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Viewing cable 08JAKARTA825, EAST TIMOR/INDONESIA FINAL REPORT HOLDS GOI

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Table with 5 columns: Reference ID, Created, Released, Classification, Origin. Row 1: 08JAKARTA825, 2008-04-24 08:59, 2011-08-30 01:44, SECRET, Embassy Jakarta

VZCZCXRO6706 OO RUEHCHI RUEHCN RUEHDT RUEHHM DE RUEHJA #0825/01 1150859 ZNY SSSSS ZZH O 240859Z APR 08 FM AMEMBASSY JAKARTA TO RUEHC/SECSTATE WASHDC IMMEDIATE 8812 INFO RUEHXS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE RUEHBY/AMEMBASSY CANBERRA PRIORITY 2394 RUEHKO/AMEMBASSY TOKYO PRIORITY 1874 RUEHWL/AMEMBASSY WELLINGTON PRIORITY 2578 RUEHLI/AMEMBASSY LISBON PRIORITY 2988 RUEHBJ/AMEMBASSY BEIJING PRIORITY 4978 RUEHLO/AMEMBASSY LONDON PRIORITY 0871 RUEHLM/AMEMBASSY COLOMBO PRIORITY 0987 RUEHKA/AMEMBASSY DHAKA PRIORITY 0926 RUEHBD/AMCONSUL PERTH PRIORITY 0739 RUEHHK/AMCONSUL HONG KONG PRIORITY 2625 RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY RHHJJPI/USPACOM HONOLULU HI PRIORITY RHEHNSC/NSC WASHDC PRIORITY RUEAIIA/CIA WASHDC PRIORITY

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DEPT FOR EAP, EAP/MTS, DRL/PHD, EAP/MLS, EAP/ANP, EUR/WE NSC FOR EPHU

E.O. 12958: DECL: 04/24/2018 TAGS: PREL PHUM PGOV TT ID SUBJECT: EAST TIMOR/INDONESIA FINAL REPORT HOLDS GOI INSTITUTIONS ACCOUNTABLE

REF: A. JAKARTA 672 ¶B. JAKARTA 163 ¶C. 07 JAKARTA 3339 AND PREVIOUS

Classified By: Pol/C Joseph Legend Novak, reasons 1.4 (b+d).

¶1. (S) SUMMARY: According to the Executive Summary of the Timor Leste-Indonesia Commission of Truth and Friendship (CTF)--shown to DepPol/C by an insider on April 22--the final report holds the GOI institutionally responsible for gross human rights violations in East Timor in 1999. The report cites military personnel, police and civilian authorities for contributing to the violence through cooperation with pro-integration militias.

¶2. (S) SUMMARY (Con'd): The report--key conclusions of which follow below--goes on to assert that Indonesia "bears state responsibility" for the violations. Though the report does not recommend prosecutions, helpfully the report also does not recommend amnesty for anyone. It does recommend human rights training. While falling short of holding high ranking officials or central commands responsible, the report as summarized holds institutions and their members in the field responsible in clear and powerful language. Based on our review, the report should be viewed as an honest attempt to ascribe accountability for the 1999 violations and a sincere attempt to redress the causes. END SUMMARY.

¶3. (S) A reliable source with the CTF shared the final version of the CTF Executive Summary on April 22. This Indonesian source (strictly protect) asked that all reference to the source and the fact that we saw the report be kept confidential as it has not been officially shared with either

SIPDIS of the two governments. The Executive Summary and the full text of the final report will be presented to the Presidents of the two countries within the next few days. (Note: The CTF was established in December 2004 with the mandate to establish the conclusive truth regarding the events prior to and immediately after the 1999 referendum on East Timor's independence. It has ten members, five each from Indonesia and Timor-Leste.

¶4. (S) The Summary concluded: -- "Gross human rights violations in the form of crimes against humanity did occur" and "these included murder, rape

and other forms of sexual violence, torture, illegal detention, and forcible transfer and deportation carried out against the civilian population."

-- "The Commission concluded that there was institutional responsibility for these violations." The Summary continued that "the persistent patterns of organized, institutional involvement" in GHRVs "provide the basis for its conclusions about institutional responsibility." From "a moral and political perspective the respective states must accept state responsibility for the violations" as "linked to their institutions."

¶5. (S) Citing lack of judicial investigations and cooperation by the United Nations, the report is far less harsh on the East Timor pro-independence forces, stating that the pro-independence groups "were responsible for gross human rights violations in the form of illegal detentions that targeted civilians who were perceived as pro-autonomy supporters."

