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ACTION H-01

INFO LOG-00 DS-00 EAP-01 EB-00 EUR-01 TEDE-00 INR-00  
IO-00 ADS-00 OIC-02 SS-00 DSCC-00 SAS-00 /005W  
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R 290706Z MAY 98  
FM AMEMBASSY JAKARTA  
TO SECSTATE WASHDC 1829  
INFO ASEAN COLLECTIVE  
AMEMBASSY TOKYO  
AMEMBASSY CANBERRA  
USMISSION GENEVA  
AMEMBASSY ROME  
AMEMBASSY LISBON  
USMISSION USUN NEW YORK  
USCINCPAC HONOLULU HI  
AMCONSUL SURABAYA

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 002977

ROME FOR THE VATICAN  
CINCPAC FOR FPA TEARE  
STATE FOR EAP/PIMBS, EB/OMA/ AND INR/IL

E.O. 12958: DECL: 5/29/2008  
TAGS: PHUM, SCUL, PGOV, SOCI, PINR, ID  
SUBJECT: CODEL SMITH MEETS WITH HUMAN RIGHTS COMMISSION VICE  
- CHAIRMAN MARZUKI DARUSMAN

1. (U) CLASSIFIED BY POLCOUNS ED MCWILLIAMS, REASON: 1.5(D).  
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2. (U) SUMMARY: HUMAN RIGHTS COMMISSION VICE CHAIRMAN MARZUKI DARUSMAN TOLD CODEL SMITH ON MAY 25 THAT THE ARMED FORCES HAD SO FAR ISSUED ONLY PARTIAL ANNOUNCEMENTS OF IT FINDINGS REGARDING THE MAY 12 SHOOTINGS OF TRISAKTI STUDENTS, AND THAT THERE APPEARED TO BE A SPLIT BETWEEN THE MILITARY AND POLICE OVER WHO WAS RESPONSIBLE FOR THE SHOOTINGS. HE ALSO EMPHASIZED THAT THE ISSUE OF DISAPPEARANCES HAD NOT BEEN RESOLVED, AS FIVE OF THE GROUP OF TWELVE THAT HAD DISAPPEARED AT AROUND THE SAME TIME REMAINED UNACCOUNTED FOR. BOTH THE HUMAN RIGHTS COMMISSION AND THE ARMED FORCES INVESTIGATING TEAM HAD FOUND THAT LASER EQUIPPED RIFLES WERE USED IN THE SHOOTINGS, SAID MARZUKI, AND HE NOTED THAT THE SPECIAL FORCES (KOPASSUS) HAD THIS TYPE OF EQUIPMENT, WHILE THE POLICE DID NOT. MARZUKI BELIEVED THAT THE NEW GOVERNMENT WAS MOVING TOO SLOWLY ON THE ISSUE OF POLITICAL PRISONERS, AND DID NOT SEEM TO BE PREPARED TO CARRY OUT AN ALL OUT RELEASE. HE CALLED EAST TIMORESE RESISTANCE LEADER XANANA GUSMAO, REGARDED AS A COMMON CRIMINAL BY THE GOI, "A POLITICAL PRISONER, FULL STOP" WHO SHOULD BE RELEASED ALONG WITH OTHER POLITICAL PRISONERS, AND ARGUED THAT THE THOSE STILL IMPRISONED FROM THE 1965 ATTEMPTED COUP SHOULD BE RELEASED ON HUMANITARIAN GROUNDS. MARZUKI SAID THAT THE "LANGUAGE AND DISCOURSE" ON HUMAN RIGHTS IN INDONESIA WAS PICKING UP, BUT THAT THERE WAS A "MISMATCH BETWEEN WHAT WAS BEING PROFESSED AND WHAT WAS BEING DONE" BY THE GOVERNMENT TO PROMOTE HUMAN RIGHTS. END SUMMARY INVESTIGATION INTO TRISAKTI SHOOTINGS AND DISAPPEARANCES

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3. (C) HUMAN RIGHTS COMMISSION VICE CHAIRMAN MARZUKI DARUSMAN, DURING A MEETING WITH CODEL SMITH (CONGRESSMAN SMITH AND SENIOR STAFFER GROVER JOSEPH REES) ON MAY 25, QUESTIONED WHY THE MILITARY WAS MAKING PARTIAL ANNOUNCEMENTS OF ITS FINDINGS ON THE

