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**Submission to the Joint Standing Committee on
Foreign Affairs, Defence and Trade Inquiry into
Australia's Relations with Indonesia**

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Inside Indonesia Magazine

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Inside Indonesia is a quarterly magazine, which has been published since 1983. The magazine aims to promote mutual understanding and cooperation between the peoples of Indonesia and Australia and to increase awareness of issues facing the Indonesian people today. IRIP consists of academic specialists on Indonesia, students, members of overseas aid agencies and development action groups. Articles in the magazine are written to appeal to a general audience and to inform them about contemporary developments in Indonesia. *Inside Indonesia* was recently selected as a finalist in the 2002 United Nations Association of Australia Media Peace Awards.

The Indonesia Resources and Information Program (IRIP), the publishers of *Inside Indonesia*, welcome the current inquiry into the relationship between Australia and Indonesia. IRIP believes that the inquiry is taking place at a crucial time, and that an informed foreign policy can assist in creating a peaceful and harmonious bilateral relationship, that allows the citizens of both nations to enjoy basic human rights and assist each other in developing democratic societies, through free press and a willingness to listen to each other's views.

In this submission IRIP focuses on four main issues, all of which have been discussed in *Inside Indonesia*.

IRIP urges the need to:

- Promote understanding of Islam, particularly after the events of September 11 and the recent Bali bombing;
- Pursue bilateral action in dealing with asylum seekers who come to Australia through Indonesia;
- Learn from Australia's complicity in past human rights abuses in Indonesia, and to resist resuming military training for Indonesian military (TNI), until there is evidence that TNI is no longer committing human rights abuses;
- Promote Australian knowledge of Indonesia and Indonesian knowledge of Australia.

1. Promote Understanding of Islam

The Australian media has largely focused on tiny extremist Islamic networks in Indonesia, (most notably the Jemaah Islamiyah group), which have links to international Islamic terrorists. It should be recognised that the origins of extremism often lie in poverty and unemployment and a sense of frustration with political and economic inequalities in the wider world.

It is equally important, however, that the Australian public become aware of organisations like the modernist Muhammadiyah and the traditionalist Nahdatul Ulama, which command the loyalty of the overwhelming majority of Indonesia's Muslim population. These organisations promote a pluralist vision of Islam, which entails full acceptance of non-Muslims as equal participants in the Indonesian community.

This is not to suggest that our understanding of Indonesian Islam should be limited to a study of Islam solely within the Southeast Asian context. Indonesian Muslims have well-developed links with Muslims in other parts of the world, including the Middle East, and they are acutely aware of suffering and injustice experienced by other Muslims. In seeking to develop a better relationship with Muslims in our region, Australia needs to bear in mind the impact of its broader foreign policy and its alliance with the United States of America. Matters like the continued conflict in Palestine, and the prospect of Australian involvement in war in Iraq, can seriously and negatively affect perceptions of Australia's attitude towards Islam within Indonesia.

Inside Indonesia has sought to promote discussion of issues related to Indonesian Islam within the magazine. The following articles are attached as examples of this discussion:

Attachment 1: Ulil Abshar-Abdalla, 'One World Still' *Inside Indonesia*, Jan-Mar 2002: pp24-25

Attachment 2: Greg Fealy, 'Is Indonesia a Terrorist Base', *Inside Indonesia*, Jul-Sep 2002: pp24-25

Attachment 3: Greg Fealy, 'Inside the Laskar Jihad', *Inside Indonesia*, Jan-Mar 2001: pp28-29

Attachment 4: Bernhard Platzdasch, 'Radical or Reformist', *Inside Indonesia*, Oct-Dec 2001: pp27-28

Attachment 5: Djohan Effendi, 'Breaking Out', *Inside Indonesia*, Oct-Dec 1997: pp12-13

Recommendation 1:

The Australian government should foster an understanding of the liberal and tolerant nature of Indonesian Islam in the Australian community, through funding appropriate academic research, student exchanges, and exchanges of journalists, staff from non-government organisations and appropriate briefing of government bodies. In an effort to avoid alienating moderate Indonesian Muslims the government should also engage in direct dialogue with representatives from Muhammadiyah, Nahdatul Ulama and other organisations on the issue of how to prevent and counter extremism.

Recommendation 2:

The Australian government should carefully consider the flow-on effect to the bilateral relationship of its foreign policy, especially as it relates to the Middle East and the wider Muslim world.

Recommendation 3:

The Australian government should increase its aid programs to Indonesia to help alleviate poverty and unemployment.

2. Indonesia and Asylum Seekers

IRIP believes that it is important that Australia takes a humane and bilateral approach towards asylum seekers. A policy of simply returning boats to Indonesia, as the country of embarkation, will not resolve the problem. In recent years, Indonesia has had to deal with 1.3 million Internally Displaced Persons (IDPs). It has inadequate facilities to appropriately house and process asylum seekers arriving in Indonesia from other countries. Australia should increase funds to assist with the speedy processing of asylum seekers by the International Organization for Migration (IOM) in Indonesia. In addition, Australia should accept a quota of asylum seekers who have already undergone processing in Indonesia. Such measures may reduce the numbers of "illegal immigrants" arriving by boat in Australian waters. At present, many people who have undertaken the journey to Australia by boat from Indonesia, have already undergone processing in Indonesia, but are waiting for a country to accept them.

Australia also needs to adopt a more humane treatment towards the fishers of Eastern Indonesia, who currently face long gaol sentences if they stray within the Australian fishing zone despite the fact that Indonesians have been fishing in these waters for generations. There has been evidence that fishers have become involved with the people smuggling trade, because it provides an alternative means of livelihood to fishing alone (people-smuggling involves pre-payment, providing families with an income, even if a boat is captured and its crew imprisoned in Australia). Assisting to establish a sustainable livelihood for fishing communities, would make such involvement less attractive.

The flow of asylum seekers has currently been stemmed, in part because of changes in the situation in Afghanistan. However were conflict to break out elsewhere - such as in Iraq - the flow may increase. Increasing surveillance may lessen the flow of asylum seekers to Australia, but it is not a humane solution that deals with the roots of the problems which cause people to flee their homes.

The following articles from *Inside Indonesia* are attached as background information on this issue:

Attachment 6: Jan Lingard, 'The first Asian boat people', *Inside Indonesia*, Oct-Dec 2001: pp21-22

Attachment 7: Anita Roberts, 'Don't let them drown', *Inside Indonesia*, Apr-Jun 2001: pp28-29

Attachment 8: Campbell Watson, 'Permeable Border', *Inside Indonesia*, Apr-Jun 1998: pp21-23

Attachment 9: Jill Elliott, 'Fishing in Australian Waters', *Inside Indonesia*, Mar 1996: pp11-14

Recommendation 4:

Australia should increase funds to assist with the speedy processing of asylum seekers by the IOM and accept a quota of asylum seekers already processed in Indonesia by the IOM.

Recommendation 5:

Australia should assist developing a sustainable livelihood for Indonesian fishers, in cooperation with Indonesian local and national governments and Non-Government Organisations (NGOs). The Australian government should also review the harsh imprisonment regime for Indonesian fishers found in Australian waters, which may encourage them to become involved in people smuggling.

