

~~SECRET//NF~~

5022  
T-DIA



Defense Intelligence Agency

### Defense Analysis Report

~~S~~-8,365-04 (b)(3):10 USC 424

30 March 2004

#### (U) Indonesia: Progress in Indonesia's Timika Investigation

~~(S)~~ Indonesian security authorities continued to cooperate with the FBI team investigating the August 2002 ambush murder of American mine employees in Timika, Papua province, despite snags over witness protection concerns and anger over recent accusations in the U.S. media. Helping foster such cooperation is the military's belief that it has identified the rebel culprits, thus exonerating the army of wrongdoing. However, substantiation of the military's findings will require direct access to the rebel group and their weapons, a process stalled by local security difficulties and military-police jurisdiction issues.

#### (U) The Latest Visit to Timika

~~(S)~~ The Indonesian military, hoping to move the investigation forward, received the FBI team in a cooperative manner when it returned in late February.

- ~~(C)~~ On the eve of the visit, officers close to Armed Forces Commander Gen Sutarto reaffirmed that the Timika case remained at the top of general's priorities and reiterated his promise to allow the U.S. investigators full and unfettered access.

(b)(1);(b)(3):10 USC 424;Sec. 1.4(b);Sec. 1.4(c);Sec. 1.4(d)

- ~~(S)~~ The local army commands also provided new information and even relented in providing access to sensitive agents. Disclosures that might jeopardize an informant's cover or endanger witnesses presented particular concerns, helping explain their reluctance to allow access according to various sources.

#### (U) Other Lingering Complications

~~(C)~~ Despite the continuing positive response to the FBI requests, miscommunications, inefficiencies, and anger over a critical U.S. news story have created difficulties.

~~(S)~~ The American press piece published in early March— suggesting U.S. belief of Indonesian military complicity in the killing — threatened to derail cooperation, generating an angry reaction from Armed Forces Commander Gen Sutarto.

- ~~(C)~~ Gen. Sutarto had earlier told U.S. visitors that, while he still welcomed the FBI visits, he felt betrayed and blindsided by published complaints in U.S. newspapers following an earlier December 2002 FBI trip.

(b)(1);Sec. 1.4(b);Sec. 1.4(c);Sec. 1.4(d)

- ~~(C)~~ Possibly also souring the atmosphere, military leaders apparently mistakenly assumed that the FBI had exonerated the military during its previous visit in December.

~~(S)~~ Embassy statements strongly denying U.S. presumption of guilt and praising Indonesia's continued cooperation led Sutarto to relent in approving further access, although he continued to harbor suspicions. (b)(1);(b)(3):10 USC 424;Sec. 1.4(b);Sec. 1.4(c);Sec. 1.4(d)

- ~~(S)~~ Some information deemed not directly relevant to the case still has been withheld because of perceived sovereignty infringement and the potential compromise of intelligence operations.

### **(U) The Case against the Separatist Rebels**

~~(S)~~ The military's information, derived from a number of sources, points to rebel responsibility for the ambush killings.

- ~~(S)~~ The local army investigation centers on purported admissions of guilt by rebel suspects to an undercover military agent in taped interviews in July and August 2003, which were handed over to the FBI last December.
- ~~(S)~~ The taped discussions raise questions of the informant's credibility, but core elements of the story are congruent with other military-derived intelligence that identifies the Kelly Kwalik rebel band as responsible for the attack.
- ~~(S)~~ These intelligence accounts specifically name Kwalik lieutenant Antonius Wamang as the leader of the ambush group responsible for the murders, and identify another rebel killed in an army shoot-out the day after the ambush. (See annex A)
- ~~(S)~~ Aspects of these accounts also are broadly consistent with known forensic evidence.

~~(S)~~ Although potential motives for a rebel attack remain unclear, the local military has pointed to Kwalik's previous confrontations with the mine. Officers theorize that he was driven by anger over the company's ties to the government and inadequate largesse from the mine's local community assistance programs. (See annex B)

### **(U) Hoping to Clear the Military's Name**

(b)(1);Sec. 1.4(c);Sec. 1.4(d)

- ~~(E)~~ Repeated U.S. demarches have made clear to the leadership the critical importance of resolving the case, particularly as a prerequisite for restoring military cooperation.

~~(E)~~ Also intertwined in the investigation is the military's credibility, long tarnished by its checkered history and lack of credibility domestically and internationally.

- ~~(E)~~ Given the information developed by the local command, the military leadership appears genuinely convinced its personnel were not involved and have anticipated that the FBI's involvement would validate its findings.

- ~~(E)~~ (b)(1);Sec. 1.4(b);Sec. 1.4(c);Sec. 1.4(d) four internal investigations have reinforced his belief that military personnel were not involved, but pledged swift justice should evidence uncover troop complicity.

(b)(1);Sec. 1.4(c)

~~(E)~~ Still, there remains room for low-level military involvement.

- ~~(S)~~ (b)(1);Sec. 1.4(b);Sec. 1.4(c) that an ethnic Papuan soldier illegally provided or sold ammunition to the Kwalik group, but a follow-up investigation, if any, is not known.

- ~~(S)~~ Underscoring the military's lingering credibility problems, the U.S. embassy indicated that even President Megawati would not be surprised if the military was somehow involved.

