

Open letter to President Susilo Bambang Yudhoyono concerning Col. Cav. Burhanuddin Siagian

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Open letter to President Susilo Bambang Yudhoyono concerning Col. Cav. Burhanuddin Siagian, Commander of the Resort Military Command 172/PWY Jayapura, Papua

28 June 2007

Dear President Yudhoyono,

We are writing to express our grave concern about the tenure of Col. Burhanuddin Siagian as commander of the Jayapura sub-regional military command (Korem 172/ PWY/Jayapura) in Papua. Col. Siagian has been indicted twice for crimes against humanity in East Timor (now Timor-Leste).

Indonesia has not complied with its obligations under international law and Indonesian domestic law to prosecute Col. Siagian for his alleged crimes, and it has furthermore failed to extradite him to East Timor for trial. Instead he has been promoted and appointed to command a large military unit within a highly sensitive area.

We are concerned that Col. Siagian represents a serious threat to Papuans and that the lives of Papuan human rights defenders and peaceful political activists may be endangered by his continued presence as commander of Korem 172.

According to a report in the Cenderawasih Pos on 12 May 2007, Col Siagian threatened to destroy anyone who betrays Indonesia: "If I meet anyone who has enjoyed the facilities that belong to the state, but who still betrays the nation, I honestly will destroy him". The statement was reportedly made in response to demands by students and youths for a review of Papua's history.

We are disturbed that this threat to Papuan activists echoes similar statements allegedly made by Col. Siagian when he was commander of the Bobonaro District Military Command (Kodim 1636), Maliana in East Timor. Those statements appear to have led directly to the deaths of a number of Timorese civilians. According to the indictments issued by the Special Panel for Serious Crimes of Dili District Court on 3 February 2003 ('the Cailaco indictment') and 10 July 2003 ('the Maliana indictment'), Col Siagian made public speeches threatening to kill supporters of Timor-Leste's independence and was responsible for the death of seven men in April 1999. He is charged with individual responsibility and command responsibility for the following crimes against humanity: torture; murder; persecution; and deportation or forcible transfer of a civilian population. He is also thought to have been responsible for the creation of the Bobonaro militia system that became one of the most repressive in the whole of East Timor.

Col. Siagian is named as a suspect in the report of Indonesia's own Commission of Investigation into Human Rights Violations in East Timor (Komisi Penyelidik Pelanggaran HAM di Timor Timur, KPP-HAM), which investigated human rights abuses in Timor-Leste during the period from 1 January to

25 October 1999.

We are dismayed that Indonesia's failure to hold Col. Siagian and others to account encourages military personnel to believe they will continue to escape justice for serious crimes and seriously undermines Indonesia's progress towards becoming a country that fully respects human rights and the rule of law.

This failure of accountability, and the continued active service in positions of command responsibility of senior officers accused of serious crimes, are indicative of a structural problem of impunity within the Indonesian army (TNI, Tentara Nasional Indonesia) and a lack of political will to address the problem that have not been addressed since the TNI withdrew from East Timor. Meaningful military reform will not be possible until serious efforts are made to end this cycle of impunity.

Irrespective of his record in East Timor, we believe that Col. Siagian is entirely unsuited to the sensitive position of Korem 172. Your government has stated that it is committed to the peaceful resolution of the Papua conflict. This policy is clearly undermined by belligerent statements by local military commanders. Papuans who campaign peacefully are not 'betraying' Indonesia as alleged in Col. Siagian's statement of May 2007; they are simply asserting their right to express their political views. We strongly hope that you, as a democrat, would support their right to do this.

We believe this is a crucial test case of the Indonesian Government's ability to exert civilian control over the TNI and we urge you to:

Immediately withdraw Col. Siagian from Papua and suspend him from active duty; all military or police officers who have been indicted for crimes against humanity by the Special Panels for Serious Crimes in Timor-Leste should be suspended from active duty pending the outcome of criminal proceedings to determine whether or not they are guilty of the charges against them.

Review all available evidence, particularly in relation to high-level suspects like Col. Siagian not previously indicted in Indonesia, including evidence collected by the KPP-HAM report and by the Serious Crimes Unit, to determine whether proceedings should be commenced against suspects named therein;

Extend full cooperation with judicial proceedings being conducted in Timor-Leste, including entering into extradition and mutual legal assistance agreements. Such cooperation should include extraditing suspects against whom there are indictments.

We are grateful to you for your attention to this matter.

Yours sincerely,

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