

October 13, 2020

The Honorable Michael R. Pompeo
Secretary of State
Department of State
2201 C Street, NW
Washington, D.C. 20520

Re: The State Department's decision to lift the 20-year travel ban on Indonesia's Defence Minister PRABOWO SUBIANTO may violate the Leahy laws and will be catastrophic for human rights.

Dear Secretary Pompeo:

We write to express our grave concerns regarding the State Department's granting of a visa to Prabowo Subianto, Indonesia's Defence Minister, to come to Washington, D.C. to meet with Secretary of Defense Mark Esper and Chairman of the Joint Chiefs of Staff Mark Milley on Oct. 15. Prabowo Subianto is a former Indonesian general who has been banned, since 2000, from entering the U.S., due to his alleged direct involvement in human rights violations. The State Department's recent decision to lift the ban on Prabowo Subianto is an abrupt, complete reversal of longstanding U.S. foreign policy which has been in place for 20 years.

The invitation to Prabowo Subianto must be rescinded if it purports to provide him immunity for the atrocity crimes of which he is accused. If he does indeed travel to the U.S, the U.S. government will have the obligation under, at least, article 5 (2) of the Convention Against Torture to investigate, and if there is sufficient admissible evidence that he is criminally responsible for torture, bring him to trial or extradite him to any other country willing to exercise jurisdiction over the alleged crimes. Allowing him to freely travel to the U.S. to meet with senior U.S. government officials further may violate the Leahy laws and will be [catastrophic for human rights](#) in Indonesia.

Prabowo Subianto is a former son-in-law of the late president Soeharto, the military-backed ruler who governed Indonesia for 31 years from 1967 to 1998. Prabowo Subianto served as [commander of the army's special forces](#) under Soeharto and has been implicated in crimes against [humanity](#), including enforced disappearances, by Indonesia's human rights commission. Prabowo Subianto has been widely accused of being involved in human rights violations, including the abductions of pro-democracy activists in the months leading up to the end of Soeharto's rule. Official independent investigations mandated to investigate serious human rights violations in 1998 concluded that Prabowo Subianto was aware of the violations and as the commander of the army's special forces, was ultimately responsible for the abductions of pro-democracy activists in 1997-98. The allegations against him have never been tried in court.

The U.S. Government's decision in 2000 to blacklist Prabowo Subianto due to his human rights violations represented an extremely important commitment to human rights. The U.S. Government's policy over the last 20 years has brought much needed hope and relief to the victims who suffered torture and other ill treatment under his special forces.

Under the Leahy laws, the U.S. Government is prohibited from using funds to assist units of foreign security forces where there is credible information implicating that unit in the commission of a gross violation of human rights (“GVHR”), including torture, extrajudicial killing, enforced disappearance, and rape under color of law. The State Department Leahy law includes an [exception](#) permitting assistance to a unit if the Secretary of State determines and reports to Congress that the government of the implicated foreign security forces unit is taking effective steps to bring the responsible members to justice.

With respect to Indonesia, for the past two decades, the U.S. Government has imposed military assistance restrictions on the Indonesian military and its special forces unit Kopassus, after the military committed GVHR during the scorched earth campaign in East Timor. The Army Special Detachment (Kopassus) soldiers were also involved in enforced disappearances (1997-98) and the murder of the Papuan activist and leader Theys Eluay in 2001. While a few soldiers were eventually sentenced in military court, their commanding officers never faced trial. Survivors of the serious violations that Prabowo Subianto has been accused of, have been waiting for over 20 years for justice, accountability, and reparation.

In sum, over the last two decades the Indonesian government has not taken effective steps to bring Prabowo Subianto to justice. He has never been held to account, and to this day continues to deny all allegations of human rights violations. Hence, this situation does not satisfy the requirements for a Leahy law exception.

We urge you to clarify that the visa issued to Prabowo Subianto does not extend any form of immunity to him, and to ensure that if he does travel to the U.S., he is properly and promptly investigated, and if there is sufficient evidence, brought to trial for his alleged responsibility for crimes under international law. To the extent that the visa extended to Prabowo Subianto implies any form of immunity while he travels to the U.S., this must be revoked to ensure that the U.S. complies with its domestic and international obligations to ensure that those responsible for torture are brought to justice. Thank you for your prompt attention to this urgent matter.

On behalf of the undersigned Indonesian organizations,



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