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B1, 1.4(D)

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ACTION H-01INFO LOG-00 DS-00 EAP-01 EUR-01 TEDE-00 IO-00 ADS-00
OIC-02 SS-00 DSCC-00 SAS-00 /005W
-----428AE2 280453Z /38O 280448Z MAY 98
FM AMEMBASSY JAKARTA
TO SECSTATE WASHDC IMMEDIATE 1801
INFO DEPTTREAS WASHDC
ASSOCIATION OF SOUTHEAST ASIAN NATIONS
AMEMBASSY CANBERRA
AMEMBASSY ROME
AMEMBASSY THE HAGUE
USMISSION GENEVA
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C O N F I D E N T I A L SECTION 01 OF 03 JAKARTA 002950

ROME FOR THE VATICAN
CINCPAC FOR FPA AMB TEAREE.O. 12958: DECL: 05/27/08
TAGS: PHUM, PGOV, MOPS, PINR, OREP, ID
SUBJECT: CODEL SMITH CALLS ON JUSTICE MINISTER MULADI

REF: JAKARTA 2903

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1. (U) CLASSIFIED BY POLITICAL COUNSELOR EDMUND MCWILLIAMS.UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: CHARLES E LAHIGUERA
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)
DECLASSIFY AFTER: 27 MAY 2023
DATE/CASE ID: 21 JUN 2006 200502473

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REASON: 1.5 (D).

2. (C) SUMMARY: CONGRESSMAN SMITH AND STAFFER REES, ACCOMPANIED BY AMBASSADOR, CALLED ON JUSTICE MINISTER MULADI MAY 27. SMITH, WHO HAD JUST VISITED POLITICAL PRISONERS IN JAKARTA'S CIPINANG PRISON, WELCOMED THE RELEASE OF SEVERAL PRISONERS AND THE PLAN TO RELEASE MORE. HE URGED THAT THE RELEASES BE BASED ON PRINCIPLES AND NOT CATEGORIES. MULADI EXPLAINED THAT THE GOVERNMENT HAD FORMED A COMMITTEE TO CONSIDER ALL RELEASES, BUT THAT CERTAIN CATEGORIES HAD TO BE EXCLUDED. MULADI ALSO SAID THAT THE MILITARY HAD VETO POWER FOR ANY PRISONER PROPOSED FOR RELEASE. RELEASES WOULD PROCEED, "STEP BY STEP," BUT "AS SOON AS POSSIBLE." SMITH ALSO RAISED OTHER HUMAN RIGHTS CONCERNS INCLUDING TORTURE, USE OF THE ANTI-SUBVERSION LAW, REPORTS OF MILITARY REPRESSION IN IRIAN JAYA, RELEASE OF EAST TIMORESE LEADER XANANA GUSMAO, MILITARY ACCOUNTABILITY AND DISAPPEARANCE CASES. THE MINISTER RAISED INDONESIA'S DIRE ECONOMIC SITUATION AND SOUGHT US SUPPORT. THE AMBASSADOR NOTED POSSIBLE US TECHNICAL ASSISTANCE IN PREPARING REFORM LEGISLATION IN A VARIETY OF FIELDS. END SUMMARY

3. (U) CODEL SMITH (CONGRESSMAN CHRISTOPHER SMITH AND SENIOR STAFFER JOSEPH REES), ACCOMPANIED BY THE AMBASSADOR AND POLCOUNS (NOTETAKER), CALLED ON JUSTICE MINISTER MULADI MAY 27. THE MINISTER WAS ACCOMPANIED BY ERMAN RAJAGUGUK, DIRECTOR GENERAL FOR LAW AND LEGISLATION AND ROMLI ATMASASMITA, CHAIRMAN OF THE COUNCIL OF EXPERTS IN THE MINISTRY.

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4. (C) CONGRESSMAN SMITH BEGAN BY EXPRESSING APPRECIATION TO THE MINISTER FOR FACILITATING HIS VISIT TO CIPINANG PRISON EARLIER IN THE DAY (SEPTEL) WHERE HE MET MANY POLITICAL PRISONERS. MINISTER MULADI SAID THAT HE HAD JUST MET WITH FAMILIES OF POLITICAL PRISONERS AND THAT THE GOVERNMENT WAS ACTIVELY CONSIDERING RELEASE FOR MANY SUCH PRISONERS. HE ADDED THAT HE WAS NOT ABLE TO MAKE RELEASE DECISIONS ON HIS OWN AUTHORITY. DECISIONS WERE REVIEWED BY THE MILITARY AND BY OTHER CABINET MINISTERS. IN RESPONSE TO SMITH'S QUESTION, THE MINISTER CLARIFIED THAT WHILE DECISIONS DID NOT REQUIRE UNANIMITY, IF THE MILITARY OBJECTED, THEN A PRISONER

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COULD NOT BE RELEASED.

