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Viewing cable 06JAKARTA3298, SUPREME COURT ORDERS EX-MILITIA LEADER TO JAIL FOR

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VZCZCXRO8861 PP RUEHCHI RUEHDT RUEHHM DE RUEHJA #3298/01 0740323 ZNR UUUU ZZH P 150323Z MAR 06 FM AMEMBASSY JAKARTA TO RUEHC/SECSTATE WASHDC PRIORITY 1053 INFO RUEHNS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS RUEHBY/AMEMBASSY CANBERRA 9198 RUEHLI/AMEMBASSY LISBON 2939 RUEHWL/AMEMBASSY WELLINGTON 0698 RHEHNSC/NSC WASHDC RHHMUNA/USCINCPAC HONOLULU HI RUEKJCS/DOD WASHDC RUEHGV/USMISSION GENEVA 7330 RUCNDT/USMISSION USUN NEW YORK 0415

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SIPDIS

SENSITIVE SIPDIS

DEPT FOR EAP, EAP/IET, AND DRL

E.O. 12958: N/A TAGS: PHUM PGOV PREL KJUS KAWC TT ID SUBJECT: SUPREME COURT ORDERS EX-MILITIA LEADER TO JAIL FOR EAST TIMOR CRIMES

Summary -----

¶1. (SBU) Indonesia's Supreme Court on March 13 upheld the conviction of former East Timor militia leader Eurico Guterres and reinstated his ten-year prison sentence. Prosecutors said they would immediately jail Guterres, who has remained free pending his appeal. The politically well-connected Guterres plans to file for a judicial review. Also on March 13, the Supreme Court confirmed the not guilty verdict in the case of Brig. General Noer Mois, effectively ending the possibility of an Indonesian military or police officer being held responsible out of the Ad Hoc Tribunal process. Guterres would become the only Indonesian to remain convicted for the widespread human rights violations in East Timor in 1999. End Summary.

Appeal Denied, 10 Years Jail Reinstated -----

¶2. (U) Indonesia's Supreme Court on March 13 denied the appeal of former East Timor militia leader Eurico Barros Gomes Guterres, originally convicted in 2002 of crimes against humanity by Indonesia's Ad Hoc Tribunal. The Supreme Court also reinstated the ten-year prison sentence, which an appeals court had reduced by half. Four of five justices found Guterres guilty of failing to stop his militia from attacking East Timorese civilians taking refuge in the home of former Governor Manuel Carrascalao in April 1999, an attack which left a dozen or more people dead. The dissenting judge reportedly explained that Guterres should not be found guilty because others also were responsible for the attack.

¶3. (U) Prosecutors stated they would act to imprison Guterres as soon as they received the official copy of the court's decision. Guterres, who has remained free for three and one half years pending his appeal, was in West Timor on March 13 and told reporters he would file a request for judicial review of his case. (Note: Under normal circumstances, the filing of a judicial review would not prevent incarceration. End Note.) On March 14, he traveled to the area of Atambua, West Timor, and explained to his supporters and former militia members that he would not resist arrest. Guterres reportedly expressed surprise that his appeal was denied, while on the same day the Supreme Court upheld the not guilty verdict of the former area military commander Brig. General Noer Muis (below).

Notorious Militia Leader -----

¶4. (SBU) Guterres, an Indonesian citizen, is an ethnic East Timorese who led the notorious pro-integration Aitarak militia and later the militia grouping Gardapaksi. According to many accounts, he coordinated closely with and received support from senior military and police commanders, and carried out joint operations with Indonesian security forces. In addition to the April 1999 incident, Guterres' militia members conducted a number of lethal attacks on pro-independence figures and civilians between May and September 1999.

Political Opportunist

¶5. (SBU) After 1999, Guterres built up political connections with the Golkar party and the Indonesian Democratic Party for Struggle (PDI-P). Despite his conviction for crimes against humanity, former President and PDI-P chair Megawati appointed Guterres chief of a PDI-P youth wing, Banteng Muda Indonesia. Reports, which Guterres denied, connected him with efforts to set up militias in Papua and Aceh. He later joined the National Mandate Party (PAN) and his anointment as head of PAN's West Timor branch was pending at the time of the Supreme Court's decision. One national PAN leader told the press they would speak with Guterres before deciding whether to confirm Guterres' party leadership position. Another PAN figure said the party would assist Guterres in this legal struggle.

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Last Military Case Concluded

¶6. (SBU) Guterres would become the only Indonesian to remain convicted in Indonesia for the 1999 widespread human rights violations in East Timor and to serve jail time for his crimes. Also on March 13, the Supreme Court denied the prosecutors' appeal in the case of former regional military commander Brig. General Noer Muis, upholding the not guilty ruling of an appeals court. Indonesia's Ad Hoc Tribunal tried 18 suspects in a process viewed as flawed by international observers. Of the six persons initially convicted, including four senior military and police officers, all but Guterres have had their convictions overturned on appeal.
PASCOE