3. Lessons Learned from Australia's Complicity in Past Human Rights Abuses in Indonesia

Whilst good diplomatic ties are of great importance to the bilateral relationship, such ties should not be at the cost of the human rights of individuals in either country. IRIP believes that Australia should learn from its complicity in past human rights abuses in Indonesia, both in East Timor and in the 1965-66 killings. During those episodes Australia failed to condemn human rights violations, even deliberately turning a blind eye to well-documented abuses.

Australia should endeavour to encourage a culture of sensitive yet open exchange between the governments of the two countries based on the important premise that both are equal players. The government should also work on fostering a media climate where criticism of the policies of either government is not viewed as immediately harmful to other aspects of the bilateral relationship.

The Australian government should not resume military training or support for the TNI until it can be proven that the TNI is no longer systematically violating the human rights of Indonesian citizens. Despite some improvements, there is still much evidence of continued systematic human rights abuses by TNI units, especially in areas where support for separatism is high, such as in Aceh and Papua.

Another cause for hesitation and extreme caution in resuming military training or providing support for the TNI as a means of combating terrorism, is support for the military may have unexpected consequences. In the past the Indonesian military has both manufactured extremist Islamic threats for its own political advantage, and at other times courted extremist groups for its own purposes.

The following articles from *Inside Indonesia* are attached as background information on this issue:

Attachment 10: Robert Wesley-Smith, 'Australian Treachery Again', *Inside Indonesia*, Jul-Sep 2002: pp11-12

Attachment 11: Paul Monk, 'Whitlam Knew', *Inside Indonesia*, Oct-Dec 2001: pp19-20

Attachment 12: Richard Tanter 'Witness Denied', *Inside Indonesia*, Jul-Sep 2002: pp28-30

Attachment 13: Marcus Mietzner, 'Godly Men in Green', *Inside Indonesia*, Jan-Mar 1998: pp8-9

Attachment 14: John Miller, 'One Less Place to Hide', *Inside Indonesia*, Jul-Sep 2002: pp16-17

Recommendation 6:

The Australian government should make resumption of military training conditional upon continual monitoring of the human rights record of the Indonesian military. It should also consider dialogue with moderate Islamic organisations as an alternative or additional policy.

4. Promoting Australian Knowledge of Indonesia and Indonesian Knowledge of Australia

Knowledge of Indonesia is important for government policy makers, NGO staff and the general public. Journalists should be well informed, because a lack of cultural and political understanding of Indonesia can lead to misinterpreting events (as evidenced recently in the debate that ensued following the public interrogation of the smiling Amrozi), leading to public statements and actions which then impact negatively on the bilateral relationship. Such knowledge can only be gained through the fostering of Indonesian studies, firstly in schools, and in undergraduate and postgraduate programs in universities. Recent reports, such as the Asian Studies Association of Australia's *Maximising Australia's Asia Knowledge* (2002), have estimated that fewer than five per cent of Australian university students are doing any systematic study of Asia, and fewer than three per cent are studying an Asian language. The number of students undertaking Indonesian studies even smaller. These alarming figures directly affect Australia's capacity to understand and promote knowledge of Indonesia and Asia in general, and therefore must be reversed.

Equally important is the fostering of a deeper knowledge of Australia within Indonesia. The Australian Development Scholarships (ADS) have played an important role in this, as they enable future leaders of Indonesia to experience Australian culture first-hand whilst undertaking postgraduate work.

The issue of promoting Australian knowledge of Indonesia and Indonesian knowledge of Australia ties in all of the above points outlined by IRIP, and is fundamental to the development of informed foreign policy which can assist in creating a peaceful and harmonious bilateral relationship.

Recommendation 7:

The Australian government should make a commitment to reversing the decline in the number of students undertaking Indonesian studies, and reinstate funds that were cut for university courses that relate to Indonesia and Asia in general.

Recommendation 8:

The Australian government should increase funding for university studies and restore scholarships to enable postgraduate students to undertake in-country research in Indonesia.

Recommendation 9:

The Australian government should continue, and further develop, the ADS scheme for Indonesian postgraduate studies for Indonesians in Australia.

ATTACHMENT 1:

Uli Abshar-Abdalla, 'One World Still' *Inside Indonesia*, Jan-Mar 2002: p24

One world still

After the 11 September tragedy, we need dialogue

Ulil Abshar-Abdalla

Among the many deplorable things that happened after the World Trade Center tragedy in New York on 11 September was the reawakening of a sub-conscious, 'instinctual' Western prejudice against Islam. The media have a strong tendency to generalise about Islam and about Muslims, without looking at the numerous little things that make up everyday life. Like a dormant virus that never dies, such prejudice arises again every time another tragedy happens that involves the Islamic world.

Peter Rodman, of the National Security Council, wrote back in 1992: 'Yet now the West finds itself challenged from the outside by a militant, atavistic force driven by hatred of all Western political thought, harking back to age-old grievances against Christendom.' Almost the same sentence recurred in the New York Times on 16 September 2001: 'The airborne assault on the World Trade Center and the Pentagon is the culmination of a decade-long holy war against the United States that is escalating methodically in ambition, planning and execution.' The words 'Christendom' and 'holy war' suggest eternal sacred warfare between the West and the world outside — especially the Islamic world. (Of course we should recognise that the term 'crusade' is often used in the West without religious connotations as well, as in the crusade against abortion.)

The same happens on the Islamic side. As soon as President Bush announced plans to launch attacks on Afghanistan, (some) Muslims proclaimed a 'jihad' against the US. Worse, certain groups wanted to conduct razzias against Americans in Indonesia. Some Islamic groups gave the impres-

sion of a total confrontation between the Islamic and the Western or Christian worlds. Suddenly everyone was quoting Samuel Huntington's 'Clash of Civilisations'.

Dialogue

But that impression is so clearly false. There are probably more people building bridges of dialogue between civilisations than there are those fighting between civilisations. Countless students from the Muslim world go every year to study in the West — Europe, America, Australia. Conversely, countless Western scholars make 'intellectual' journeys to Islamic countries, to understand the many faces of Islam. Karen Armstrong's book *The History of God* is an excellent example. As is the *Oxford Encyclopedia of the Modern Islamic World*, by John L Esposito and others at the Center for Muslim-Christian Understanding, Georgetown University, Washington DC.

All of this does not mean American foreign policy is without its problems. One of the biggest paradoxes is the constant American campaign for democracy and human rights while at the same time supporting the Saudi Arabian Kingdom without reserve, a regime that violates the rights of its own citizens. The one-sided American policy on Palestine is the source of much frustration and hatred in the Arab world. But it would be foolish to equate the American government with all American citizens. Not all Americans agree with their government's foreign policy. Those who want to conduct razzias against Americans forget that.

After the tragedy at the WTC and Pentagon buildings, dialogue between civilisations has become more difficult.

The situation strongly favours those who believe the world is divided into only two hostile blocs, a Western and an Islamic bloc, a 'good' bloc and an 'evil' one.

Yet who really knows what is Western and what is Islamic? If the West is Europe and America, then those are two very different cultures. If the West is America, we might recall that America is a federation precisely because Americans have such a strong 'anti-state' tradition. Most Americans have very little interest in the overseas 'imperialism' of their government.

