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Viewing cable 08JAKARTA163, EAST TIMOR/INDONESIA -- KEY EXPERT PREVIEWS JOINT

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RUEHBY/AMEMBASSY CANBERRA 1923
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E.O. 12958: DECL: 01/23/2017
TAGS: PREL PHUM PGOV TT ID
SUBJECT: EAST TIMOR/INDONESIA -- KEY EXPERT PREVIEWS JOINT
COMMISSION REPORT

REF: A. 07 JAKARTA 3339
B. 07 JAKARTA 3008

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

¶1. (U) This message was coordinated with Embassy Dili.

¶2. (C) SUMMARY: An American advisor to the Commission of Truth and Friendship Indonesia-Timor Leste (CTF) told the DCM on January 18 that the Commission will present its final report to the presidents of the two countries in March. The CTF has decided that the report will not recommend amnesty, will find gross violations of human rights on both sides, and will hold institutions responsible. The report will not recommend prosecution of any individuals. According to this expert, the GOI has supported the CTF process. Para 11 highlights ideas on how the USG might respond to the report. END SUMMARY.

MEETING A KEY EXPERT

¶3. (C) On January 18, David Cohen (Amcit--please protect), Director of the War Crimes Studies Center at the University of California, Berkeley, briefed the DCM on the status of the CTF report. (Note: This cable includes notes from U.S. Ambassador to Timor Leste Hans Klemm's earlier conversation with Cohen.) Cohen told the DCM that unanimity between the Indonesians and Timorese began to fray in November, so the two sides entrusted Cohen to take the two sides' separate drafts and "harmonize" them. The final report will first be shared with the two governments for final comment before being submitted to the two presidents in March, who will decide on the timing and means of public dissemination. The report will be issued in Indonesian and Portuguese as the official languages, presumably with an unofficial English version also available.

HOPE FOR CONSENSUS

¶4. (C) Cohen said the report will not whitewash the events of 1999--it will not recommend amnesty, it will find gross violations of human rights on both sides, and it will hold institutions responsible. The CTF is still striving for consensus but not unanimity. There is a strong possibility of dissenting opinions from the Indonesian side. He said one or two East Timor commissioners might also dissent but he hopes not. One reason why the commission agreed to abandon unanimity was because of one Indonesian commissioner, Achmad

Ali, who has links with UN-indicted war criminal General (ret'd) Wiranto. There was concern that accommodating his views would suborn the entire process. Still, heated debate within the CTF can be expected in the final weeks before the report is finalized.

¶5. (C) The report will name institutions on both sides as culpable, with the Indonesians carrying the brunt of responsibility, Cohen said. The Indonesian armed forces (TNI) will be specifically cited. No senior commanders will be named--due partly to the fact that they covered their tracks well, so there is a scarcity of strong evidence. However, half a dozen or so mid-level Indonesian officers will be named for the purpose of proving institutional linkages. Cohen noted that naming institutions in itself would serve to link commanders politically to crimes.

¶6. (C) Attached to the report will be two separate thick reports Cohen did for the CTF in 2007, which provide a more detailed analysis of 1999 crimes. Reports on crimes committed in earlier years, such as the UN Serious Crimes Unit and the CAVR reports, also will be attached.

FULL INDONESIAN SUPPORT

¶7. (C) Both President Yudhoyono and Foreign Minister Wirajuda have advocated for a report which will be credible to the international community, Cohen told us. Commission co-Chair Lt. General (Ret) Agus Widjojo, who is close to

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Yudhoyono, and Commissioner Wisber Loeis, who is a confidante of Wirajuda, are the two Indonesian commissioners pushing hardest for a credible report. In fact, at a November meeting Yudhoyono held with the CTF, which included the heads of the police, armed forces and other top officials, Yudhoyono called the armed forces chief to task for not delivering documents the TNI had promised to the CTF, and some of those documents began flowing within a few days.

¶8. (C) If the current draft stands, the report will contain extensive and detailed recommendations for institutional reform, Cohen told the DCM. It will recommend more civilian control of the TNI, and an end to the Indonesian military practice of embedding itself in civilian communities, an end to military business enterprises, and a commitment by the TNI to only operate when it has a legal mandate--such as at times of war or national emergency. The report also will recommend reform of the judicial system, particularly how human rights cases are prosecuted. Reparations will be recommended at the collective level for East Timor victims--such as social rehabilitation projects--that Cohen is hopeful the GOI will fund.

¶9. (C) The CTF also will recommend that an implementing committee be set up by the two governments as soon as possible after dissolution of the CTF in March, as a crucial mechanism to carry out the recommendations. Cohen will continue to help the CTF to locate international funds to help with this, he said, including from the USG.

¶10. (C) Asked what the USG could do to help, Cohen said we should press for quick public dissemination since there is no reason for the two presidents to sit on the report. (Note: Commissioner Widjojo told Ambassador Klemm in a meeting in early January that the GOI will seek positive international recognition for the report.)

USG REACTION

¶11. (C) Provided that the final report is as credible as Cohen and some commissioners have told us it will be (see Ref B), we recommend that our public stance include the following points:

- We welcome this effort as an important step toward justice and reconciliation.
- The report captures the political will of both governments to record and account for a tragic period in the history of Indonesia and Timor-Leste and to implement institutional reforms to prevent such atrocities in the future.
- We welcome recognition of institutional accountability.
- We encourage both governments to implement the report's recommendations and to work to strengthen their bilateral relations and to demonstrate to the world the determination of both governments to bring about meaningful reform. We offer our support to help in that effort.

HUME