

**Statement to House of Representatives, Appropriations Committee,
Subcommittee on State, Foreign Operations, and Related Programs
on the fiscal year 2008 budget**

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For a decade and half, Congress played a leading role in promoting progress in military reform, accountability, and respect for human rights in Indonesia and East Timor. Re-engagement with the Indonesian military has failed. Congress should once again condition FMF, IMET and export licenses for “lethal” defense articles for Indonesia in the FY08 Foreign Operations Appropriations Act.

Appalled by the Indonesian military's brutal human rights record, corruption and lack of accountability before Indonesian courts and civilian government, Congress through the foreign operations appropriations process has restricted security assistance for Indonesia for well over a decade. These restrictions provided incentive for reform and to end the worst violations of human rights. In the years following the imposition of restrictions in 1992, the Indonesian military, aware of the heightened international scrutiny, appeared to curtail its most outrageous human rights violations. But in 1999, the Indonesian was responsible for extraordinary brutality in East Timor as that country's people voted for independence. In the face of the Indonesian military's destructive exit from East Timor, Congress strengthened those restrictions.

In the Consolidated Appropriations Act, 2006, Congress maintained restrictions on the Foreign Military Financing (FMF) Program and export licenses for “lethal” defense articles for Indonesia's military (TNI) until conditions related to accountability for gross violations of human rights and civilian control of the military were met. In a transparent abuse of discretion granted to the executive by Congress on November 22, 2005, two days after the bill became law, the Department of State employed a national security waiver removing these restrictions. When it resorted to the waiver, the State Department pledged that the administration would “carefully calibrate” any assistance to the Indonesian military. Since then, the administration has failed to articulate any benchmarks or even guidelines. Instead, its actions have demonstrated a policy of nearly unrestrained engagement with the TNI.

With the stroke of a pen, the administration essentially eliminated the U.S. government's leverage for positive change. Congressional concern for the Indonesian military's lack of accountability for gross violations of human rights and its threats to the fragile democratic experiment in Indonesia were pushed aside. With the resumption of assistance, and its implied U.S. imprimatur, already slow TNI reform progress has come to a stand still.

A range of security assistance is available to Indonesia. Even with restrictions on FMF, IMET and “lethal” military equipment, the country would remain eligible for non-lethal items and services, in addition to direct commercial sales.

The TNI has also been the world's largest beneficiary of millions of dollars' worth of unrestricted counter-terrorism training under the Pentagon's Regional Defense Counterterrorism

Fellowship Program. However, within Indonesia, it is the police and not the military that is the government agency responsible for anti-terror activities. Last May, the administration announced it would provide up to \$19 million for the Indonesian military through a Pentagon program "to build foreign military force capacity." We would urge the Appropriations Committee to work to restore full Department of State oversight of foreign military assistance and to stop Pentagon end-runs like those involved in this program and the counterterrorism fellowship program.

This would not guarantee that the U.S. would not engage human right abusers. A July 2005 GAO report revealed that, contrary to assurances otherwise, the State Department repeatedly failed to systematically vet candidates for security force training programs to assure that known human rights violators are not among those trained. In fact, the GAO report found that the State Department falsely testified before Congress that one particular unit with an infamous human rights reputation was not receiving U.S. training, even though such training was ongoing.

In addition to assistance through these newer Pentagon programs, the administration indicated diminished official US concern for human rights by extending an invitation to the commander of Kopassus, the Indonesian military's notorious special forces unit, to participate in the Pentagon's annual Pacific Area Special Operation Conference (PASOC) in April 2006. Also in 2006, the Indonesian military for the first time participated in, rather than just observed, the Cobra Gold regional military exercise with the United States and other countries.

Re-engagement has not ended the widespread impunity of Indonesia's security forces for crimes against humanity and other serious violations committed against the peoples of East Timor and Indonesia, its continued resistance to civilian control and oversight, its lack of budget transparency; and its persistent emphasis on internal security. In Papua, where outside access is restricted, human rights violations include the targeting of civilians during military operations and imprisoning peaceful activists for their political views.

As 2007 began, a TNI-led military operation in the central highlands of West Papua displaced thousands of civilians. These civilians -- who had fled the burning of public buildings and homes by the TNI -- lack food, medicine and adequate shelter. In similar situations in the past, TNI operations, purportedly in pursuit of the tiny armed Papuan pro-independence force - the OPM - forced thousands of civilians into the surrounding forests and mountains, where many died. As in past "sweep" operations, the Indonesian military has greatly exacerbated the suffering of the displaced by impeding humanitarian efforts to provide urgently needed food and medicine to the displaced civilians. Attempts by UN and other international human rights monitors and journalists to investigate the plight of Papuans are hindered by tight restrictions on travel to and within West Papua. As noted in the current State Department human rights report, the TNI and other security forces threaten Papuan human rights advocates, including church leaders, who attempt to monitor and report on the suffering of Papuans. Congress should encourage the Indonesian government to allow full access to West Papua to humanitarian organizations, journalists and human rights investigators.

