

105TH CONGRESS
1ST SESSION

H. R. 1132

To limit United States military assistance and arms transfers to the
Government of Indonesia.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1997

Mr. KENNEDY of Rhode Island (for himself, Mr. GILMAN, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. PORTER, Mr. LANTOS, Mr. EVANS, Mr. KENNEDY of Massachusetts, and Mr. HALL of Ohio) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To limit United States military assistance and arms transfers
to the Government of Indonesia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indonesia Military As-
5 sistance Accountability Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) Political stability and economic growth in
9 Indonesia are important to the national interests of

1 the United States, however, such stability and
2 growth are disrupted by the denial by the Govern-
3 ment of Indonesia, including the denial by the armed
4 forces of Indonesia, of—

5 (A) democratic freedoms, such as meaning-
6 ful elections, freedom of the press, and freedom
7 of assembly;

8 (B) human rights, such as protection from
9 torture and murder and protection from impris-
10 onment for the nonviolent expression of political
11 views;

12 (C) labor rights; and

13 (D) the rights of citizens to participate in
14 decisions affecting the environment.

15 (2) The Government of Indonesia is in a period
16 of crisis, as illustrated by—

17 (A) the extensive violations of human
18 rights by the Government of Indonesia docu-
19 mented in the Department of State's Country
20 Reports on Human Rights Practices for 1996;

21 (B) the suppression of peaceful dissent and
22 extreme interference by the government with
23 the media;

1 (C) the deposing of Megawati
2 Sukarnoputri as the head of the Democratic
3 Party of Indonesia (PDI) in 1996; and

4 (D) the rating by Transparency Inter-
5 national of the Government of Indonesia as one
6 of the most corrupt governments in the world.

7 (3) The armed forces of Indonesia play a key
8 role in preserving nondemocratic rule in Indonesia
9 by deploying forces at all levels of society to repress
10 peaceful dissent and by participating in nonmilitary
11 economic ventures that are not subject to public
12 scrutiny or reported as sources of income to inter-
13 national financial institutions.

14 (4) The parliamentary elections in Indonesia
15 scheduled for May 1997 may be jeopardized by the
16 actions of the Government of Indonesia, including
17 the actions of the armed forces of Indonesia, because
18 the Government has repeatedly rendered past elec-
19 tions meaningless by denying constitutionally-guar-
20 anteed political rights to opposition candidates and
21 their supporters.

22 (5) The Government of Indonesia recognizes
23 only one official trade union, has refused to register
24 independent trade unions such as the Indonesian
25 Prosperous Labor Union (SBSI), has arrested

1 Mukhtar Pakpahan, the General Chairman of the
2 SBSI, on charges of subversion, and has closed the
3 offices and confiscated the materials of the SBSI.

4 (6) Civil society organizations in Indonesia,
5 such as environmental organizations, indigenous or-
6 ganizations, election-monitoring organizations, legal
7 aid organizations, student organizations, trade union
8 organizations, and community organizations, have
9 been harassed by the Government of Indonesia
10 through such means as detentions, interrogations,
11 denial of permission for meetings, banning of publi-
12 cations, repeated orders to report to security forces
13 or judicial courts, and illegal seizure of documents.

14 (7) The armed forces of Indonesia continue to
15 occupy East Timor in violation of two United Na-
16 tions Security Council resolutions and eight United
17 Nations General Assembly resolutions, and accord-
18 ing to the Department of State's Country Reports
19 on Human Rights Practices for 1996, the armed
20 forces continue to carry out torture and killings and
21 other severe violations of human rights in East
22 Timor, and to detain and imprison East Timorese
23 for nonviolent expression of political views.

24 (8)(A) The Nobel Prize Committee has awarded
25 the 1996 Nobel Peace Prize to Bishop Carlos Felipe

1 Ximenes Belo and Jose Ramos Horta for their tire-
2 less efforts to find a just and peaceful solution to
3 the conflict in East Timor.

4 (B) Both men are an inspiration for those who
5 desire peace in East Timor.

6 (9) As stated in a citation for the 1996 Nobel
7 Peace Prize, “it has been estimated that one-third of
8 the population of East Timor has lost their lives due
9 to starvation, epidemics, war, and terror”.

10 (10) The people of East Timor have been fore-
11 ibly deprived of their right to self-determination by
12 the refusal of the Government of Indonesia to work
13 with the United Nations to resolve the political sta-
14 tus of East Timor.

15 (11) In August 1993, the Indonesian military
16 committed to a reduction in the number of combat
17 troops in East Timor.

18 (12) On August 1, 1996, former Secretary of
19 State Warren Christopher stated in testimony before
20 the Committee on Foreign Relations of the Senate,
21 “I think there’s a strong interest in seeing an or-
22 derly transition of power there [in Indonesia] that
23 will recognize the pluralism that should exist in a
24 country of that magnitude and importance”.

1 (b) PURPOSE.—The purpose of this Act is to promote
2 a peaceful transition from nondemocratic to democratic
3 rule in Indonesia by conditioning the provision of United
4 States military assistance to the Government of Indonesia,
5 including the armed forces of Indonesia, on the establish-
6 ment and implementation of specific democratic reforms.

7 **SEC. 3. LIMITATION ON MILITARY ASSISTANCE TO THE**
8 **GOVERNMENT OF INDONESIA.**

9 (a) IN GENERAL.—United States military assistance
10 and arms transfers may not be provided to the Govern-
11 ment of Indonesia for a fiscal year unless the President
12 determines and certifies to the Congress for that fiscal
13 year that the Government of Indonesia meets the following
14 requirements:

15 (1) FREE SELECTION OF CANDIDATES AND
16 PARTY LEADERS; DOMESTIC MONITORING OF ELEC-
17 TIONS.—

18 (A) FREE SELECTION OF CANDIDATES
19 AND PARTY LEADERS.—The Government of In-
20 donesia permits opposition parties, including
21 opposition parties that have collected the appro-
22 priate number of signatures of individuals re-
23 quired by the Government in order to have can-
24 didates of such parties placed on the ballot for
25 national elections (such as the Democratic

1 Party of Indonesia (PDI)), to freely choose
2 their own party leaders and candidates.

3 (B) DOMESTIC MONITORING OF ELEC-
4 TIONS.—The Government of Indonesia provides
5 official accreditation to independent election-
6 monitoring organizations, including the Inde-
7 pendent Election Monitoring Committee
8 (KIPP), to observe national elections without
9 interference by personnel of the Government or
10 of the armed forces. In addition, such organiza-
11 tions are allowed to assess such elections and to
12 publicize or otherwise disseminate the assess-
13 ments throughout Indonesia.

14 (2) PROTECTION OF NONGOVERNMENTAL ORGA-
15 NIZATIONS.—The police or military of Indonesia do
16 not confiscate materials from or otherwise engage in
17 illegal raids on the offices or homes of members of
18 both domestic or international nongovernmental or-
19 ganizations, including indigenous organizations, elec-
20 tion-monitoring organizations, legal aid organiza-
21 tions, student organizations, trade union organiza-
22 tions, community organizations, environmental orga-
23 nizations, and religious organizations.

24 (3) RESPECT FOR THE RULE OF LAW.—

1 (A) ACCOUNTABILITY FOR ATTACK ON PDI
2 HEADQUARTERS.—As recommended by the Gov-
3 ernment of Indonesia’s National Human Rights
4 Commission, the Government of Indonesia has
5 investigated the attack on the headquarters of
6 the Democratic Party of Indonesia (PDI) on
7 July 27, 1996, prosecuted individuals who
8 planned and carried out the attack, and made
9 public the postmortem examination of the five
10 individuals killed in the attack.

11 (B) RELEASE OF POLITICAL PRISONERS.—
12 The following individuals, detained or impris-
13 oned for the nonviolent expression of political
14 views as part of the crackdown by the Govern-
15 ment of Indonesia on July 27, 1996, have been
16 released from custody:

17 (i) Budiman Sudjatmiko.

18 (ii) Mukhtar Pakpahan.

19 (iii) Other individuals detained or im-
20 prisoned on subversion charges relating to
21 the crackdown.

22 (4) RESOLUTION OF CONFLICT IN EAST
23 TIMOR.—

24 (A) ESTABLISHMENT OF DIALOGUE.—The
25 Government of Indonesia has entered into a

1 process of dialogue, under the auspices of the
2 United Nations, with Portugal and East Timor-
3 ese leaders of various viewpoints to discuss
4 ideas toward a resolution of the conflict in East
5 Timor and the political status of East Timor.

6 (B) REDUCTION OF TROOPS.—The Gov-
7 ernment of Indonesia has established and im-
8 plemented a plan to reduce the number of Indo-
9 nesian troops in East Timor, as stated by Indo-
10 nesian Major General Theo Syafei in August
11 1993.

12 (C) RELEASE OF POLITICAL PRISONERS.—
13 Individuals detained or imprisoned for the non-
14 violent expression of political views, including
15 the right of self-determination in East Timor,
16 have been released from custody, including Fer-
17 nando DeArujo.

18 (D) RELIGIOUS RIGHTS.—The Government
19 of Indonesia—

20 (i) has prohibited policies and prac-
21 tices of persecution, harassment, detain-
22 ment, or confinement of individuals in
23 East Timor based on religious grounds;
24 and

1 (ii) has made substantial efforts to-
2 ward allowing the freedom of religious ex-
3 pression in East Timor.

4 (5) IMPROVEMENT IN LABOR RIGHTS.—The
5 Government of Indonesia has taken the following ac-
6 tions to improve labor rights in Indonesia:

7 (A) The Government has dropped charges
8 of subversion against the General Chairman of
9 the SBSI trade union, Mukhtar Pakpahan, and
10 has released Mukhtar Pakpahan from custody
11 on this charge.

12 (B) The Government has also released
13 from custody trade union activists Dita Indah
14 Sari, Cohen Husein Ponto, and Mohammad
15 Sholeh.

16 (C) The Government has recognized SBSI
17 as a trade union and has restored all con-
18 fiscated equipment to SBSI.

19 (b) WAIVERS.—

20 (1) IN GENERAL.—The limitation on United
21 States military assistance and arms transfers under
22 subsection (a) shall not apply if the President deter-
23 mines and notifies the Congress that—

1 (A) an emergency exists that requires pro-
2 viding such assistance or arms transfers for the
3 Government of Indonesia; or

4 (B) subject to paragraph (2), it is in the
5 national security interest of the United States
6 to provide such assistance or arms transfers for
7 the Government of Indonesia.

8 (2) APPLICABILITY.—A determination under
9 paragraph (1)(B) shall not become effective until 15
10 days after the date on which the President notifies
11 the Congress in accordance with such paragraph.

12 (c) EFFECTIVE DATE.—The limitation on United
13 States military assistance and arms transfers under sub-
14 section (a) shall apply only with respect to assistance pro-
15 vided for, and arms transfers made pursuant to agree-
16 ments entered into, fiscal years beginning after the date
17 of the enactment of this Act.

18 **SEC. 4. UNITED STATES MILITARY ASSISTANCE AND ARMS**
19 **TRANSFERS DEFINED.**

20 As used in this Act, the term “United States military
21 assistance and arms transfers” means—

22 (1) assistance under chapter 2 of part II of the
23 Foreign Assistance Act of 1961 (relating to military
24 assistance), including the transfer of excess defense
25 articles under section 516 of that Act;

1 (2) assistance under chapter 5 of part II of the
2 Foreign Assistance Act of 1961 (relating to inter-
3 national military education and training or
4 “IMET”), except that such term shall not include
5 military education and training for civilian personnel
6 under section 541 of such Act (commonly referred to
7 as “Expanded IMET”) that—

8 (A) promotes dialogue between civilians
9 and military officers of the armed forces of In-
10 donesia on the proper role of the armed forces
11 in a democratic society; or

12 (B) provides for training of civilian offi-
13 cials and military officers of the armed forces
14 of Indonesia on military justice and inter-
15 national human rights standards; or

16 (3) the transfer of defense articles, defense
17 services, or design and construction services under
18 the Arms Export Control Act, excluding—

19 (A) any transfer or other assistance under
20 section 23 of that Act; or

21 (B) defense articles and defense services li-
22 censed or approved for export under section 38
23 of that Act.

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