Similarly, it is far from clear what 'Islam' really means. In the end, Islam is a social concept — it is expressed in the lives of human beings with a complex history. Islamic reactions to the WTC and Pentagon tragedy have been highly varied.

One frequent misunderstanding is to talk about the Afghan people, the Taliban government, the state of Afghanistan, and Islam, all in one breath. Just because most Afghans are Muslim does not mean that the American attack on Afghanistan is an attack on Islam.

Of course we should oppose the American attacks. The Afghan people have suffered long enough from war ever since the Soviet invasion in 1979. But it is an unfortunate mistake to assume the Taliban regime is representative of the Islamic world just because they wear beards and robes. Anyone who doubts their evil practices towards women should look at this web site: www.rawa.org. Such behaviour is in strong contrast with the prophetic values of Islam itself.

Dialogue is the only way. The path of confrontation only favours those who view the world in simplistic terms of good versus evil. That is the path of conservatives and extremists in whatever religion, whether Islamic or otherwise. It is also the path of religious elites everywhere who want to manipulate the ignorance of their congregation for their own narrow interests. ■

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There are probably more people building bridges of dialogue than those fighting between civilisations

ATTACHMENT 2:

Greg Fealy, 'Is Indonesia a Terrorist Base', *Inside Indonesia*, Jul-Sep 2002:
pp24-25

Is Indonesia a terrorist base?

The gulf between rhetoric and evidence is wide

Greg Fealy

Indonesia has frequently been cast as a country with a serious international terrorism problem. The US, Singapore and Malaysia claim to have evidence of terrorists being based in Indonesia or of Indonesians leading off-shore terrorist groups. Singaporean senior minister Lee Kwan Yew declared that Indonesia was a 'hotbed of terrorism'. The claims have been used by the Bush administration to pressure Indonesia to take strong action against them.

A close look at the 'evidence' suggests, however, that the terrorist threat has been overstated and that foreign officials and the media have been alarmist in their claims. The emphatic anti-terrorism policy pursued by the US and some of its allies towards Indonesia is misguided.

Among many alleged instances, I shall restrict this present discussion to the two most prominent and instructive cases. These are that: (1) al-Qaeda fighters received terrorist training in the Poso region of Central Sulawesi; and (2) Indonesian Muslims played a leading role in the *Kumpulan Mujahidin Malaysia* (KMM) and *Jemaah Islamiyah* (JI) 'terrorist groups' in Malaysia and Singapore respectively, both of which have been linked to Osama bin Laden's network.

The claims of terrorist training bases in Sulawesi emerged originally in testimony given to a Spanish judge by eight al-Qaeda activists. They claimed 200-300 fighters had trained in Poso and mentioned an Indonesian, Parlingdungan Siregar, as a pivotal figure. The claims were soon taken up by Hendropriyono, the head of Indonesia's State Intelligence Agency (BIN), who stated publicly in mid-December 2001 that his officers had found evidence of

foreigners training near Poso. The US press also began carrying stories, presumably based on briefings from Bush administration officials, that high-resolution satellite imagery had confirmed the existence of the camps and their foreign personnel.

Much of this 'evidence', however, was soon shown to be equivocal. Key allies of the United States regarded the satellite photographs as inconclusive, because they failed to show who might have been using the base. A number of Western missions in Jakarta sent their own teams to Poso but found nothing



Hendropriyono

TEMPO

to support the 'foreign base' claim.

Hendropriyono's statements were also contradicted by senior Indonesian police and military officials, who admitted that, while there were certainly Indonesian paramilitary training bases in Poso, they had no evidence of outsiders training there. Finally, there was the general question of how the training of several hundred foreign Muslims could go unnoticed by the large Christian community around Poso or by local security officials.

The KMM and JI allegations surfaced following a series of arrests in Malaysia and Singapore between mid-2001 and early 2002. Officials in both countries claimed there were links between the two organisations. They said that testimony given by the detainees pointed to three Indonesians as having a leading role in KMM and JI. The three were Abubakar Ba'asyir, a fiery Islamic preacher from Central Java and supposed spiritual leader of both organisations, Riduan Isamuddin (commonly known as Hambali) who was credited with the daily management of JI, and Mohammad Iqbal. Iqbal was captured by Malaysian authorities in late 2001 and has not been seen in public since; Ba'asyir has returned to Indonesia where he maintains a high public profile; and Hambali went to ground after Indonesian police issued a warrant for his arrest. Malaysia and Singapore have pressed the Indonesian government to arrest Ba'asyir but have been told there is no case against him. This has led to highly critical reporting in the international press of Indonesia's 'soft stance' on terrorism.

The JI-Indonesia connection received further coverage when Philippines officials arrested an Indonesian, Fathur Rohim al-Ghozi in January 2002, on charges of importing explosives. Al-Ghozi, a former student at Ba'asyir's boarding school, was soon identified as JI's bomb expert and accused of involvement in various bombings across the region. This was followed in mid-March by the detention of another three Indonesian Muslims — Tamsil Linrung, Abdul Jamal Balfas and Agus Dwikarna — in Manila on charges of smuggling C4 explosive in their luggage. Philippines authorities claimed the men were linked to JI and other terrorist organisations. Tamsil and Balfas were eventually released in mid-April for lack of evidence but Dwikarna remains in detention, reportedly at the request of BIN.

Sweeping claims

The KMM-JI connection has been frequently cited by foreign officials and the media in sweeping claims about Indonesia's terrorism problem, but the available evidence only warrants a narrower interpretation. In the case of JI, the Singaporean government has released substantial documentary and video evidence to back its claim that this was a genuine terrorist group, and there appears little reason to doubt this information. The case against al-Ghozi is also strong. Much of the original JI testimony that led to his arrest has proven accurate and al-Ghozi has admitted his involvement in terrorist training and bombings. He was found guilty in the Philippines in mid-April and sentenced to a minimum ten years' jail. But the Singaporeans have failed to present evidence proving that Ba'asyir, Hambali and Iqbal had a role in JI's terrorism.

The KMM case is far less credible. The Malaysian government has offered the public almost no evidence to back its assertion that KMM is a terrorist group. Indeed, so flimsy is the government's case that a number of analysts have queried whether KMM even exists. The Mahathir administration has clear political and diplomatic motives in playing up the terrorism issue. It has sought to discredit its main political foe, the Islamist PAS, by alleging links between PAS and the KMM. It has also curried US favour by appearing proactively anti-terrorist. As with the Singaporeans, the Malaysian government has not revealed evidence showing the complicity of Ba'asyir, Hambali and Iqbal in KMM's terrorism. Indonesian police who have examined the testimony of the KMM detainees claim that, while it clearly shows that Ba'asyir and Hambali were militant preachers, it does not indicate any terrorist intent.

Also dubious is the case against Tamsil, Balfas and Dwikarna. Almost from the outset, their arrest showed signs of being a frame-up. Tamsil told the Indonesian press that he and his two associates had been the only passengers searched from their flight and that they had seen Filipino officials plant the explosives in one of their suitcases. Filipino police had later told them that their arrest had been ordered by Hendropriyono and that a senior BIN official had travelled to Manila to oversee the operation. Meanwhile the Filipino police refused to allow a visiting Indonesian police team access to the

'smuggled' explosive. The role played by Hendropriyono and BIN has attracted strong criticism from Islamic groups, the press and parliamentarians.

