



February 13, 2009

The Honorable Hillary Rodham Clinton  
Secretary of State  
U.S. Department of State  
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Dear Secretary Clinton:

As you travel to China and Indonesia, we respectfully urge you to raise two issues that address persistent security concerns of the United States: (1) the lack of accountability for human rights violations, which has undermined military reform in Indonesia and (2) China's continued sale of weapons to Sudan despite that government's flagrant disregard of the UN arms embargo in Darfur and other international efforts to end the conflict and prevent gross human rights abuses. Highlighting these issues on your first visit to the region will send a clear signal that the United States considers advancing human rights as part of its core interests in Asia.

#### INDONESIA

Human Rights First firmly believes that the best way to support both long-term democratic development in Indonesia and healthy ties with the United States is to encourage respect for human rights and military reform. To that end, in your discussions with President Susilo Bambang Yudhoyono and other senior officials, we urge you to raise the following:

**The Munir murder case:** Munir, a prominent Indonesian human rights lawyer, was fatally poisoned with arsenic while traveling to Amsterdam in September 2004. As the investigation into his death has progressed, there have been helpful statements by the State Department, letters from the U.S. Congress, and technical assistance from the FBI. In part due to this interest, three people have been convicted. However, none of those who planned or ordered the crime has been held accountable. On December 31, 2008, retired General Muchdi Purwopranjono, a senior intelligence official at the time of the murder, was acquitted on all charges. The judges found insufficient evidence—after all major witnesses either failed to appear or recanted sworn statements to the police implicating Muchdi in the crime. The verdict is under appeal to the Supreme Court by prosecutors.

President Yudhoyono rightly described the case as a “test” for the new Indonesia, and it is a test that the country is dangerously close to failing. It will be up to the Supreme Court to rule independently, but now is the time to ensure that skilled and committed

prosecutors are assigned to the case, that police continue work on the ongoing investigation, and that the intelligence agency cooperates fully.

We urge you to reinforce in your meetings that full accountability for this crime remains a matter of international concern. Further, we request that while in Jakarta you meet with Munir's wife Suciwati, a tireless advocate for her husband's case and a close ally of the wives and mothers of victims of other human rights violations. Such a meeting would strongly signal the U.S. interest in the case and in Munir's vision of an Indonesia free from fear and repression.

**Military reform:** Your visit can help set the right tone for ongoing dialogue to ensure that cooperation advances genuine reform. U.S. national interests are well served by cooperation with an Indonesian military that is not involved in politics or business, is fully under civilian control, and is held accountable for acts of violence against civilians.

Military reform is not possible without ending impunity for human rights violations. Not a single major human rights case from the Soeharto years has been effectively prosecuted, and perpetrators of those crimes continue to be promoted and to hold positions of influence. Some are even candidates in the upcoming national elections. The Truth and Friendship Commission, a body with a limited mandate that was established by Timor Leste and Indonesia, found that the Indonesian military bore institutional responsibility for crimes against humanity in East Timor. However, Indonesia has failed to resolve the essential question of individual responsibility. There has also been impunity for serious human rights violations within Indonesia, such as mass killings by the army at Talangsari in 1989 and Tanjung Priok in 1984, and for the disappearance and killings of student activists in the last years of the Soeharto regime. Accountability for violations by security forces will be a crucial element of Indonesia's democratic development, and will help protect human rights activists and others from further violations at the hands of a largely unreformed institution and unaccountable individuals.

Precisely because of the continuing need for cooperation on counterterrorism and other national security interests, it is essential that Indonesian civilian and military leaders hear from senior U.S. officials that these concerns remain central to the United States. Military training and other forms of assistance should be linked to progress in these areas, and should remain unavailable to those units most closely associated with human rights violations, such as the special forces branch *Kopassus*.

## CHINA

We also urge you to raise the continued sales of arms by Chinese state-owned or state-controlled enterprises to the government of Sudan. These sales help sustain the conflict in Darfur and undermine international efforts to end it. Arms sales also belie Chinese government officials' claims that they are taking all possible steps to address the crisis in Darfur.

China is by far the largest known provider of small arms, small arms parts, and ammunition to Sudan. Furthermore, the Panel of Experts monitoring the United Nations arms embargo on Darfur reported on the January 2007 arrival in South Darfur of three Chinese A-5 "Fantan" ground attack jets, which were manufactured by the Nanchang factory in China and reportedly delivered to Khartoum in 2006. Sudanese fighter jets have no peaceful purpose in Darfur, and small arms are the type of weapons used by agents of the Sudanese government to commit mass atrocities there.

According to the government of Sudan's own reported figures, from 2004 to 2006, Sudan purchased ninety percent of its small arms from China, and from 2003 to 2006, this amounted to over \$55 million worth of small arms. Moreover, Chinese arms sales continued after the United Nations imposed an embargo on arms transfers to Darfur in 2005. It has been documented in several reports—by Human Rights First, Amnesty International, and the BBC—that some of these arms have been found in Darfur.

While China is not the only country exporting arms to the government of Sudan—Russia, Cyprus, Belarus, India, and several other countries have reported to the United Nations on their own sales to Sudan—no other country has more influence in Khartoum, thanks to Chinese government investments in Sudanese infrastructure, oil industry, and military training.

The Chinese government cannot be unaware of the possibility that weapons sold to Sudan will end up being used in Darfur. The Darfur Panel of Experts has repeatedly reported violations of the embargo by the Government of Sudan. Furthermore, the Panel has reported that the Government of Sudan has admitted it has no intention of abiding by the Darfur arms embargo. Thus, any country selling arms or related materiel to the Government of Sudan, knowing that Khartoum continues to ship arms into Darfur in defiance of the embargo, puts that country in the position of also failing to comply with the embargo.

Finally, the charge by the Prosecutor of the International Criminal Court that President Omar al-Bashir has committed genocide also has implications for countries selling arms or related materiel to the government of Sudan. The genocide charge informs states of the credible risk of genocide in Darfur, and thus triggers their obligation under the Genocide Convention to act to prevent it or ensure they are not complicit in committing it. Countries that have armed Sudan and thus fuel the capacity of the Sudanese government to sustain the alleged genocidal campaign are bound by the Genocide Convention to take all possible action, including immediately ceasing arms transfers.

China's announcement of a halt to arms sales, and of support for enforcement for the U.N. arms embargo, would send a powerful message to Khartoum—at this critical time—that the support of its strongest ally is not unlimited. We ask that while in Beijing, you urge Chinese government officials to follow through on their claims of concern about the conflict in Darfur, specifically by:

- immediately suspending all arms transfers to Sudan; and
- supporting efforts in the United Nations Security Council to fully implement the recommendations made in the November 2008 report by the Panel of Experts to strengthen the arms embargo, as well as efforts to expand the arms embargo to all of Sudan and to the non-State armed groups located in or operating from Chad. At a minimum, China should refrain from obstructing efforts to enforce and strengthen the arms embargo by hindering enforcement by the U.N. Sudan Sanctions Committee or by using its veto or threat of veto in the Security Council.

We welcome your attention to Asia and your recent statement that human rights must be part of the U.S. dialogue with Asian countries. We would be happy to discuss these recommendations further with you.

Yours truly,



Elisa Massimino  
Chief Executive Officer and  
Executive Director