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TRISAKTI SHOOTINGS. HE REFERRED TO THE FACT THAT ARMED FORCES COMMANDER WIRANTO HAD SAID THAT MORNING THAT THE INVESTIGATION HAD REACHED A STAGE WHERE HE COULD ANNOUNCE THAT MILITARY ELEMENTS WERE INVOLVED, BUT DID NOT PROVIDE MUCH ELABORATION. (NOTE: ACCORDING TO LOCAL PRESS REPORTING, WIRANTO SAID THAT 14 ARMED FORCES PERSONNEL WERE IMPLICATED IN THE TRISAKTI SHOOTINGS, AND EIGHT WERE PRIMARY SUSPECTS. HE ALSO SAID THAT "A FEW MEMBERS FROM ANOTHER UNIT" WERE FOUND TO HAVE BEEN TAKING NONPROCEDURAL AND UNDISCIPLINED ACTION DURING THE INCIDENT. END

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NOTE.) MARZUKI COMMENTED THAT THE INVESTIGATING TEAM FORMED BY THE ARMED FORCES "SEEMED TO KNOW WHAT IT WAS DOING" AND TO BE "DETERMINED TO GET TO THE BOTTOM OF THE SHOOTINGS," AND THAT ALL MEMBERS OF THE ARMED FORCES TEAM HAD GOOD REPUTATIONS.

4. (C) MARZUKI WAS ALSO CONCERNED THAT THERE APPEARED TO BE A DIVERGENCE OF VIEWS BETWEEN THE POLICE AND MILITARY AS TO WHO WAS INVOLVED IN THE SHOOTINGS. THE POLICE HAD TOLD THE COMMISSION THEY WERE NOT IMPLICATED, WHEREAS OTHER AUTHORITIES (HE DID NOT SPECIFY WHOM) WERE SAYING IT WAS THE POLICE. HE SAID THAT BOTH THE ARMED FORCES AND HUMAN RIGHTS COMMISSION INVESTIGATORS FOUND THAT LASER EQUIPPED RIFLES HAD BEEN USED IN THE TRISAKTI SHOOTINGS. HE CONTENDED THAT THE SPECIAL FORCES (KOPASSUS) HAD THIS TYPE OF EQUIPMENT, AND THE POLICE DID NOT. HE SAID THAT THE HUMAN RIGHTS COMMISSION WOULD RELEASE THE RESULTS OF ITS INVESTIGATION INTO THE TRISAKTI SHOOTING BY THE END OF THE WEEK. (NOTE: ON MAY 27 THE COMMISSION ANNOUNCED THAT IT HAD RECEIVED STRONG INDICATIONS THAT THE POLICE DID NOT USE LIVE AMMUNITION. END NOTE.)

5. (C) MARZUKI WORRIED THAT GIVEN THE RECENT ATTENTION FOCUSED ON THE TRISAKTI SHOOTINGS, THE ARMED FORCES COMMISSION

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INVESTIGATING THE SHOOTINGS AND THE DISAPPEARANCES WAS NOW FOCUSING MOSTLY ON THE FORMER. HE EMPHASIZED THAT OF THE 12 MISSING, FIVE REMAINED UNACCOUNTED FOR. HE EXPRESSED THE BELIEF THAT THE DISAPPEARANCES AND THE SHOOTINGS HAD THE COMMON ELEMENT OF "BEING ORGANIZED" AND WERE LIKELY RELATED.

POLITICAL PRISONERS: "XANANA IS A POLITICAL PRISONER, FULL STOP"

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6. (C) MARZUKI SAID THAT THE NEW GOVERNMENT WAS MOVING TOO SLOWLY ON THE ISSUE OF POLITICAL PRISONERS AND DID NOT SEEM PREPARED TO ENGAGE IN AN ALL OUT RELEASE. IT WAS GETTING OFF TO A WEAK START BY RELEASING ONLY TWO, MUCHTAR PAKPAHAN AND SRI BINTANG PAMUNGKAS, AND THEN ANNOUNCING THAT THE REST WOULD BE CONSIDERED ON A CASE BY CASE BASIS. HE ACKNOWLEDGED THAT THERE WAS NO COMPLETE AND ACCURATE LIST OF POLITICAL PRISONERS IN INDONESIA. THE COMMISSION WAS WORKING WITH A LIST OF ABOUT 70 PRISONERS SENTENCED IN "POLITICALLY RELATED" CASES. HE DIVIDED POLITICAL PRISONERS INTO THREE CATEGORIES: REFORMISTS (LIKE BINTANG AND

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PAKPAHAN), REGIONAL (EAST TIMOR, IRIAN JAYA, ACEH), AND  
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COMMUNISTS (PKI).

