East Timor and elsewhere, including cooperation with international efforts to do so. These Congressional conditions are not new, and they have yet to be met.

Congress must maintain a consistent posture towards the Indonesian military or forfeit its leverage for reform. An all carrot-no stick approach would only undermine efforts to strengthen civilian control of the TNI and pursue judicial accountability for victims of human rights violations. The defense minister still does not have the ability to appoint, discipline, or remove officers. TNI officers and soldiers who commit human rights violations continue to remain largely beyond the reach of the law. Officers involved in gross violations of human rights, including some indicted for crimes against humanity, continue to receive promotions and occupy key positions.

The Senate provision, Report on Indonesian Cooperation, Section 6108, would require a detailed report prior to the release of IMET for Indonesia from the Secretary of State on U.S. and Indonesian efforts to bring to justice those responsible for the ambush and murder of two U.S. citizens and an Indonesian in Papua in August 2002. This provision would at least maintain some legislative pressure in this case. West Papua Report, Section 6109, would provide vital, yet underreported, information on the conflicts and humanitarian and human rights conditions in Papua and Aceh crucial to informed policymaking on Indonesia.

Recent setbacks in military reform and accountability make maintaining restrictions on FMF and the export of lethal equipment essential:

- New military commands have been created, expanding the territorial system that challenges civilian control down to the local level. Military officers are allowed to occupy a number of key civilian positions, and soldiers may now take temporary leave to run in Indonesia's first direct election of local officials.

- The recently released report of the UN Commission of Experts called Indonesia's ad-hoc court on East Timor “manifestly inadequate” with “scant respect for or conformity to relevant international standards.” The report discusses international options for bringing to justice major perpetrators of serious crimes committed during Indonesia's occupation of East Timor, making this an especially crucial time to maintain U.S. pressure to ensure accountability for crimes against humanity. Accountability is essential not just for victims in East Timor but also for addressing impunity throughout Indonesia. An appeals court in July overturned all convictions in the first test-case of accountability for Suharto-era crimes, the 1984 Tanjung Priok massacre that left at least 33 civilians dead.
- A peace agreement in Aceh is now in its very earliest stages of implementation. Crucial to the success of that agreement is the readiness of the TNI to obey a presidential call for an end to offensive military operations and fulfillment of a government commitment to sharply reduce the military presence in Aceh. International pressure is essential to ensure that the TNI fulfills its pledge, so as to avoid a repeat of past failures to end this long-running conflict.
- Attacks on human rights defenders continue. At least 15 have been killed since 2000 with no one held accountable. The police investigation into last year's poisoning and murder of leading human rights defender Munir has stalled in the face of obstruction from the national intelligence agency, which is largely run by retired generals.
- The military continues to control a vast network of legal and illegal businesses. Financial transparency is crucial to effective tsunami relief and reconstruction in Aceh, where the military has traditionally controlled large sectors of the economy, such as logging and construction.
- Indonesian security forces have assisted and cooperated with armed militia groups in Indonesia, including Laskar Jihad. These militia have exacerbated communal conflict, leading to thousands of deaths since 1999. • Under Indonesian President Yudhoyono, human rights and humanitarian violations continue in Papua, where military operations in the Central Highlands have displaced thousands of residents.

In July 2005 Indonesia's Defense Minister Juwono Sudarsono stated that U.S treatment of prisoners in Guantanamo was more severe than what occurred in East Timor in 1999. His statement indicates that even the reform wings of the military and government still do not accept responsibility for the scorched earth campaign in East Timor. It is unreasonable to expect the TNI not to misuse U.S. assistance if the next human rights abuses are deemed to be in the so-called national interest.

Counter-terror cooperation is not a justification for resumption of FMF and export of lethal equipment. The military should not be the key interlocutor for such endeavors. That role should be for the police - the agency that successfully investigated the perpetrators of the October 2002 Bali bombing and other attacks. The police have long been marginalized by the military. The U.S. government continues to provide millions of dollars in police counterterrorism training. Moreover, the U.S. government already has numerous options available to engage with the Indonesian government, including the

military, on counterterrorism. For example, the TNI has been the world's largest beneficiary of millions of dollars worth of unrestricted counterterrorism training under the Pentagon's Regional Defense Counterterrorism Fellowship Program.

In recent years, Indonesia has taken a number of crucial steps toward democratic reform. But the TNI remains a substantial obstacle to further change. Legislated restrictions on military assistance for Indonesia are critical to bolster reform of the Indonesian military, as well as an important expression of U.S. government support for democracy, human rights, and respect for rule-of-law in Indonesia and East Timor.

In the final Appropriations Act, we urge you to ensure the inclusion of the following Senate provisions: Indonesia, Section 6072, restricting FMF and export licenses of lethal defense articles for the Indonesian military; Report on Indonesian Cooperation, Section 6108, regarding the murder of Americans in Papua; and West Papua Report, Section 6109, relating to humanitarian and human rights conditions in Aceh and Papua.

Thank you for your serious consideration of these most important matters.

Sincerely,

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