Misinformation

A number of conclusions can now be drawn. The first is that there is little basis for asserting that Indonesia is a proven base for terrorist groups. While a small number of Indonesians can reasonably be assumed to have engaged in terrorism, the data regarding bases

and cells is, at best, inconclusive. This is not to say that Indonesia has no terrorists, but rather, that those who assert it has a serious international terrorist problem lack sufficient evidence or are not placing what they know on the public record (I suspect the former).

A second conclusion is that US and Malaysian officials as well as Hendropriyono appear to be engaging in deliberate misinformation over the terrorism issue, apparently for domestic political and diplomatic purposes.

The Indonesian government and Islamic community have grounds for scepticism over foreign claims of terrorists within its borders. It is in part true, as outsiders often point out, that Megawati is wary of arousing Muslim sentiment. But the point remains that those doing the accusing have failed to provide compelling reasons for Indonesian law enforcement authorities to act. Rather than excoriate Jakarta, the international community should commend it for upholding the principle of presumption of innocence and not arresting citizens without evidence of guilt.

The above conclusions call into question the wisdom of the current US policy towards Indonesia, which entails pressuring it to step up action against terrorists. Indonesia's intelligence services, for example, have a notorious reputation of fabricating evidence and abusing human rights. The greater the US pressure, the greater the risk that these services will act in an unprofessional if not illegal way.

It seems that the Bush administration is planning to give a leading role to Hendropriyono and BIN as part of its

'anti-terrorism solution' for Indonesia. In so doing, they appear willing to overlook the lamentable record of Hendropriyono and the organisation he leads. Apart from bungling the issue of al-Qaeda bases in Poso and arousing controversy over his role in the arrest of Tamsil, Balfas and Dwikarna, Hendropriyono has been accused of involvement in the massacre of more than a hundred Muslim villagers in Talangsari, Lampung, in 1989, when he was the local military commander. More

There is little basis for asserting that Indonesia is a proven base for terrorist groups

recently he has attracted adverse press attention over his extensive business interests and for his suspected complicity in the assassination of Papuan leader Theys Eluay.

BIN's record under his leadership is little better. It has been publicly ridiculed for its inaccurate and often politically loaded reporting. In early 2002, it was derided by ministers and senior politicians when it emerged that BIN had written separate and contradictory reports on the economy for cabinet ministers and a parliamentary committee. BIN also prepared an error-filled briefing for parliament's Foreign Affairs and Security Commission prior to John Howard's visit to Indonesia in February. Among other things, it alleged that Australia's Lt-Gen Peter Cosgrove had written an autobiography denigrating Indonesia's role in East Timor. It also asserted that the Howard government had formed a secret twelve-person committee to engineer Papua's secession from Indonesia.

The cornerstone of any US anti-terrorism policy in Indonesia should be to win the confidence of the Islamic community. Cooperation from Muslims is critical if terrorists are to be exposed. This is only possible if the US and Indonesia's security officials and ASEAN partners provide reliable information to a community where anti-Western sentiment is already high. ■

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ATTACHMENT 3:

Greg Fealy, 'Inside the Laskar Jihad', *Inside Indonesia*, Jan-Mar 2001: pp28-29

Inside the Laskar Jihad

An interview with the leader of a new, radical and militant sect

Greg Fealy

The Laskar Jihad headquarters belies expectations. I went to the site in late August anticipating a large, well-equipped facility, bustling with various paramilitary training activities and white-gowned staff coordinating the operations of thousands of Muslim fighters in Maluku. Instead, the 'nerve centre' of Laskar Jihad was based in a small, dusty, rather run-down Islamic boarding school (pesantren). The school, Ihya'us Sunnah Tadribud Du'at, is in the village of Degolan, about an hour's drive north of Yogyakarta. It comprises about half a dozen buildings, including a small mosque, several houses and two cramped dormitories. Most of the buildings are rented and of simple construction. The main dormitory has dirt floors covered with mats and plastic, no ceiling or lining on the walls. There are about sixty students, many of whom are 'day' students who have lodgings in nearby villages. If the Laskar Jihad is

of Arab-Madurese descent. Until the formation of Laskar Jihad earlier this year, Ja'far was little known outside the Arab community and militant Islamic circles, where his fiery sermons had made him a popular preacher. Much of his adult life has been spent quietly enough teaching Arabic and Islamic sciences in the al-Irsyad school system. By his own admission, the highlight of his early life was the two years he spent fighting with the Mujahidin against Soviet forces in Afghanistan in 1988-89. Ja'far had joined the Mujahidin after dropping out of the Mawdudi Institute in Lahore, where he had been taking advanced Islamic studies.

Somewhat portly, with soft hands that suggest it has been a long time since he engaged in combat, Ja'far is revered, and quite probably feared, by his students. Most refer to him respectfully as 'panglima' and speak constantly of his feats in Afghanistan or his knowledge of Islam. One student showed me

story to me but did not claim credit for firing the missile). Ja'far's manner with his students is stern. In a plangent voice, he delivers instructions to students and quickly becomes irritated if they are not carried out to his satisfaction.

Origins

Laskar Jihad is the paramilitary division of the Forum Komunikasi Ahlus Sunnah wal Jama'ah (most simply translated as the Sunni Communication Forum) or FKAWJ, an organisation formed by a group of hardline Muslim leaders in early 1998 to promote 'true Islamic values'. FKAWJ is controlled by a 60-member board of patrons (dewan pembina), of which Ja'far is chairman. Most board members are leaders of pesantren or prominent preachers and it is their followers who form the core of the Laskar Jihad.

FKAWJ doctrine is notable for its narrow Islamism and exclusivism. Although most of Indonesia's main Islamic organisations regard themselves as ahlus sunnah wal jamaah, FKAWJ believe that only they can rightly use this ascription. For example, Ja'far states that neither Nahdlatul Ulama nor Muhammadiyah can claim to be genuinely ahlus sunnah wal jamaah because they have deviated from the Qur'an and example of the Prophet Muhammad and have doctrines which are corrupted by non-Islamic sources.

FKAWJ also rejects democracy as 'incompatible with Islam' and refuses to support any political party, including the more Islamist parties. According to Ja'far, 'in democracy, people who don't understand anything, and they are the majority, elect their leaders without any educated considerations at all. They only elect those that give them money or say what they want to hear.' By these means, religious minorities and nominal Muslims have been able to 'thwart the application of Islamic law' in Indonesia. In a genuine Islamic society, it is God's law rather than the will of the people that is supreme. FKAWJ calls for democracy to be replaced by a council of experts (ahlu halli wal aqdi) dominated by Islamic scholars who are learned in Islamic law. The council would have the power to appoint the head of state and control government policy.

Its attitudes to women also place it outside the mainstream. Women are not permitted to hold leadership positions in FKAWJ and cannot join Laskar

They reject democracy as 'incompatible with Islam' and refuse to support any political party, including the more Islamist parties

receiving generous funding from the Suharto family and sections of the military, as is often alleged, there is little sign of it at Degolan.