7. (C) MARZUKI BELIEVED THAT EAST TIMORESE RESISTANCE LEADER XANANA GUSMAO, WHO THE GOVERNMENT CALLED A COMMON CRIMINAL, WAS "A POLITICAL PRISONER, FULL STOP." HE EXPLAINED THAT XANANA WAS FIGHTING IN THE FIRST PLACE BECAUSE THE INDONESIAN GOVERNMENT HAD "MISUSED THE ARMED FORCES" IN EAST TIMOR. WHILE THE COMMISSION WOULD NOT BECOME INVOLVED IN THE POLITICAL ISSUES SURROUNDING EAST TIMOR'S FUTURE, AS THAT WAS A MATTER FOR THE INTERNATIONAL COMMUNITY TO HANDLE, MARZUKI STRONGLY BELIEVED THAT XANANA'S RELEASE WAS A PREREQUISITE FOR ANY OVERALL SOLUTION. OTHERWISE, THERE WAS NO CHANCE OF OBTAINING THE GOOD WILL OF THE TIMORESE. MARZUKI SAID THAT THOSE INDONESIAN COMMUNIST PARTY MEMBERS (PKI) STILL IN JAIL CONVICTED OF INVOLVEMENT IN THE 1965 ATTEMPTED COUP SHOULD BE RELEASED ON HUMANITARIAN GROUNDS.

NATIONAL ACTION PLAN ON HUMAN RIGHTS  
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8. (C) MARZUKI SAID THAT THE GOVERNMENT WOULD BE LAUNCHING A "NATIONAL ACTION PLAN" ON HUMAN RIGHTS, HOPEFULLY IN JUNE. THIS PLAN HAD BEEN PREPARED BY THE GOVERNMENT WITH THE COMMISSION'S ASSISTANCE. IT WOULD INVOLVE STEPS SUCH AS THE RATIFICATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, WITHIN FIVE YEARS. HE ALSO MENTIONED THAT THE INDONESIAN GOVERNMENT'S INTERNAL "BROAD GUIDELINES ON STATE POLICY," APPROVED IN MARCH, CONTAINED LANGUAGE ON HUMAN RIGHTS.

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9. (C) MARZUKI WAS ENCOURAGED THAT ALL OF THIS MEANT THAT THE "LANGUAGE AND DISCOURSE" ON HUMAN RIGHTS IN INDONESIA WAS "PICKING UP."

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10. (C) HE WAS CONCERNED, HOWEVER, THAT THERE WAS A "MISMATCH BETWEEN WHAT WAS BEING PROFESSED AND WHAT WAS BEING DONE" BY THE GOVERNMENT TO PROMOTE HUMAN RIGHTS. HE POINTED SPECIFICALLY TO THE FAILURE TO ENGAGE IN A BOLDER PROGRAM OF RELEASING POLITICAL PRISONERS (PARA. 6).

PAST CASES  
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11. (C) WHEN ASKED ABOUT THE JULY 27, 1996 VIOLENT TAKEOVER OF THE INDONESIAN DEMOCRATIC PARTY HEADQUARTERS, MARZUKI SAID THAT THE GOVERNMENT HAD NEVER FULLY RESPONDED TO THE COMMISSION'S REPORT ON THIS EVENT. THOSE MEGAWATI SUPPORTERS TRIED FOR DEFENDING THE HEADQUARTERS HAD BEEN SENTENCED TO TIME SERVED AND THEN RELEASED. THE ISSUE OF THOSE MISSING AFTER THE TAKEOVER HAD NEVER BEEN RESOLVED. THE NUMBER OF UNACCOUNTED FOR HAD DROPPED TO SIXTEEN, AND THAT LIST WAS INTEGRATED INTO THE NORMAL MISSING PERSONS LIST KEPT BY THE POLICE.

12. (C) WHEN ASKED ABOUT THE OFFICIAL INVESTIGATION INTO THE 1991 DILI MASSACRE, HE SAID THAT THE OFFICIAL NUMBER OF 56 UNACCOUNTED FOR HAD NOT CHANGED, AS FAR AS HE WAS AWARE. ROY

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