5. (C) MULADI EXPLAINED THAT THERE WAS A PROCESS OF CATEGORIZATION OF POLITICAL PRISONERS, WITH SOME PRISONERS, SUCH AS THOSE ASSOCIATED WITH THE INDONESIAN COMMUNIST PARTY (PKI) AND THE 1965 COUP, NOT TO BE INCLUDED AMONG RELEASEES. MULADI SAID THAT INDONESIA WAS STILL TRAUMATIZED BY ITS EXPERIENCE WITH COMMUNISM AND THAT THEREFORE THERE COULD NOT BE RELEASES FROM THIS CATEGORY. SMITH POINTED OUT THAT THESE PRISONERS WERE IN THEIR SEVENTIES AND EIGHTIES AND ASKED IF IT WOULD NOT BE POSSIBLE TO CONSIDER THEIR RELEASE ON A HUMANITARIAN BASIS. MULADI RESPONDED THAT THE COORDINATING MINISTER FOR POLITICAL AFFAIRS AND SECURITY (FEISAL TANJUNG) HAD ALREADY SENT A LETTER TO FOREIGN MINISTER ALATAS (WHO ALSO IS ON THE DECISION-MAKING COMMITTEE ON RELEASES) TO PROPOSE A CATEGORY BE ADDED THAT WOULD TAKE INTO ACCOUNT AGE AND ILL HEALTH. MULADI SAID THAT THE RELEASE-DECISION COMMITTEE WOULD MEET NEXT WEEK TO CONSIDER RELEASE OF OLD OR INFIRM PRISONERS, "INCLUDING COMMUNISTS." HE SPECULATED THAT THERE MIGHT BE FIVE INDIVIDUALS IN THIS CATEGORY.

6. (C) MULADI SAID THE GOI WOULD RELEASE PRISONERS "STEP-BY-STEP."
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IN ADDITION TO MEMBERS OF THE FORMER COMMUNIST PARTY, RELEASEES COULD NOT BE DRAWN FROM THE RANKS OF ANYONE SEEKING TO CHANGE THE STATE IDEOLOGY OF PANCASILA AND OR ANYONE WHO HAD BEEN INVOLVED IN GENERAL CRIMINAL OFFENSES. ON THE BASIS OF THESE CRITERIA, MULADI SAID HE HAD ASKED HIS STAFF TO IDENTIFY ELIGIBLE POLITICAL PRISONERS FROM ALL OVER INDONESIA. HE SAID THAT AN ADDITIONAL FIVE WOULD BE RELEASED "IN THE NEXT FEW DAYS." THERE WOULD ALSO BE BETWEEN FIVE AND TEN EAST TIMORESE PRISONERS RELEASED. THESE HAD ONLY BEEN INVOLVED IN DEMONSTRATIONS. RELEASE OF EAST TIMORESE INVOLVED IN RESISTANCE WOULD HAVE TO BE DISCUSSED WITH THE ARMED FORCES.

7. (C) SMITH PROPOSED TO MULADI THAT, RATHER THAN DEAL WITH CATEGORIES, THE GOI TREAT THE ISSUE AS ONE OF RECONCILIATION. BY HOLDING SOME BACK, CERTAIN PRISONERS COULD DRAW THE INTEREST OF THE INTERNATIONAL COMMUNITY (AS MARTYRS). ON THE OTHER HAND, FOR THE MOMENT, SMITH NOTED, MANY INTERNATIONAL OBSERVERS, WERE "VERY OPTIMISTIC." HE ADDED THAT HE HAD SEEN FOR HIMSELF THAT THE DOOR IS NOW OPEN TO CHANGE AND THAT THIS CONSTITUTED A VERY POSITIVE

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MESSAGE FOR THE INTERNATIONAL COMMUNITY -- AND, MORE IMPORTANTLY,
FOR INDONESIAN CITIZENS.

OTHER HUMAN RIGHTS CONCERNS

8. (C) TOUCHING ON THE ISSUE OF EAST TIMOR, MULADI SAID THAT CONSIDERATION WAS BEING GIVEN TO A "SPECIAL STATUS" FOR EAST TIMOR WHICH WOULD BE SIMILAR TO THAT ACCORDED THE CITIES OF JOGJAKARTA AND JAKARTA. HE ADDED THAT THE CONCEPT WOULD BE DISCUSSED AT SENIOR LEVELS NEXT WEEK.

9. (C) SMITH INFORMED MULADI THAT IN HIS MEETING WITH PRESIDENT HABIBIE EARLIER IN THE DAY, THE PRESIDENT HAD SAID THAT THE GOI WOULD SIGN AND RATIFY THE ANTI-TORTURE CONVENTION. IN RESPONSE TO SMITH'S QUESTION OF HOW THE RATIFICATION WOULD BE TRANSLATED INTO INSTRUCTIONS FOR INDIVIDUAL ARMY TROOPS AND POLICE, MULADI SAID THIS WOULD BE PART OF A NATIONAL PLAN TO DEFEND HUMAN RIGHTS AS A MATTER OF PRIORITY. ADDITIONAL ELEMENTS OF THIS ACTION PLAN WOULD INVOLVE CHANGES IN KEY POLITICAL LAWS TO INCLUDE (IN ADDITION TO OUTLAWING TORTURE) PROTECTION OF CIVIL POLITICAL RIGHTS AND PROHIBITIONS ON DISAPPEARANCES.

10. (C) RESPONDING TO SMITH'S QUESTION ABOUT THE ANTI-SUBVERSION LAW, MULADI SAID THAT REVISION OF THIS LAW WOULD BE DEALT WITH IN THE VERY NEAR FUTURE IN THE CONTEXT OF A NUMBER OF POLITICAL AREAS, SUCH AS THE POLITICAL PARTIES LAW AND THE STRUCTURING OF THE MPR AND PARLIAMENT. IN THE MEANTIME, MULADI SAID HE HAD ASKED ALL JUDGES AND PROSECUTORS TO CEASE USING THIS LAW. THIS AMOUNTED TO A "DE-FACTO" END OF THE WIDELY UNPOPULAR LAW WHOSE VAGUE PROVISIONS

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HAVE MADE IT A LEGAL TOOL OF CHOICE FOR PROSECUTION OF MANY
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PROMINENT POLITICAL DISSENTERS. NOTE: MULADI'S REMARKS TO THIS
EFFECT WERE CARRIED IN THE PRESS.)

11. (C) IN RESPONSE TO THE CONGRESSMAN'S QUESTION ABOUT THE LEGAL
PROCESS FOR MEMBERS OF THE ARMED FORCES ACCUSED OF VIOLATING THE
RIGHTS OF CIVILIANS, MULADI EXPLAINED THAT SUCH CASES ARE HANDLED
IN MILITARY COURTS. WITH REGARD TO THE MILITARY'S REPORT ON THE
SHOOTING DEATHS OF FOUR STUDENTS AT TRISAKTI UNIVERSITY MAY 19,
MULADI SAID THAT THE ABRI REPORT IS EXPECTED SHORTLY. IN RESPONSE
TO SMITH'S OBSERVATION THAT THE INDONESIAN HUMAN RIGHTS COMMISSION
HAD EXPRESSED DISAPPOINTMENT THAT THE REPORT APPARENTLY TARGETED
ONLY POLICE (NOT ARMY) PERSONNEL, MULADI EXPRESSED THE PERSONAL
VIEW THAT THE REPORT WOULD BE ACCURATE.

12. (C) SMITH THEN TURNED TO IRIAN JAYA, RECALLING THAT HE HAD
BEEN TOLD IN ONE MEETING THAT PORTIONS OF THAT PROVINCE HAD BEEN
CLOSED OFF BY THE MILITARY AND THAT MILITARY OPERATIONS IN THE AREA
WERE CAUSING SUBSTANTIAL HUMAN RIGHTS ABUSE. IT APPEARED THE
MILITARY WAS ACTING WITH IMPUNITY -- WHAT COULD BE DONE? MULADI
RESPONDED GENERALLY THAT HUMAN RIGHTS WERE NOW A MATTER OF NATIONAL
PRIORITY IN ALL OF INDONESIA, INCLUDING IRIAN JAYA. THE MILITARY
WAS ATTEMPTING TO INSTILL RESPECT FOR HUMAN RIGHTS IN ITS
PERSONNEL. SUCH MATTERS (AS THE IRIAN JAYA SITUATION) WERE ALSO A
SUBJECT FOR THE INDONESIAN HUMAN RIGHTS COMMISSION TO DEAL WITH
(THE COMMISSION, ON MAY 25, RECEIVED THE SAME REPORT THE
CONGRESSMAN WAS GIVEN MAY 26.)

13. (C) STAFFER REES ENQUIRED ABOUT THE STATUS OF A NUMBER OF
PEOPLE WHO WERE STILL MISSING, SOME OF WHOM HAD BEEN REPORTEDLY
SEEN BY RECENTLY RELEASED DISAPPEARANCE VICTIMS DURING THEIR
INCARCERATION. MULADI AGAIN REFERRED TO THE ON-GOING ABRI

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INVESTIGATION AND CALLED FOR PATIENCE UNTIL THE REPORT WAS ISSUED.

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THE ECONOMIC SITUATION

14. (C) MULADI ADDED THAT IN ADDITION TO THE PROBLEM OF POLITICAL PRISONERS, THE GOI WAS ALSO DEALING WITH THE MAJOR ECONOMIC PROBLEM.

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HE EMPHASIZED THAT THERE WAS ALREADY STRONG POLITICAL WILL "TO DO THE RIGHT THING." SMITH RESPONDED THAT THE GOI HAD SENT A CLEAR AND STRONG MESSAGE BY PLEDGING TO RELEASE PRISONERS.

15. (C) MULADI CONTINUED THAT HIS MINISTRY WAS ALSO DEEPLY INVOLVED IN DEVELOPING NEW ECONOMIC LAWS, ALL TO BE READY BY THE END OF THE YEAR. THESE INCLUDED NEW LAWS DEALING WITH BANKRUPTCY, COMPETITION, INVESTMENT, ANTI-MONOPOLY LEGISLATION AND CONSUMER PROTECTION MEASURES. THIS WAS IN ADDITION TO MINISTRY WORK TO

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PREPARE NEW POLITICAL LAWS, INCLUDING A NEW GENERAL ELECTION LAW.
THIS AMOUNTED TO A "REVOLUTION, NOT SIMPLY REFORM." THE AMBASSADOR
NOTED THAT THE US WOULD BE INTERESTED IN ASSISTING THE MINISTRY IF
THERE WERE NEEDS FOR EXPERTISE IN ANY OF THESE FIELDS. HE ADDED
THAT AID ADMINISTRATOR ATWOOD WOULD BE COMING TO JAKARTA IN THE
FIRST WEEK OF JUNE, AFFORDING AN OPPORTUNITY TO DISCUSS HOW THE USG
COULD ASSIST IN PROVISION OF TECHNICAL EXPERTISE. MULADI SAID THAT
HIS MINISTRY WAS ALREADY FAMILIAR WITH THE USEFUL ELIPSE PROGRAM
FUNDED BY AID.

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A NEW DAY DAWNING

16. (C) SMITH CONCLUDED THAT BASED ON HIS MANY MEETINGS IN JAKARTA, HE HAD TOLD THE PRESS THAT HE WAS OPTIMISTIC AND THAT HE BELIEVED A "NEW DAY WAS DAWNING." HE EMPHASIZED THE VALUE TO INDONESIA OF ACTIONS WHICH WOULD BE PERCEIVED BY THE INTERNATIONAL COMMUNITY AS "GENEROUS," AND THAT THE GOI SHOULD ERR ON THE SIDE OF INCLUSIVENESS IN CONSIDERING WHETHER TO RELEASE CERTAIN PRISONERS. HE ADDED THAT MANY INDONESIANS SEE EAST TIMORESE RESISTANCE LEADER XANANA GUSMAO AS A POLITICAL PRISONER.

17. (C) MULADI SAID THAT HE ESSENTIALLY AGREED, BUT THAT AS A PLURALISTIC SOCIETY, INDONESIA HAD TO PROGRESS SLOWLY, STEP BY STEP. NONETHELESS, JUST AS INDONESIA NEEDED ECONOMIC HELP AS SOON AS POSSIBLE, SO WAS IT ALSO PREPARED TO UNDERTAKE KEY POLITICAL AND HUMAN RIGHTS REFORMS AS SOON AS POSSIBLE.
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