The head of the pesantren and commander (panglima) of Laskar Jihad is Ustad Ja'far Umar Thalib, a 39-year-old Malang-born teacher and preacher

a collection of Ja'far's articles and told me: 'You need not look elsewhere. This is the truth [pointing to the articles]. Just read Pak Ja'far and you'll learn what Islam is really about.' Another told me how Ja'far had shot down five Soviet helicopters with one missile in Afghanistan (Ja'far later recounted this

Jihad. For Ja'far, FKAWJ's main responsibility to women is 'to educate them and then marry them to pious men who are capable of preventing them from falling into sin. Men's role is to supervise women and ensure that their behaviour is properly Islamic.' Ja'far has three wives, each of whom wears Middle Eastern-style black gowns and headdresses which cover their faces.

Maluku

Laskar Jihad was formally established on 30 January 2000 in Yogyakarta in response to what FKAWJ saw as deliberate persecution of Muslims in Maluku. According to Ja'far, the decision to form Laskar Jihad came after FKAWJ despatched a team of researchers to Maluku in late 1999 to gather data on the conflict. It found evidence that Protestant churches had plans to form a breakaway Christian state comprising Maluku, West Papua and North Sulawesi. Remnants of the former Republic of the South Moluccas (RMS) based in the Netherlands were actively involved in this movement. A key part of their plan was to wage war on Muslims in those provinces in order to drive them to other areas. It was, he said, a plan for 'religious cleansing'. When pressed on what evidence there was to support this, he referred to the testimony of Christians who were 'loyal to Indonesia' who had leaked documents detailing the Protestant churches' plans.

Based on these findings, the FKAWJ declared those Christians in Maluku who were attacking Muslims to be kafir harbi or 'belligerent infidels'. Kafir harbi are seen as the most dangerous category of unbelievers and Islamic law obliges Muslims to wage war against them. In the case of the Laskar Jihad, the labelling of Christians as kafir harbi gave a powerful religious licence to kill. FKAWJ subsequently declared the current Islamic year to be the 'Year of Jihad' (literally 'religious struggle' but also with the connotation of holy war) and stated any Muslim killed fighting Christian kafir harbi would die a martyr. Ja'far stated that in mobilising the Laskar Jihad, he was merely doing his duty as a Muslim, because 'clearly the Abdurrahman Wahid government is unable or unwilling to protect the



Laskar Jihad Headquarters.

GREG FEALY

Islamic community. If the state can't protect us [ie. Muslims], then we must do it ourselves.' Ja'far maintains that Abdurrahman's government is anti-Islamic: 'It is positioned to oppress Muslim interests and protect those of the infidels.' FKAWJ is committed to bringing it down.

Mobilising the Laskar

The Laskar Jihad's membership and notoriety grew quickly in its early months. Many of its members were drawn from poorer, less educated sections of the Islamic community, though a small number of tertiary graduates and professionals also joined. It first made national headlines in March when Ja'far led an assault on the followers of a Muslim leader in Cirebon who had alleged that it was extorting funds from local non-Muslims and who had also condemned its plans to send fighters to Maluku (*Gatra*, 25 March 2000). The following month, it undertook a series of demonstrations and marches in Jakarta, including to the presidential palace and parliament, with many Laskar members waving unsheathed swords and daggers. In late April, about 3000 members departed for Maluku. Press reports estimate there are now about 6000 Laskar Jihad fighters in Maluku, though Ja'far claimed the figure is less than 4000. Total membership, according to the FKAWJ secretary-general, Ma'ruf Barhan, is

now at 10,000 and plans are afoot to send units to new troublespots such as Poso in Central Sulawesi, where several hundred Muslims were killed in religious violence earlier in 2000.

Like many other militant Islamic groups, Laskar Jihad has proved adept at promoting its views via the media. It produces a magazine, *Salafy*, at an office and dormitory complex four kilometres from Degolan on the road to Yogyakarta and also has a regularly updated website run from FKAWJ's Jakarta office (www.LaskarJihad.or.id).

Ja'far dismisses widespread speculation that the Laskar Jihad is backed by influential sections of TNI, saying that the Islamic community has learned through bitter experience not to trust the military. In interviews earlier in the year, however, he and his lieutenants boasted of their relationship with TNI. In one interview, Ja'far claimed to have a hotline to TNI commander Admiral Widodo (*Panji Masyarakat*, 26 April 2000). Another FKAWJ leader also admitted that TNI officers have assisted in the training of Laskar Jihad (*Gatra*, 25 March 2000). He says that most of Laskar Jihad's funds are raised through sources in the Muslim community. ■

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ATTACHMENT 4:

Bernhard Platzdasch, 'Radical or Reformist', *Inside Indonesia*, Oct-Dec 2001:
pp27-28

Radical or reformist?

How Islamic will the new movements make Indonesia?

Bernhard Platzdasch

Unlike the Suharto era, Indonesia now has quite radical Islamic groups operating in the open. Among them, the Islamic Defenders Front (Front Pembela Islam, FPI) is infamous for unleashing paramilitary gangs on 'iniquitous' nightspots. The Sunni Communication Forum (Forum Komunikasi Ahlusunnah Wal Jamaah, FKAJ) fights for Muslims in Maluku. The Liberation Party (Hizbut Tahrir) is a branch of the Middle Eastern movement of the same name. It calls for the Indonesian nation-state to be abolished and replaced by the classic model of an Islamic state, the caliphate. Both FKAJ and Hizbut Tahrir bluntly reject democratic models as a Western invention, incompatible with Islam. The campus-based Hizbut Tahrir shows

restraint in its actions, but the other two frequently operate in a grey area of the law (see accompanying article).

The Islamic Defenders Front and the FKAJ draw their mass support from poorly educated lower income classes. Somewhat unconvincingly, unlike the blunt anti-pluralism of FKAJ and Hizbut Tahrir, the Defenders proclaim a nebulous democratic agenda. Still, all these groups are similar in their fierce anti-Western and anti-Zionist propaganda.

Recent news coverage outside Indonesia has frequently expressed concern that a strident and anti-democratic Islam is on the rise in Indonesia. This view is not to be dismissed completely, but it is over-drawn. As we shall see, there is a widened range of Islamic par-

ties and movements in Indonesia, but it overwhelmingly supports the country's stumble toward democracy. Groups such as those described above stand outside the party spectrum. They make up a small radical fringe inclined to violence and intimidation to achieve its goals.

Less removed from the mainstream are some important Muslim student organisations. The most notable among them is the Indonesian Muslim Student Action Union (Kesatuan Aksi Mahasiswa Muslim Indonesia, Kammi). This group was a significant force during the 1998 protests that initiated the change of regime. Rooted in the Islamic neo-revivalist movement on campus, and ideologically tied to the teachings of the Egyptian Muslim Brotherhood, Kammi is a major source of party workers for the Justice Party (Partai Keadilan, PK).

Both Kammi and PK are the expressions of a new generation of Muslims who promote an 'uncompromising' purification of Islamic belief and strict adherence to religious morals, while simultaneously pushing for political modernisation.

Despite its Islamist tone, they advocate a reformist agenda that is largely devoid of exclusivist propaganda. Indeed, all the electoral parties adhering to what we may call 'formalist' Islam support democracy and the rule of law as the preferable political system. The most important are the United Development Party (Partai Persatuan Pembangunan, PPP) and the Crescent Moon and Star Party (Partai Bintang Bulan, PBB), besides the just mentioned



Laskar Jihad 2001

TEMPO

At bottom lies the idea that Islam should be an all-encompassing 'way of life'

PK. The new vice-president, Hamzah Haz, comes from this side of politics (PPP). While a relatively small number of groups operate at the margins or outside of what is legally tolerable, in most cases religious militancy has made common cause with politically moderate positions. The formalist parties are in many ways part of the more reform-willing forces in parliament. They support the need for democratising amendments to the constitution, and want to reduce the role of the military.

