



Defense Intelligence Agency

## *Defense Analysis Report*

SO14  
T-DIA

16 March 2004

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

~~(S)~~ *Cooperation with the FBI team investigating the August 2002 ambush murder of American mine employees in Timika, Papua province has continued but not without snags arising over witness protection concerns and anger over recent accusations in the U.S. media. Allowing continued FBI access reflects the military's belief that it has identified the rebel culprits and thus will be exonerated. Substantiation will still require access to the suspects and their weapons, but movement remains stalled by security difficulties in Papua, military-police jurisdiction issues, and possible fear that use of force could jeopardize a legally-based outcome credible to Washington.*

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

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

### **(U) Other Lingering Complications**

~~(C)~~ According to the U.S. embassy, the military has been forthcoming to FBI requests for information and evidence since at least June 2003, but not without miscommunications and inefficiencies prompting some delays.

~~(S)~~ A recent American wire service article – suggesting U.S. belief of Indonesian military complicity in the killing – prompted the latest complication, generating an angry response from Armed Forces Commander Gen (b)(6) over a perceived a violation of trust.

- ~~(C)~~ Gen (b)(6) told U.S. visitors in January that, while he still welcomed the FBI visits, he felt betrayed and blindsided by published complaints following a December 2002 FBI trip.
- ~~(C)~~ Adding to their frustration, military leaders mistakenly thought the FBI had exonerated the military during its previous visit in December.

~~(S)~~ Recent embassy statements strongly denying U.S. presumption of guilt and praising Indonesia's continued cooperation helped mollify leadership anger, although Sutarto and other officers still harbor suspicions according to the (b)(3):10 USC 424

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

~~(C)~~ Despite the problems, the materials provided by the military have provided additional insights, with a key focal point being the army's taped confessions of rebel suspects which were handed over in December.

- ~~(S)~~ The depositions compiled by the local command from last April to August from Papuan informants contain some inconsistencies, but most appear to portray insurgent leader Kelly Kwalik as ordering a 21-man force to carry out the attack while he remained behind at his headquarters.
- ~~(S)~~ The accounts also name Kwalik lieutenant Antonius Wamang as the leader of a small ambush group responsible for the murders, and identified another rebel killed in an army shoot-out the day after the ambush.
- ~~(S)~~ The various rebel-based accounts 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 and hypothesized possible anger over the company's ties to the government and inadequate largesse from the mine's local community assistance programs.

(U) Hoping to Clear the Military's Name

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

long hoped the stepped-up FBI cooperation would speed the resumption of normal defense ties.

- (C) Repeated U.S. demarches have hit home the critical importance of resolving the case, particularly as a prerequisite for restoring military cooperation.

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

- (C) Given the evidence and new leads, the military leadership appears genuinely convinced its personnel were not involved and have anticipated that the FBI's involvement would validate its findings.

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

- (S) There remains room for low-level military involvement. U.S. embassy reporting indicates that even President Megawati would not be surprised if the military was somehow involved.

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

(C) Trying to Engage the Police

(C) Senior 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 evidence, presumably including the tape confessions, was admissible in court and constituted a strong case.

(C) As such, Army investigators claim they have been pressing their police counterparts in recent weeks to make the arrests based on their evidence and even asked the FBI to push the police to resume their investigation in earnest.

- (C) 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)(1);(b)(3):10 USC 424;Sec. 1.4(c) the local Papua police command has made no discernible effort to seek further leads on its own. Covert police surveillance recently was noted, but apparently to prevent anyone from interfering with the investigation.

(C) Apprehending the suspects presumably still would require joint police and military operations, since the rebels apparently remain armed and in a jungle encampment.

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

**(U) Likely Further Cooperation, but Verification Critical**

(C) The investigation remains at a sensitive stage. President Megawati and other senior officials believe only the FBI can solve the case, but continued cooperation will likely

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

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

- (C) The recently published annual U.S. human rights report on Indonesia, which described Jakarta's Timika investigation as "ineffectual," also likely colors Indonesian attitudes.

(C) The FBI is now pursuing evidence from sources independent of the Army, but validation of the military tape and additional evidence remains critical, necessitating direct access to claimed witnesses as a means of assessing their credibility and dealing with lingering discrepancies.

(C) Military-police cooperation will be essential in bringing the accused to justice, but security conditions in the Timika area present continued obstacles.

- (C) According to the local command, the Kwalik band relocated from their former jungle hideout, and their current whereabouts are unknown. Kwalik has received considerable tribal assistance in avoiding capture.
- (C) Other witnesses also likely remain reluctant to come forth due to fears for their safety.

(C) Ultimate resolution rests with Indonesia, but these inherent difficulties, as well as the political sensitivities and Indonesia's weak legal and security institutions, could well mean further delays in the Timika investigation for many more months to come.

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

*Derived from: Multiple Sources*  
*Declassify on: X1*