

105TH CONGRESS
2D SESSION

H. R. 3918

To prohibit the transfer of lethal military equipment, helicopters, replacement structural components and ammunition for that equipment and helicopters, and other related assistance to the Government of Indonesia unless the President certifies that the Government of Indonesia has been elected in free and fair elections, does not repress civilian political expression, and has made substantial improvement in human rights conditions in Indonesia, East Timor, and Irian Jaya (West Papua).

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1998

Ms. MCKINNEY (for herself, Mr. SMITH of New Jersey, Mrs. LOWEY, Mr. HALL of Ohio, Mr. EVANS, Mr. SANDERS, Mr. OLVER, Mr. DEFazio, Ms. LEE, Mr. FRANK of Massachusetts, and Mr. FARR of California) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To prohibit the transfer of lethal military equipment, helicopters, replacement structural components and ammunition for that equipment and helicopters, and other related assistance to the Government of Indonesia unless the President certifies that the Government of Indonesia has been elected in free and fair elections, does not repress civilian political expression, and has made substantial improvement in human rights conditions in Indonesia, East Timor, and Irian Jaya (West Papua).

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 Human
5 Rights Before Military Assistance Act”.

6 **SEC. 2. FINDINGS AND DECLARATION OF POLICY.**

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

8 (1) The political and economic crisis in Indo-
9 nesia has deteriorated to a crisis of legitimacy of the
10 Suharto regime.

11 (2) The Suharto regime controls a vast military
12 network (ABRI) that it uses to maintain control
13 over a population of 200,000,000 people now suffer-
14 ing from the loss of some 10,000,000 jobs, sky-
15 rocketing inflation, and food shortages leading to se-
16 vere hunger and political unrest.

17 (3) The Indonesian military has dramatically
18 increased the number of troops in urban areas and
19 has cracked down on the civilian population through
20 the use of lethal force against student demonstra-
21 tors, through mass arrests, through torture of pris-
22 oners, and through frequent disappearances of pro-
23 democracy leaders especially in and around the cap-
24 ital city of Jakarta.

1 (4) General Suharto seized command of the
2 Government of Indonesia 32 years ago in a bloody
3 coup that claimed between 500,000 and 1,000,000
4 Indonesian lives.

5 (5) The Indonesian military continues to main-
6 tain brutal control over the people of Irian Jaya
7 (West Papua).

8 (6) The Indonesian military's suppression of
9 popular dissent in Aceh and economic oppression
10 have resulted in the mass exodus of thousands of in-
11 dividuals seeking refuge in Malaysia, and those indi-
12 viduals forcibly returned to Aceh face detention in a
13 prison maintained by the Indonesian special forces
14 unit (KOPASSUS).

15 (7) KOPASSUS and other Indonesian military
16 units are widely known for their exceedingly brutal
17 methods of repression and torture against the people
18 of both Indonesia and East Timor.

19 (8) Indonesian military violence now receiving
20 international attention in Jakarta has been the rule
21 in East Timor since 1975.

22 (9) Indonesia invaded East Timor on December
23 7, 1975, and has illegally occupied that nation for
24 over 22 years.

1 (10) The Indonesian occupation has claimed the
 2 lives of over 200,000 East Timorese in massacres,
 3 by torture, and through forced starvation.

4 (11) The Government of Indonesia has amassed
 5 troops in urban areas in East Timor and during this
 6 period of crisis and human rights abuses, including
 7 arbitrary arrests, extrajudicial executions, disappear-
 8 ances, and torture continue to mount.

9 (b) DECLARATION OF POLICY.—The Congress de-
 10 clares that the United States will no longer accept, con-
 11 done, finance, or supply the Indonesian military's violence
 12 against its own people, the people of East Timor, and the
 13 people of Irian Jaya (West Papua).

14 **SEC. 3. PROHIBITION ON UNITED STATES MILITARY AS-**
 15 **SISTANCE TO THE GOVERNMENT OF INDO-**
 16 **NESIA.**

17 United States military assistance may not be pro-
 18 vided to the Government of Indonesia for any fiscal year
 19 beginning after the date of the enactment of this Act un-
 20 less the President certifies for that fiscal year that the
 21 Government of Indonesia—

- 22 (1) has been elected in free and fair elections;
 23 (2) does not repress civilian political expression;
 24 and

1 (3) has made substantial improvement in
2 human rights conditions in Indonesia and East
3 Timor, as determined by independent international
4 or United Nations monitors and the Secretary of
5 State, including—

6 (A) the release of political prisoners;

7 (B) open access throughout Indonesia,
8 East Timor, and Irian Jaya (West Papua) to
9 international monitoring and relief organiza-
10 tions as well as the press; and

11 (C) the establishment of the rule of law in
12 Indonesia, including civilian control of the mili-
13 tary and the cessation of disappearances, tor-
14 ture, and extra-judicial executions in Indonesia
15 and East Timor.

16 **SEC. 4. UNITED STATES MILITARY ASSISTANCE DEFINED.**

17 In this Act, the term “United States military assist-
18 ance” means lethal military equipment, helicopters, re-
19 placement structural components and ammunition for
20 such equipment and helicopters, and any other assistance
21 under the following provisions of law:

22 (1) Chapter 2 of part II of the Foreign Assist-
23 ance Act of 1961 (relating to military assistance),
24 including the transfer of excess defense articles
25 under section 516 of that Act.

1 (2) Chapter 5 of part II of the Foreign Assist-
2 ance Act of 1961 (relating to international military
3 education and training).

4 (3) The “Foreign Military Financing Program”
5 under section 23 of the Arms Export Control Act.

6 (4) The transfer of defense articles, defense
7 services, or design and construction services under
8 the Arms Export Control Act, including defense arti-
9 cles and defense services licensed or approved for ex-
10 port under section 38 of that Act.

11 (5) The transfer of dual use goods and tech-
12 nologies the export of which is controlled under the
13 Export Administration Act of 1979.

14 (6) The transfer of crime control and detection
15 instruments and equipment the export of which is
16 controlled under the Export Administration Act of
17 1979.

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