Formalist Islamic groups (as opposed to more cultural ones) adhere to a literal understanding of Islamic doctrine and its adoption into private and public life. They seek a formal acknowledgement of their religion, that is by the state in the constitution. A striking aspect of formalist Islam is its religious conservatism or militancy. At a glance, the rise of new Islamic organisations and the return of ideological stridency point to a substantial change within Indonesian politics. In fact, the appearance tends to belie the reality.

The recent developments are above all logical symptoms of a newly liberalised political system. The New Order disfavoured Islamic parties, and made all parties adopt Pancasila as their sole ideology. But the breakdown of state control following reformasi allowed Muslims to adopt Islam formally as the ideology of political organisations. When the Pancasila requirement was dropped in 1998, new Islamic parties sprang up and thus created a perception of political Islam on the march. Today these parties have a more distinct 'voice' than at any time since Sukarno introduced his authoritarian 'Guided Democracy' in 1959.

However, the emergence of these new parties should only come as a surprise to us if we were to assume that the New Order's ideological monopoly had succeeded in winning the hearts and minds of ideologically aware Muslims.

In any event, formalist parties proved to lack mass support. Nearly ninety percent of the Indonesian population is at least nominally Muslim. But in the 1999 general elections formalist Islamic parties won a mere sixteen percent of the total votes. And this was a dramatic drop compared to the 43.9% in the last free elections, back in 1955.

It is certainly a major obstacle for the realisation of any more militant goals in the near future.

Symbolic

So what are the formalist movements offering Indonesia? At bottom lies the idea that Islam should be an all-encompassing 'way of life'. Virtually unheard under Suharto, demands for the full implementation of Islamic law (shariah) are very much in vogue these days. The message is spread through numerous overtly Islamic journals that gained new momentum from the collapse of ideological censorship.

Yet Islam's shift toward stridency is more symbolic than aimed at a policy impact. The clearest proof of this is the reemergence of the Jakarta Charter issue. This is the 'classic' formalist theme.

During the constitutional debates in 1945, 'seven words' were briefly incorporated into the constitution, but soon thereafter deleted. These seven words later became known as the Jakarta Charter, and their 'illegal' deletion a cause celebre for formalist Muslims. They were a supplement to the first principle of the national ideology Pancasila, the one that declares belief in 'the One Supreme God'. The Jakarta Charter remains widely understood as obliging the state to implement Islamic law among Muslims.

After being hotly but fruitlessly debated for many years under Sukarno, the Jakarta Charter question was outlawed under Suharto as destabilising. But the Charter experienced a sudden comeback in the wake of last year's annual session of Indonesia's highest decision-making body, the People's Consultative Assembly (MPR). It was raised there by the PBB and PPP parliamentary factions.

PK, part of an alliance with Amien Rais' secular-based National Mandate Party (PAN) in the Reform Faction, chose to stay neutral. Interestingly, although PK did not support the issue in its role as the smaller member of its faction, internally it favoured a more sweeping concept. While PBB and PPP both followed the traditional wording of the Charter, PK was suggesting an alternative version which would give the state legal force to implement not

only Islam, but also religious teachings among all five officially registered religions. This is an unworkable proposal, considering that Christian religions do not give the state authority to enforce religious doctrine.

In any case, the MPR discussion went nowhere. Calls for the Jakarta Charter remain vague as to their scope and practical implementation. The issue has never been explained to most Indonesians. There is little substantial debate on ideological concepts and principles. There is also remarkably little open ideological dispute between Islamic political parties. This hardly makes the Charter a convincing ideological alternative. Outside parliament, the volume of the 'shariah' calls is not matched by an accordingly influential position of its promoters.

The Charter issue is as much driven by immediate political needs as by religion. While in essence promoting it remains an expression of religious obligation, there were strategic reasons to promote it as well. For example, to consolidate support from militant Islamic groups. The struggle for the Charter in 2000 occurred at a moment of mounting tension between the Abdurrahman Wahid government and parliament. It served to counter the president's announcement earlier in 2000 that he wanted the ban on communism lifted — a step formalist Muslims perceived as an undisguised provocation.

For almost four decades, ideology in Indonesia was manipulated by the state. The Jakarta Charter and other ideological formulations are an Islamic comeback from within society. They draw widespread public attention for that reason. But their substantial meaning is often overrated. First and foremost, they touch an emotional nerve. Many Muslims see a formal statement of party ideology as an essential testimonial to their religious identity. As such, it does not function in the same way as the platform of a Western political party. Nor does it have much immediate impact on that party's policy outlook. During various recent party congresses, the Islamic identity statement was often discussed quite separately. Ironically, it appeared to have no effect on the organisation's statutes or policy positions. ■

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ATTACHMENT 5:

Djohan Effendi, 'Breaking Out', *Inside Indonesia*, Oct-Dec 1997: pp12-13

Breaking out!

DJOHAN EFFENDI explores the paradox of young progressives in Indonesia's most traditional Islamic organisation.

Traditionalist Islam in Indonesia is producing an interesting phenomenon. Young Nahdatul Ulama cadres emerging now are far more responsive towards new ideas and the challenges of modernity, including democratic reform, than their seniors.

Contrary to conventional expectations, when *kiai* or *ulama* combine a mastery of the classical religious sciences with a certain level of 'modern' education they obtain considerable social insight and develop a positive attitude towards social change.

Making this all the more interesting is an opposite phenomenon now occurring among modernist Muslim organisations, where there is a tendency towards a more closed-minded, frequently even reactionary attitude particularly towards 'Western' ideas.

Transformation

A great influence on the younger generation within NU is the emergence of various non-government organisations (NGOs) with either direct or indirect religious affiliations. Since the 1970s NGO activists concerned with social transformation have realised that the religious schools (the *pesantren*) represent the most strategic institutions in Indonesia to promote community development in rural areas. *Pesantren* teachers are known as *kiai*.

The most important institute to facilitate the intellectual development, through discourse, of young *kiai* is the Centre for the Development of Pesantren and Society, P3M. This centre engages in cooperative ventures with *pesantren*, intending to make them centres for community development.

P3M's activities have been important in redressing misgivings in the minds of young NU cadres about NU's social worth after the disillusioning years in the political arena between 1952 and 1984.

Engaged

A desire among NU students (*santri*), *kiai*, and the faithful generally to return the movement to its original socially engaged and reformist character gave birth in 1984 to a move abandoning NU's role as

political party and re-embracing NU's original 1926 charter (*khittah*).

The return opened the way for *pesantren* to cooperate with different organisations without having to constantly consider the party-political implications.

NU's decision to return to the *khittah* encouraged young *kiai* to concentrate their activities around their *pesantren*, not just in teaching and preaching but also in community de-



Masdar Farid Mas'udi. TIRAS

velopment. They joined a broad social network, at a regional and even a national level.