The Indonesian military continues to resist attempts to dismantle its "territorial command" system, which allows the military to operate a shadow government -- exerting influence over civil administration and politics, commerce, and justice -- right down to the village level. In the

name of counter-terrorism, the TNI has sought to strengthen the territorial command system, even as its close association with domestic militias raises serious questions about its anti-terror bona fides.

The State Department's human rights reports have highlighted the military's ongoing rights violations, illegal business dealings, and impunity. According to the most recent Country Report on Human Rights Practices, "Security forces continued to employ torture and other forms of abuse." Officers well known for their poor human rights record continue to maintain powerful positions and receive promotions. The current State Department report also notes involvement of TNI personnel in brothels and human trafficking.

The TNI remains a massively corrupt institution. Less than a third of its budget is provided by Jakarta, with the rest derived from a vast empire of legal and illegal businesses, including extortion of U.S.-based corporations operating in Indonesia. International and Indonesian media have exposed military involvement in a range of unlawful activities, including gun running and illegal logging. Much of the wealth derived from these activities flows to senior active duty and retired military officers and does not, as claimed, finance legitimate military purchases or activities, nor is it used to supplement in any meaningful way the meager wages of TNI enlisted personnel.

The prominent Indonesian human rights group Kontras has said, "The business practices of military enterprises have helped sustain the reputation of the Indonesian military as abusive, corrupt and largely above the law." Until the Indonesian military is barred from pursuing its own business interests, civilian control over its activities will be limited and human rights will suffer.

Three years on, the president has still not issued implementing regulations for a 2004 law providing a timetable for the military to hand over its vast business empire by 2009. While some military businesses have begun the handover process, its cooperatives and foundations have been excluded, and some businesses may have been stripped of their assets prior to handover. The 2004 law should be fully and transparently implemented and the military's funding must come only from the national budget.

Two years ago, Indonesia's civilian Defense Minister Juwono Sudarsono told the New York Times that the military "retains the real levers of power" and "from the political point of view, the military remains the fulcrum of Indonesia." Little has changed since.

Senior retired generals, who maintain significant power over the ranks of active duty military, recently have made public threats against the democratically-elected government of President Yudhoyono. These senior retired military figures, like their active duty military, remain unaccountable before the courts.

Restricting military assistance to Indonesia is fundamental to ending the cycle of impunity and bringing justice to the peoples of East Timor and Indonesia. No senior officials have been convicted for the widespread crimes against humanity and war crimes committed in East Timor from 1975-1999. The bilateral Commission on Truth and Friendship (CTF) would enshrine impunity for human rights violations in 1999 rather than encourage justice and has been widely criticized in both countries.

While noting a recent decrease in unlawful killing by security forces, the State Department's human rights report says that "the government, in the past, rarely investigated such killings and largely failed to hold soldiers and police accountable for killings and other serious human rights abuses that occurred in past years." The report then goes on to list a series of unresolved cases dating from 2006 on back. Efforts aimed at holding perpetrators responsible for other past human rights violations, including the 1989 shootings in Talangsari, South Sumatra; the 1998 and 1999 shootings at Trisakti and Semanggi, and the disappearance of students in 1998, have stalled.

The murder of Munir Thalib, Indonesia's most prominent human rights advocate, through arsenic poisoning while on a flight to the Netherlands has had a chilling effect on the work of other rights defenders. More than two years later, progress in the investigation remains stymied by Indonesia's state intelligence agency (BIN), whose retired military leadership was implicated in the murder according to the fact finding team mandated by the President to assist the police. The sole conviction in the crime has been overturned. President Yudhoyono once called resolution of Munir's assassination a "test case for whether Indonesia has changed." However, his own officials continue to block progress in solving the crime and the President has refused to release the fact finding team report.

Claims that IMET and other assistance for the Indonesian military encourage reform or better human rights performance ignore history. More than four decades of close contact with the U.S. military failed to improve the TNI's dismal record. Indeed, some of the officers with the broadest exposure to the U.S. and its military through training programs, including several indicted in East Timor, went on to carry out the most egregious of crimes. Admiral Dennis Blair, former Commander of the U.S. Pacific Command, has said "It is fairly rare that the personal relations made through an IMET course can come into play in resolving a future crisis." Only after the U.S. began to restrict military assistance to Indonesia did change begin to come, including the end of the Suharto dictatorship and the independence of East Timor.

A wide range of options are available for the United States to engage with Indonesia. We need to strengthen our ties with those in Indonesia pursuing genuine reform and not undermine their efforts by assisting a still unrepentant military.

In its final report, East Timor's official Commission for Reception, Truth and Reconciliation (CAVR), an independent body created and operated with the support of the United Nations, called on governments to make military assistance to Indonesia "totally conditional on progress towards full democratization, the subordination of the military to the rule of law and civilian government, and strict adherence with international human rights." East Timorese and Indonesian NGOs have repeatedly urged maintaining restrictions on military engagement. Congress should heed their call.

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