#### GOI COLLABORATION WITH PARAMILITARY FORCES

¶6. (S) The Summary explained two flaws in Indonesian political culture at the time which allowed violations to occur in 1999:

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-- First, because of the Indonesia military's (TNI) dual function of military and civilian responsibilities, the TNI was "deeply involved in the social and political domains, while simultaneously conducting internal military operations. The combination of a large military influence and a weak control function in the form of the civilian administration implied low accountability in government policies and opened the way to perpetration of violence by involved institutions." A situation of active conflict in formal "peacetime" combined with weak rule of law, made it difficult to hold authorities accountable for their actions.

-- Second, the "Sishankamrata system" allowed paramilitary groups comprised of civilians to act as legal auxiliaries to the military and receive public funding." Patterns of "co-perpetration and support arose" due to "structural interconnections between the TNI and militia and other paramilitary groups that had developed over time," the report explained. At "the operational level these institutions all acted together in the pursuit of the common goal of defeating the pro-independence movement."

#### EVIDENCE LEAVES NO DOUBT

¶7. (S) The Summary explained how "the evidence left no doubt that pro-autonomy (pro-Indonesia) militias were the primary direct perpetrators" of GHRVs. This included "murder, systematic rape, torture, severe deprivation of physical liberty, and deportation and forcible transfer" "so clear that there could be no doubt of their institutional responsibility for these crimes."

¶8. (S) The Summary continued, "TNI personnel, police, and civilian authorities consistently and systematically cooperated with and supported the militias in a number of significant ways that contributed to the perpetration of the crimes." TNI personnel sometimes directly participated in the operations and the crimes, and sometimes TNI offices directed the operations and were "present when the crimes were committed." Furthermore, "TNI commanders in East Timor controlled the supply, distribution, and use of weapons to militia groups and did so in an organized manner," and they knew the weapons were being used to commit "GHRVs "as part of the pro-autonomy campaign." TNI members helped in "planning and organization of joint operations that frequently included TNI personnel and officers." Local TNI headquarters "were used for illegal detentions where torture and sexual violence" took place.

¶9. (S) Civilian officials also were involved in the operations and "provided material support." When police were not involved, "they were almost completely ineffective in preventing them and in providing security for the civilian population," the Summary stated.

¶10. (S) "This kind of sustained and coordinated activity involving many forms of support, encouragement, and co-perpetration forms the basis of the Commission's conclusion that TNI, Polri, and civilian government all bear institutional responsibility for these crimes," the Summary concluded.

#### HUMAN RIGHTS TRAINING RECOMMENDED

¶11. (S) Under its recommendations, the Summary stated: "A key component of such institutional reforms is promoting a culture of accountability in the institutions whose responsibility it is to maintain peace and security. Based

on this principle and in accordance with its Terms of Reference and considerations of procedural justice, the Commission made no recommendation for amnesty or rehabilitation of any individuals or groups."

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¶12. (S) The Summary cited "lack of effective commitment to rule of law and accountability in military and security forces in 1999," and recommended a series of institutional reforms including:

-- A human rights training program focused on the role of security forces and intelligence organizations in situations of political conflict, mass demonstrations and civil unrest and emphasizing the obligation of the military and intelligence forces to remain neutral in political controversies and elections.

-- A human rights training program focused on the role of civil institutions in planning and working to prevent civil and political conflict through mediation, etc.

-- The promotion of institutional reforms that enhance the authority of institutions charged with the investigation and prosecutions of human rights violations alleged to have been perpetrated by members of the armed forces, police or other security agencies.

-- Specialized training for military, police and civilian officials to promote protection of women and children and prevention of sexual exploitation.

¶13. (S) The report also recommended the establishment of a "Documentation and Conflict Resolution Center" to promote understanding of the past between the peoples of the two nations. Other recommendations included ones on joint border and security policy, conflict resolution and services for victims, resolving economic asset issues, formation of a Commission for Disappeared Persons."

#### OVERALL ASSESSMENT

¶14. (S) Our source with the CTF told DepPol/C that the Summary and the Report are final and limited copies are being made on April 24 to disseminate to the two governments. The two leaders can question the report but must accept it in its entirety, the source told us.

¶15. (S) The CTF Executive Summary clearly described a report that holds few punches. It furthermore makes some very important recommendations. Our source let us see the advance copy of the Summary hoping that the USG would help support the CTF when it releases the report. The report will be painful for the GOI and human rights groups will see the report as an opportunity to seek legal justice for individuals never held accountable. We think that the USG should carefully review the report after it is released and support the process. Suggested press guidance is cited in ref B.

HUME