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Viewing cable 07JAKARTA3008, INDONESIA/TIMOR LESTE -- FINAL COMMISSION REPORT

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VZCZCXRO1475 OO RUEHCHI RUEHCN RUEHDT RUEHHM DE RUEHJA #3008/01 3020312 ZNY CCCCC ZZH O 290312Z OCT 07 FM AMEMBASSY JAKARTA TO RUEHC/SECSTATE WASHDC IMMEDIATE 6827 INFO RUEHXS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY RUEHBR/AMEMBASSY BRASILIA 0197 RUEHDK/AMEMBASSY DAKAR 0064 RUEHDT/AMEMBASSY DILI 0884 RUEHLI/AMEMBASSY LISBON 2966 RUEHNE/AMEMBASSY NEW DELHI 1416 RUEHPB/AMEMBASSY PORT MORESBY 3502 RUEHKO/AMEMBASSY TOKYO 1018 RUEHWL/AMEMBASSY WELLINGTON 1934 RUCNDT/USMISSION WSUN NEW YORK 0723 RHHJJPI/USPACOM HONOLULU HI RUEKJCS/SECDEF WASHDC RUEAIIA/CIA WASHDC RHEHNSC/NSC WASHDC

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

E.O. 12958: DECL: 10/29/2017 TAGS: PREL PGOV KPKO PHUM ID TT SUBJECT: INDONESIA/TIMOR LESTE -- FINAL COMMISSION REPORT DUE EARLY 2008

REF: JAKARTA 1475

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Classified By: Pol/C Joseph Legend Novak, reasons 1.4 (B,D).

¶1. (C) SUMMARY: The Commission on Truth and Friendship Timor-Leste (CTF) recently held its final workshop in Jakarta, prior to deliberating on its final report to be issued in early 2008. Indonesian human rights groups are generally skeptical about what will be in the final report. Some members of the CTF, however, believe the report will credibly prove human rights violations committed by individuals and institutions in 1999. The DCM--invited to address the informal CTF workshop--noted the need for positive outcomes, emphasizing accountability. END SUMMARY.

FINAL REPORT: EARLY 2008

¶2. (SBU) On October 23, the CTF held a final workshop prior to retreating to Bali to complete its final report due January 30, 2008; the report is expected to be presented to the Presidents of Indonesia and Timor Leste sometime in February. The workshop included about 30 CTF commissioners and staff, Indonesian and Timorese authorities on human rights and conflict resolution, diplomats from the two countries, and DCM, the only international participant in the public workshop. Dep Pol/C also attended the meeting.

PRESSING ACCOUNTABILITY

¶3. (C) In his remarks, the DCM stressed that the U.S. continues to press for accountability for past human rights abuses in East Timor. Truth is needed for healing, and truth can only be considered legitimate if the peoples of Indonesia and Timor Leste recognize it as genuine. There is no way to turn the page of history on crimes against humanity. The DCM's recommendation that the CTF take into account the UN's report by the Commission for Reception, Truth and Reconciliation in East Timor (CAVR), generated a great deal of discussion. Agus Tarmidzi, a former Indonesian Ambassador to East Timor, questioned whether the entire CAVR report and all UN resolutions it refers to should be considered; others alleged that the UN was highly biased in its reporting.

¶4. (C) The DCM responded to questions about CAVR by commenting that no one is prescribing what the CTF must consider, but rather that the CAVR report is very

comprehensive and could help guide deliberations. CTF Timor Leste Co-Chair Dionisio Babo Soares thanked the DCM privately for his CAVR suggestion and other East Timorese expressed similar sentiments.

CONTINUED DEBATE

¶15. (SBU) The day's discussion split along familiar lines: some advocated burying the hatchet; others insisted there can be no reconciliation without truth and admittance of guilt. Hikmahanto Juwana, Dean of the Law Faculty at University of Indonesia, said international law obstacles would make it too difficult to assign guilt for the 1999 atrocities or even for anyone to admit guilt. He and most Indonesian participants stressed that it is more important to seek ways to strengthen ties, and ways to sponsor economic development in both Indonesia's West Timor and Timor Leste.

¶16. (SBU) Several Indonesians and East Timorese spoke out strongly that contrition is needed to address the pain of victims and to prevent future crimes. Judo Poerwowidagdo of the Center for Empowering Reconciliation and Peace insisted that both individual and institutional perpetrators must reveal the truth, express regret and be forgiven in order for true reconciliation to take place. (Note: CTF's Terms of Reference do not include the topic of reconciliation, based on the assumption that this had already occurred, and that friendship is the next step.) Yudo said, "Without admission

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of guilt and asking for forgiveness, there will be impunity."

LOOKING TOWARD THE FINAL REPORT

¶17. (C) Some human rights activists remain skeptical about the CTF proceedings, questioning the entire mandate of the CTF. However, other human rights activists and conflict resolution authorities who attended the workshop were more interested in how the CTF could help victims and societies to heal, suggesting practical steps to promote this process. Director of the Peace-Building Institute Ichsan Malik, who has experience in Maluku, said the CTF must be realistic and recommend ways to promote bilateral understanding as well as trust among conflicting groups, without explicitly demanding justice.

¶18. (C) Commissioner Wisber Loeis admitted to DepPol/C that no perpetrators have revealed truth or shown regret. Therefore, CTF will not recommend amnesty for anyone. Evans told us that while the official CTF criteria for recommending amnesty was merely full cooperation, the CTF agreed privately that there are three conditions: truth, admission of guilt, and regret. No one has met these criteria and it is unlikely someone will step forward at the last minute, Evans said. Soares told the media that the CTF continues to discuss whether it will determine gross human rights violations occurred. If the CTF fails to come to a consensus, they would take a vote and individual opinions would be noted in the report.

¶19. (C) While many outside observers widely believe the CTF report will disappoint, Evans and Loeis both asserted that the report will be credible. Evans, who said he has seen the current draft of the case study, said it would cite "very clear cases under human rights law of gross violations of human rights by TNI, pro-integration forces (pro-Indonesia) and pro-independence forces." It will be "painful" for the institutions cited, Evans added. Evidence will be based in part on testimony by victims but largely on documentary evidence, much of which was gathered by David Cohen, head of War Crimes Study Center at the University of California. Loeis said the report will document events in general terms from 1975 up to 1999 as well, in order to put 1999 events into context.

¶10. (C) Evans said the current draft of CTF recommendations will include implementation measures, victim rehabilitation, training for military, police and senior government officials in both countries, and measures to prevent future violations. The report will be measurable and accomplishable, he said. It will require, however, resources to carry out the recommendations, which he hopes the international community will support. Evans conceded that there is healthy skepticism that political forces could force the CTF to produce a whitewash. Still, he holds "hopeful expectations" this will not happen.

PRESSING FOR CREDIBLE RESULTS

¶11. (C) Even Judo Poerwowidagdo, the strongest advocate for admission of guilt, conceded to DepPol/C that the Indonesians will not admit guilt for both political and cultural reasons. Given all of this, the CTF process probably will not result in a perfect result which will be acceptable to all. However, if it produces credible truth and makes achievable recommendations to bring about healing,

it could help both nations solidify their democracies and strengthen relations. As an outside voice which the CTF trusts, the USG can continue to lobby behind the scenes for credible results without endorsing the process or a final report that is yet to be issued.

HUME