~~(E)~~ **Trying to Engage the Police**

~~(E)~~ Senior military officers recognize the urgency of completing the investigation, especially due to fading memories and rotation of investigating officers. (b)(1);Sec. 1.4(c) several judges recently told the military that its intelligence, presumably including the tape confessions, was admissible in court and constituted a strong case.

~~(E)~~ As such, (b)(1);Sec. 1.4(c) police counterparts in recent weeks to make the arrests and even asked the FBI to push the police to resume their investigation. (b)(1);Sec. 1.4(b);Sec. 1.4(c);Sec. 1.4(d)

- ~~(E)~~ The military has long held the police in low regard, with cooperation further obstructed by rivalries and other sensitivities, including residual army anger over earlier police accusations of military complicity in the killings.

- ~~(S)~~ Military officers suspect the police are simply waiting for the FBI and the army to solve the case, even though the latter lacks the authority to arrest civilians.

- ~~(S)~~ (b)(3):10 USC 424 the local Papua police command has made no discernible

(b)(1);Sec. 1.4(b)

~~(C)~~ **Fragile Cooperation**

~~(C)~~ President Megawati most likely will support further cooperation, believing that only the FBI can solve the case, but hurdles are likely to remain.

(b)(1);Sec. 1.4(b);Sec. 1.4(c);Sec. 1.4(d)

~~(C)~~ **Verification Critical, but Difficult**

~~(C)~~ The FBI continues to pursue evidence independent of the Army's sources, but validation of the army intelligence remains an important line of inquiry.

- ~~(S)~~ The tape, purportedly recorded clandestinely without the suspects' knowledge, will require confirmation.

~~(C)~~ Military-police cooperation likewise will be essential in bringing the accused to justice.

- ~~(C)~~ (b)(1);(b)(3):10 USC 424;Sec. 1.4(c) the jurisdictional questions are not insurmountable, and consideration is being given for a joint military/police team that could pursue the rebels, and once encircled, utilize the police to make the actual arrests.

~~(C)~~ Still, security conditions in the Timika area will present obstacles.

- ~~(S)~~ (b)(1);Sec. 1.4(c) by last November the military located Kwalik's base camp, but for unclear reasons failed to move against this facility.

- ~~(S)~~ (b)(1);(b)(3):10 USC 424;Sec. 1.4(c) the army's sensitivity to avoid an operation that could turn deadly, leaving accusations of a military cover-up to silence potential rebel witnesses.

- ~~(C)~~ Kwalik has received considerable tribal assistance in avoiding capture, and witnesses likely remain reluctant to come forth due to fears for their safety.

- ~~(C)~~ Moreover, the band seems to have now relocated and their current whereabouts appear uncertain.

~~(C)~~ Ultimate resolution of the Timika case rests with the Indonesian authorities. However the security difficulties, as well as the political sensitivities and Indonesia's weak legal and law enforcement institutions, could well pose further delays in the investigation for months to come.

Prepared by: (b)(3):10 USC 424

Derived from: Multiple Sources

Declassify on: ~~X1~~

## Annex B

### Kelly Kwalik's Bitter History with the Freeport Mine

#### (U) Who is Kelly Kwalik?

(U) Kelly Kwalik is the Papuan Independence Movement's (OPM) best-known military commander. For nearly thirty years, he has waged a low-level guerilla campaign aimed at driving Indonesian and foreign influence from the province.

- (U) Kwalik is a traditional landowner in the Timika area and commands a core group of some 25 members, including women and children.
- ~~(C)~~ With the OPM only loosely organized, Kwalik operates more as a local strongman, at times operating outside 'approved' OPM actions. An attack against the mine would not likely have been sanctioned by the broader independence movement.

#### (U) Attitude toward the Mine

(U) Kwalik views Freeport, the world's largest copper and gold mine, as a source of ills and has frequently demanded its closure. Speaking to an Australian journalist in 1999, Kwalik said, "I regard Freeport and the government and military of Indonesia as criminals, thieves, oppressors, rapists, and destroyers of all life and violators of all laws."

- (U) He has complained about health problems allegedly caused by the mine and the displacement of his traditional highland people to the lowlands.
- (U) Kwalik attaches mystic significance to the mountains which he believes have been "plundered" by the mining operation.
- (U) His anti-Freeport stance also is entwined with the struggle against Indonesian authorities. In 1995, Indonesian military carrying out mine security purportedly killed five members of Kwalik's family.

#### (U) Kwalik's Track Record

~~(C)~~ Over the years, Kwalik's preferred tactics have included attacks on mine infrastructure and

associated security forces, and according to some sources, kidnapping Indonesian logging workers and foreigners. Actions against foreigners have attracted the greatest international attention to his grievances and the secession issue.

- ~~(C)~~ Kwalik first led an attack against Freeport in 1977. His group cut the ore slurry pipeline that runs from the mine down to the port.
- ~~(C)~~ Kwalik led the 1996 abduction of 26 researchers comprising Indonesian, British, German and Dutch nationals. The group was held for five months. Two hostages were killed during the Indonesian military rescue operation, probably by Kwalik's group or their supporters.
- ~~(C)~~ Either Kwalik or a militant OPM associate, Titus Murib, kidnapped two Belgian film makers in 2001. After drawing significant international attention to the Papuan cause, their release was negotiated after two months.

~~SECRET//X1~~