P3M was established in 1983 by several *kiai* and NGO leaders, including Abdurrahman Wahid, now chairman of NU. It has played an important role in facilitating a national network of young *kiai*.

A central activity has been a series of regular seminars and workshops, called *halaqah*, focusing on pressing social issues. The *halaqah* continue an earlier series of religious discussions known as *bahth al-kitab*, literally 'the discussion of books'. They were organised by a young NU intellectual, Masdar Farid Mas'udi, now the chairman of P3M, and were fully supported by Abdurrahman Wahid.

Critical

In these discussions religious texts which had been sacralised in *pesantren* usage were discussed critically. This had never been done before, at least not by older *kiai* and never openly. Not surprisingly they resulted in critical reactions from some

older *kiai*, who considered them a serious deviation from NU's tradition and absolutely against the ethics of the *santri*. For this reason the organisers decided to stop them.

Nevertheless many younger *kiai* felt there was a need for a forum to discuss social issues from a religious perspective. That is how P3M came to organise the *halaqah* discussions.

The range of topics discussed in these *halaqah* demonstrated that they were not just religious forums but also socio-political ones. And they were not a purely academic exercise but an effort to understand the real problems of society, with a view to sharing what they were able to do from their perspective as religious leaders.

Quite fundamental, if highly specialised, discussions have been held on the degree of independence a student has in following the teaching of their elders. The way these discussions are eventually resolved will have a significant bearing on the future development of NU.

Theology

On a more practical level, the *halaqah* have discussed the *fiqh* of various socio-political matters. The term *fiqh* literally means jurisprudence, but here it is roughly equivalent to the Christian term theology. So they talked about the *fiqh* of land, the *fiqh* of tax, the *fiqh* of people's representative institutions, and the *fiqh* of just leadership. The *halaqah* of 14 and 15 August 1997 took up the very latest and most important socio-political issue in Indonesia: Islam and political violence.

Among the most recent activities initiated by P3M, which is supported by the Ford Foundation, is a forum for women *kiai* to discuss feminist issues from a scholarly Islamic perspective. This activity is still in its initial stages and has been organised in only four *pesantren* so far, but will be followed by others.

All these discussions at P3M will certainly play a significant role in future progressive developments within the Indonesian Muslim community. ●

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ATTACHMENT 6:

Jan Lingard, 'The first Asian boat people', *Inside Indonesia*, Oct-Dec 2001:
pp21-22

The first Asian boat people

Strange things began to happen when Indonesian refugees came to Australia during World War II

Jan Lingard

Before 1942 much Australian opinion about Asia focussed on preserving a 'White Australia'. Its vast spaces, it was assumed, could be nothing but an irresistible attraction for the 'teeming millions' to Australia's north. To most Australians, Asia was China and Japan. Most seemed unaware that the British, French, Portuguese and Dutch colonies in the region were also part of Asia. These they considered, like Australia, to be outposts of European civilisation, whose 'native' populations attracted little interest.

When war broke out in the Pacific, and Malaya and Singapore fell to the Japanese, Australians suddenly realised the Asian countries to the north had strategic importance. Newspapers were filled with previously little known place names, as one by one the islands, cities and towns of the Netherlands East Indies fell. Finally, in March 1942, the Dutch in Java capitulated. Senior members of the Indies administration fled to Australia. They brought with them several thousand evacuees — Dutch, Eurasian and particularly Indonesian subjects of the Royal Netherlands colonial empire. Between then and 1948, when the last remaining handful were repatriated, some five and a half thousand 'coloured' Indonesians had, through the exigencies of war, been brought to a country which had enshrined its 'White Australia' policy since 1901 through the Immigration Restriction Act.

The Indonesians came from all parts of the archipelago. They comprised merchant seamen, members of the army, navy and air force, clerical workers, civilian refugees, domestic servants, and political prisoners evacuated from



The first 'boat people'

MIRIAM NICHOLLS

the prison settlement at Boven Digul in Dutch New Guinea. A handful just happened to be working at ports or airfields in Java, and in the confusion were gathered up and brought against their will. Upon arrival, the Indonesians were dispersed to many different cities and country towns, particularly in Victoria, New South Wales and Queensland. They went to military camps, internment camps, seamen's hostels, ships or ordinary houses. Here Australians and Indonesians met one another in ways that neither had dreamed of. Indonesian children were born and went to school here, adults married here — occasionally to Australian girls — and others died here.

'Brown' people

Among the first were a group of Indonesians who came on their own — the first 'boat people'. In March 1942 a group of 67 Javanese men, women and children who had been living in Sumatra attempted to sail back to Java. Trained fitters and turners, the men were required to report for work at the Dutch arsenal in the town of Bandung. However, the speed of the Japanese invasion made this impossible, and the group turned south. After a hazardous journey they reached Fremantle, in Western Australia. There they were told to continue to Port Melbourne, arriving in April. As their ship docked, local Melburnians were treated to a sight they had never seen before. The Javanese were gathered on deck, wearing traditional dress: colourful sarongs, sashes and long lace blouses for the women, some of them suckling babies; sarongs, black jackets and caps and ceremonial kris for the men. John Guthrie, a young boy living at Port Melbourne at the time, recalls the excitement as word spread and he and his friends raced to the dock. Of particular interest was the fact that these were 'brown' people, whom the boys had never seen before.

Dutch officials met the ship, but were at a loss to know what to do with these unexpected arrivals. Finally they asked the advice of Rev John Freeman, minister of the Port Melbourne Methodist Church, who agreed to help. With permission from the church authorities the church hall was turned into home for the refugees for the next three years. Small rooms off the main hall were allotted to family groups. Single men used the hall itself. Dutch authorities and the Red Cross provided furniture, bedding, clothing and equipment. A communal kitchen was set up.

Aided by some of the local community, the Freeman family helped the refugees settle in to daily life in their temporary home. A kindergarten was established, attended by both Indonesian and Australian children. The older children attended the Nott Street primary school, where they soon learned English and excelled at their studies. Mrs Freeman took particular care of the women, taking them shopping, arranging hospitalisation when babies were born and generally looking after their welfare. A journalist from the newspaper *The Argus*, who visited the hall commented: 'In this little corner of Port Melbourne, East has met West'. The men, meanwhile, had much-



Settling in a new home

MIRIAM NICHOLLS

needed technical skills. Rev Freeman had no trouble finding work for them in the government aircraft factory at Fishermen's Bend.

The Indonesians made many friendships in the Port Melbourne community. John Guthrie and other young men took the opportunity to explore a new culture. They even learned to speak 'Malay' (Indonesian). In return, they took their new friends to Australian Rules football matches, ice-skating and the theatre. These friendships later led Guthrie to take part in demonstrations and marches in support of Indonesian independence. They were held in Melbourne after the world learned of Sukarno's 'proklamasi' of 17 August 1945.

When war was over and the refugees were eventually repatriated, there were tearful scenes at Spencer Street railway station when they left.

The Freeman family, along with other Australian families, also opened their home to Indonesian merchant seamen and military personnel in this country at the time. There was a constant stream of visitors to the 'open house' they held every Sunday. In turn they often visited 'Indonesia House' which the Dutch had established at the Hotel Metropole. Together with other interested citizens of Melbourne, they enjoyed Indonesian food and cultural performances. Miriam Nichols and Bonita Ellen, two of the Freeman daughters, have maintained friendships with some of their Indonesian visitors to the present day.

Friendship

James Gibson is another Australian who enjoyed a special friendship with one Indonesian. Gibson was in the Royal Australian Air Force. With some other Australians he was co-opted into the 18 Netherlands East Indies Squadron, to make up for the shortfall in Dutch ground crew. The squadron trained initially in Canberra, but in November 1942 it was moved first to MacDonal and then to Bachelor airfield in the Northern Territory. There it commenced bombing operations against the Japanese. The Australians were instructed not to fraternise with the 'native' members of the squadron, but Gibson ignored this order and struck up a friendship with a Javanese man named Djadi. From Djadi he learned about Javanese culture and learned some Malay language, which he still remembers. The two men were inseparable at this time, but lost contact when

The Indonesian Revolution was in some part fought on Australian soil

the war ended and Djadi was repatriated. In 1997 Gibson was able to trace Djadi's whereabouts. He made a trip to Java to see his old friend again. This became a treasured experience, as Djadi died about a year later.

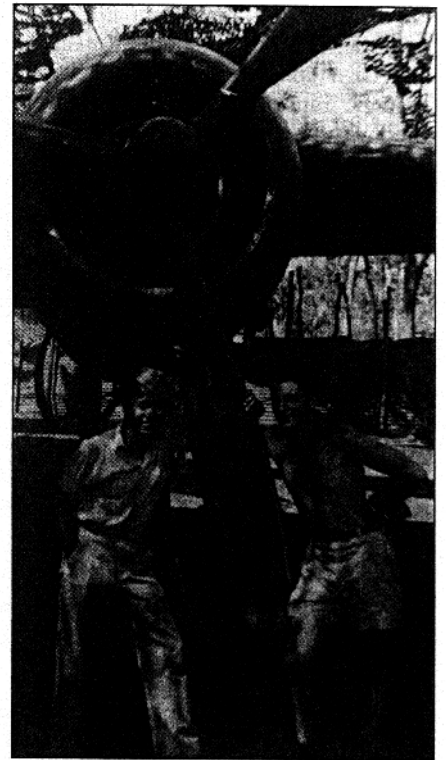
The Australian government played a role in eventually supporting the recognition of the new Republic of Indonesia by the United Nations. Much has been written about this. But the first support came at grass roots level from within the Australian community. In particular it came from the Communist Party and the labour union movement. It also came from individuals who shunned the racist attitudes of White Australia and seized the opportunity to learn about and enjoy friendships with Asian people.

The bans Australian waterside workers placed on loading Dutch ships they suspected were carrying arms to be used against the Indonesian revolutionaries are well documented. The former Dutch political prisoners from Boven Digul, who had initially been interned in the prisoner of war camp at Cowra in New South Wales, also played an

important role. After their release many actively politicised other Indonesians and encouraged them to disobey the Dutch. They also educated Australians about their struggle, using Independence Committees established in Melbourne, Sydney and Brisbane. Australian sympathisers assisted their work — beginning from the time independence was proclaimed in 1945 until it was finally attained in 1949. The Indonesian Revolution, it could be said, was in some part fought on Australian soil.

Since those days, the political relationship between Indonesia and Australia has been like a roller coaster ride. But the friendships forged during the war years were the forerunner of ongoing 'deeply human people-to-people rapport between Australians and Indonesians', as the former Indonesian ambassador Mr S Wiryo once put it. He was speaking at a ceremony in memory of the thirteen Indonesians who died during their internment in Cowra. Their graves in the Cowra cemetery remain today as a tangible reminder of that rapport. **II**

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Djadi and Jim Gibson, 18 Squadron, Bachelor, NT

JAMES GIBSON

ATTACHMENT 7:

Anita Roberts, 'Don't let them drown', *Inside Indonesia*, Apr-Jun 2001: pp28-29

Don't let them drown!

Australia must be a good global citizen towards refugees who transit Indonesia

Anita Roberts

The ten men staring through the bars at me ask me questions I cannot answer. 'Why are we here? What have we done that so hurts the Indonesian government? Why does Australia do nothing?' Mr Daud, an Afghani asylum seeker, also doubts the UN: 'The United Nations is the whole world, they must accept us, they need all people, the poor and those from war.' Like his fellow asylum seekers in detention in Denpasar, Daud has taken too many risks to consider the possibility that he will not be granted refugee status.

Daud, 'the Commander', fought with the United Front against the Taliban. When the Taliban captured and killed his brother, also a United Front

commander, he put his wife and six children into hiding and fled. He has been in detention in Bali since he was arrested there on 14 June 2000 for overstaying his tourist visa. He has not yet been able to contact his family.

An officer from the United Nations High Commissioner for Refugees (UNHCR) interviewed the asylum seekers in mid-July. Five months later, they have heard nothing, and hopes are sinking. Time stretches endlessly. The treatment of Daud's group is inconsistent with the UNHCR's own guideline advocating a 'rapid, flexible and liberal' process of status determination. Nor has the Indonesian Immigration Office in Denpasar, responsible for the 'quarantined' group, been kept informed.

The Immigration Department, meanwhile, lacks the funds to put Mr Daud on trial for breaking immigration law, so it treats his overstay as a procedural offence and is holding him in immigration detention. Officials hope the UNHCR will take him off their hands as a refugee. They are confused with the lack of policy guidelines to direct their response not only to the asylum seekers but also the various international bodies which also claim a role, the UNHCR and International Organisation for Migration (IOM).

If Daud does not get refugee status, he will in theory be blacklisted and deported from Indonesia. This would mean waiting in detention until either Indonesia has the funds to deport him or his home embassy agrees to pay. The latter is unlikely, and in any case, Daud would refuse to be repatriated. Immigration sources acknowledge that people in this situation have been detained for over forty years in the Kalideres detention centre in Jakarta. Over five hundred asylum seekers like Mr Daud are now stuck in Indonesian detention centres.

Indonesia's 'selective policy' on immigration means it does not accept the principle of naturalisation, nor does it permit itself to become a processing centre for refugees. However, while not party to the Refugee Convention, Indonesia has chosen not to remain blind to the global issue of asylum and refugees. The Department of Foreign Affairs and that of Justice and Human Rights both speak of a new 'humanitarian approach' to the refugee issue, which is in fact at odds with domestic law. This stance has allowed UNHCR and the IOM to become involved in the refugee determination process as representatives of the international community. Thus Mr Daud's future is determined by several often incompatible bodies – the Indonesian and Australian governments, and these international agencies.

The two governments each effectively have isolationist policies. Indeed, Indonesia is operating in a legal and policy vacuum regarding the current flow of Middle Eastern asylum seekers. There is no issue-specific memorandum of understanding on it between them. The Indonesian Department of Foreign Affairs argues that a framework for a MoU should be taken from the UN Convention on Transnational Organised Crime, held in December 2000. While this MoU remains unrealised, cooperation is largely informal and carefully understated.



Denpasar Quarantine, 10 asylum seekers and IOM (International Organisation for Migration) Representative: Mr Yong Lai Kong. November 2000

ANITA ROBERTS

Persecution

Since the beginning of 1999, Indonesia has become the key staging point for the movement of people from the Middle East to Australia. Eighty five percent of those illegally entering Australia come by boat via Indonesia. