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PTQ7681

RELEASED IN FULL

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ACTION EAP-01

INFO	LOG-00	ACDA-08	ACDE-00	AID-00	AMAD-01	ACQ-01	CIAE-00
	SMEC-00	DINT-00	DOEE-00	SRPP-00	DS-00	EB-00	FBIE-00
	H-01	IM-01	TEDE-00	INR-00	IO-00	LAB-01	L-01
	ADS-00	DCP-01	NSAE-00	NSCE-00	OIC-02	OMB-01	OPIC-01
	PA-00	PM-00	PRS-00	P-00	SP-00	STR-00	TRSE-00
	T-00	USIE-00	SGHD-00	PMB-00	DSCC-00	PRM-01	DRL-04
	G-00	NFAT-00	SAS-00	/025W			

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R 131027Z AUG 98
FM AMEMBASSY JAKARTA
TO SECSTATE WASHDC 3092
INFO ASSOCIATION OF SOUTHEAST ASIAN NATIONS
AMEMBASSY CANBERRA
AMEMBASSY PORT MORESBY
USMISSION GENEVA
SECDEF WASHDC
DIA WASHDC
USCINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 004329

CINCPAC FOR FPA AMB SALMON

E.O. 12356: DECL: 8/13/08
TAGS: PHUM, PGOV, PINR, PREL, ID
SUBJECT: HUMAN RIGHTS COMMISSION CALLS FOR REVIEW OF
NATIONAL SECURITY DOCTRINE TO DEAL WITH SYSTEMIC ABUSES
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1. (U) CLASSIFIED BY POLITICAL COUNSELOR EDMUND MCWILLIAMS.
REASON: 1.5 (D)
2. (SBU) SUMMARY: THE HUMAN RIGHTS COMMISSION HAS ISSUED A STATEMENT CALLING ON THE GOVERNMENT TO ADDRESS THE RECENT CASES OF ABRI ABUSE OF HUMAN RIGHTS IN A SYSTEMATIC, RATHER THAN A CASE-BY-CASE MANNER. A MEMBER OF THE COMMISSION ELABORATED TO US THE COMMISSION VIEW THAT ABRI ABUSE OF HUMAN RIGHTS WAS CONTINUING, NOTWITHSTANDING PUBLIC CONDEMNATION AND ON-GOING INVESTIGATIONS. HE ALSO NOTED THAT ABRI CREDIBILITY WAS ERODING AS CASE AFTER CASE CAME TO LIGHT. THEREFORE THE ABUSE HAD TO BE ADDRESSED AS A SYSTEMIC PROBLEM. THE COMMISSION IS CONTINUING WITH ITS OWN INVESTIGATION OF ABUSES IN ACEH, IRIAN JAYA AND EAST

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TIMOR. IT HAS INSISTED THAT THE GOVERNMENT PURSUE INVESTIGATIONS OF THE MAY RIOTS AND RAPES AND OPPOSES THE GOVERNMENT'S NEW DECREE LIMITING PEACEFUL DEMONSTRATIONS. THE COMMISSION HAS ALSO REITERATED ITS INSISTENCE THAT THE GOVERNMENT DEAL JUSTLY WITH THE MEGAWATI FACTION OF THE INDONESIAN DEMOCRATIC PARTY -- BY WITHDRAWING ITS SUPPORT OF THE RIVAL SURJADI FACTION. THE COMMISSION MEMBER LAMENTED THE MILITARY COURT DECISION WHICH FOUND TWO JUNIOR POLICE OFFICERS GUILTY IN THE KILLING OF FOUR STUDENTS. HE ARGUED THAT, TO MANY, THE TWO APPEARED TO BE SCAPEGOATS FOR THE MILITARY. END SUMMARY

3. (U) THE HUMAN RIGHTS COMMISSION ISSUED A STATEMENT AUGUST 12 WHICH CALLED UPON THE GOVERNMENT TO DEVELOP A "PRINCIPLED SOLUTION" TO THE GROWING LIST OF HUMAN RIGHTS ABUSE BY ABRI NOW BEING REVEALED IN THE MEDIA. SPECIFICALLY, THE COMMISSION URGED A FORMAL REVIEW OF GOVERNMENT POLICIES RELATED TO ABRI'S NATIONAL SECURITY DOCTRINE AND OPERATIONAL TACTICS. IT SAID THAT REPEATED
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VIOLATIONS OF HUMAN RIGHTS IN IRIAN JAYA, EAST TIMOR AND ACEH, AS WELL AS THE UNRESOLVED TANJUNG PRIOK AND LAMPUNG CASES DEMONSTRATED THAT RIGHTS VIOLATIONS WERE SYSTEMATIC. THE COMMISSION EXPRESSED CONCERN, MOREOVER, THAT A CASE-BY-CASE APPROACH TO RESOLVING THESE MATTERS WOULD NOT PRECLUDE NEW CASES OF ABUSE ARISING.

4. (U) THE COMMISSION STATEMENT, READ BY COMMISSION CHAIRPERSON BERHANUDDIN LOPA, SINGLED OUT IRIAN JAYA, ACEH AND EAST TIMOR AS AREAS OF THE MOST SEVERE ABRI VIOLENCE AGAINST CIVILIANS. THE STATEMENT CONCLUDED: "THERE HAS NEVER BEEN A REVIEW OR COMPREHENSIVE SOLUTION TO THESE SYSTEMATIC HUMAN RIGHTS VIOLATIONS." WHILE WELCOMING RECENT TROOP PULLBACKS AND MISSION REVISION FOR TROOPS IN ACEH, IRIAN JAYA AND EAST TIMOR, THE COMMISSION STATED THAT LEGAL ACTION AGAINST PERPETRATORS OF THE VIOLENCE AGAINST CIVILIANS WAS REQUIRED AS WELL.

5. (U) THE COMMISSION ALSO RE-RAISED THE MATTER OF THE JULY 27, 1996 GOVERNMENT ASSAULT ON THE HEADQUARTERS OF THE INDONESIAN DEMOCRATIC PARTY (PDI) WHICH WAS DEFENDED BY PDI CADRE LOYAL TO MEGAWATI SOEKARNOPUTRI. THE STATEMENT NOTED THAT THE COMMISSION'S OCTOBER 1996 RECOMMENDATIONS HAD NOT RECEIVED A GOI RESPONSE. THE COMMISSION CALLED ON THE GOVERNMENT TO WITHDRAW ITS SUPPORT FOR THE UP-TO-NOW GOVERNMENT-BACKED PDI FACTION LED BY SURJADI. THE COMMISSION ALSO WAS CRITICAL OF THE GOVERNMENT'S NEW LIMITATION ON DEMONSTRATIONS CLAIMING THAT IT SAW NO "CRITICAL CONDITION" WARRANTING SUCH A REGULATION.

6. (C) POLCOUNS MET WITH COMMISSION MEMBER CHARLES HIMAWAN TO DISCUSS THE AUGUST 12 STATEMENT AND RECENT COMMISSION ACTIVITY.

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HIMAWAN SAID THAT THE COMMISSION HAD NO SPECIFIC PLAN BY WHICH
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THE GOVERNMENT COULD ADDRESS SYSTEMATIC ABUSE OF RIGHTS BY THE
GOVERNMENT AND THE MILITARY, BUT HAD SOUGHT ONLY TO MAKE THE
POINT THAT A CASE-BY-CASE APPROACH TO ABRI ABUSES WOULD LEAD TO A
CONTINUING LOSS OF CONFIDENCE IN ABRI AMONG THE PEOPLE.
MOREOVER, AS RECENT ABRI HUMAN RIGHTS ABUSES IN IRIAN JAYA
DEMONSTRATED, SIMPLY ACCEPTING ACCOUNTABILITY IN CERTAIN CASES
WOULD NOT NECESSARILY LEAD TO A BROAD IMPROVEMENT IN "HOW ABRI
DEALS WITH THE PEOPLE." HIMAWAN ALSO SPECULATED THAT IF WIRANTO
WERE COMPELLED TO PRESS FORWARD WITH AN ENDLESS LIST OF
INVESTIGATIONS, HE WOULD ENCOUNTER GROWING OPPOSITION TO THAT
PROCESS AND TO HIS OWN LEADERSHIP WITHIN THE MILITARY. (AS AN
ASIDE, HE REPEATED A WIDELY HEARD RUMOR THAT WIRANTO MIGHT BE
TAPPED BY HABIBIE TO BE HIS VICE PRESIDENT AT THE NOVEMBER
SESSION OF THE PEOPLE'S CONSULTATIVE ASSEMBLY.)

7. (C) HIMAWAN ALSO QUESTIONED GOVERNMENT COMMITMENT TO PROCEED
WITH INVESTIGATIONS. "THEY (THE GOVERNMENT) TRIED TO SAY THAT
THE KIDNAPPING CASE WOULD BE ENOUGH BECAUSE IT WOULD GET RID OF
PRABOWO." "WE REMINDED THEM," ADDED HIMAWAN, "THAT THEY HAD TO
DO SOMETHING ABOUT THE RIOTING AND RAPING TOO." HIMAWAN ALSO
CLAIMED THAT THE INVESTIGATIONS COULD NOT BE COMPLETED UNLESS
FORMER JAKARTA GARRISON CHIEF (AND PRABOWO ALLY) GENERAL SYAFRI
SAMSUDDIN WERE ALSO INVESTIGATED -- ESPECIALLY FOR THE JAKARTA
RIOTS WHICH TOOK PLACE ON HIS WATCH AS JAKARTA AREA COMMANDER.

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HIMAWAN SAID, HOWEVER, THAT HE HAD ADVISED SINO-INDONESIANS AND OVERSEAS CHINESE COMMUNITIES, THAT IN ORDER TO AVOID AN ISLAMIC BACKLASH, THE RIOT-RAPE MATTER SHOULD BE PRESENTED AS A VIOLATION OF HUMAN RIGHTS AND NOT AS AN ANTI-CHINESE ATTACK. HE ASSESSED THAT THE INVOLVEMENT OF NON-CHINESE, SUCH AS FATHER ROMO SANDYAWAN, IN THE INVESTIGATION WAS OF PARTICULAR VALUE IN STAVING OFF SUCH A BACKLASH.

8. (C) HIMAWAN SAID THAT THE HUMAN RIGHTS COMMISSION NOW HAS A COMMITTEE COMPRISING FIVE COMMISSION MEMBERS WHICH HAS RESPONSIBILITY FOR DEVELOPING INTERNAL COMMISSION REPORTS ON HUMAN RIGHTS ABUSE IN ACEH, EAST TIMOR AND IN IRIAN JAYA. THE COMMISSION IS ALSO CONCERNED ABOUT THE RECENT PRESIDENTIAL DECREE LIMITING THE RIGHT TO ASSEMBLY (THE NEW DECREE LIMITING DEMONSTRATIONS). HIMAWAN NOTED THAT THE COMMISSION WOULD BE MEETING WITH THE SUPREME ADVISORY COUNCIL AND A NUMBER OF MINISTERS LATER AUGUST 13 TO PROTEST THE DECREE AND THE FACT THAT IT WAS ISSUED AS A DECREE RATHER THAN SENT TO PARLIAMENT FOR CONSIDERATION AS A LAW.

(SEPARATELY, A MEMBER OF THE SUPREME ADVISORY COUNCIL ON AUGUST 13 CONFIRMED THAT THERE WOULD BE DISCUSSION OF THE DECREE AS WELL AS OF DEVELOPMENTS IN ACEH AND IRIAN JAYA INVOLVING THE COUNCIL, THE HUMAN RIGHTS COMMISSION AND A NUMBER OF MINISTERS. THE COUNCIL MEMBER SAID THAT IN HIS VIEW THE REASON THE DECREE WAS ISSUED WAS THAT "THE PARLIAMENT WOULD NOT HAVE AGREED TO PASS IT AS A LAW.")

9. (C) HIMAWAN LAMENTED THE MILITARY COURT DECISION, ANNOUNCED AUGUST 12, FINDING TWO JUNIOR POLICE OFFICERS GUILTY IN THE TRISAKTI STUDENT MURDER TRIAL. ALTHOUGH THE SENTENCES WERE LIGHT

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(TEN MONTHS AND FOUR MONTHS IMPRISONMENT), HIMAWAN SAID, BOTH
WERE VICTIMS OF THE JUDICIAL PROCESS. THERE IS WIDESPREAD
BELIEF, HE SAID, THAT THE MILITARY, "PROBABLY KOPASSUS," WAS
INVOLVED IN THE KILLINGS. (NOTE: EIGHT MORE DEFENDANTS, ALL
POLICE, ARE SCHEDULED TO BE TRIED FOR THE TRISAKTI KILLINGS. END
NOTE) OWENS

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