

Congress of the United States
Washington, DC 20515

May 13, 2010

The Honorable Hillary Rodham Clinton
Secretary
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

The Honorable Robert M. Gates
Secretary
U.S. Department of Defense
Room 3E880, The Pentagon
Washington, D.C. 20301-1000

Dear Madam Secretary and Mr. Secretary:

We welcome the Obama Administration's commitment to broaden U.S. engagement in Southeast Asia. The President's upcoming trip to Indonesia is a positive step in strengthening our ties with a key ally and the largest Muslim-majority country in the world. We also appreciate the long-term U.S. interest in engaging with all elements of the Indonesian military. However, we do have serious concerns with the Administration's intention to reengage with Unit 81 of the Indonesian Special Forces, known as Kopassus.

Our concerns relate to the Indonesian military's willingness to cooperate with the United States and Indonesian civilian justice institutions in permanently removing human rights violators from military ranks and in holding senior officers accountable for past abuses. In addition, there are questions about the effectiveness of the vetting process. We understand that discussions with the government of Indonesia have been ongoing and that the Administration is working to resolve these issues before President Obama and President Yudhoyono sign a U.S.-Indonesia Comprehensive Partnership Agreement. However, we are not aware of any significant progress in those discussions.

We understand that the Administration presented the government of Indonesia with certain conditions before a "phased engagement" with Unit 81 can proceed. Information provided by Embassy Jakarta indicates that one of the reported preconditions has already been met – namely, a "public" renunciation by Defense Minister Purnomo Yusgiantoro of past abuses and enumeration of structural reforms still to be enacted to enhance civilian control of the military. Apparently, a *Jakarta Post* article from March 22, 2010, entitled, "TNI reforms and respect for rights have come a long way," was deemed to have met the reported precondition. However, the Minister's comments were notable for failing to address the issue of past abuses, and the *Jakarta Post* is written in English and read by only two percent of Indonesia's population.

A subsequent *Jakarta Post* article from April 16, 2010, entitled "Kopassus chief asks public to forget its dark past at anniversary celebration," suggests that Kopassus is not ready to take full responsibility for its past. The article quotes Kopassus Major General Lodewijk Paulus, who said the allegations of past rights violations were a "psychological burden" to Kopassus and that the public should "no longer associate" Kopassus with past abuses. We understand similar comments have been made by other TNI officials. Such comments seriously undermine the claim that Kopassus accepts the principle of accountability and is committed to regaining the public's trust and embracing reform.

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We would appreciate knowing the specific steps the government of Indonesia, the TNI leadership, and Kopassus have been asked to take prior to engaging with Unit 81. Does the TNI agree to cooperate with civilian investigations and prosecutions of past as well as any future crimes? Which individuals who have been credibly alleged to have violated human rights have you asked to be removed from Kopassus, and how were those individuals identified? Will they be prosecuted? Did you insist that those convicted of abuses be removed from the military entirely, or simply from Kopassus?

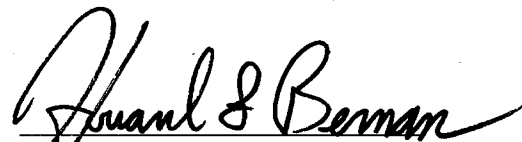
We believe a reliable vetting process is critical for identifying Kopassus officials who have violated human rights. Will the commander of Unit 81 and each member of the Unit be vetted and deemed to have a clean record in order for U.S. training to proceed, and how?

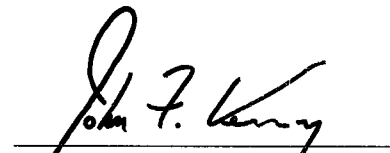
Additionally, given the lack of credibility of the military justice system, we believe the transfer of jurisdiction over human rights crimes committed by members of the military to civilian courts should be a pre-condition for engagement with Kopassus. We understand there is currently legislation in the Indonesian Parliament that seeks to do this. The United States should support this effort toward judicial independence, and assurances are needed that credibly alleged violations of human rights will be investigated by civilian authorities with TNI's cooperation. We would also appreciate knowing if it has been conveyed in writing to the government of Indonesia that, should it fail to fulfill the requirements and obligations set out for this "phased engagement," any funding would be suspended.

Finally, we believe that prior consultation with Congress before engagement with Kopassus and an annual review would be necessary to ensure that our assistance meets the requirements of U.S. law and fulfills our broader interests.

We look forward to discussing this with you as we develop closer relations with Indonesia consistent with our commitment to accountability and the rule of law.

Sincerely,

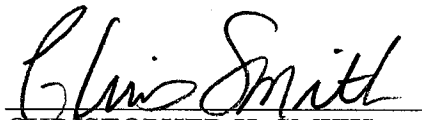

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U.S. House of Representatives


JOHN F. KERRY
United States Senate



NITA LOWEY
U.S. House of Representatives



PATRICK J. LEAHY
United States Senate

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U.S. House of Representatives

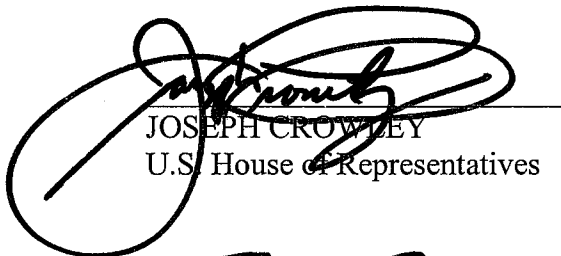

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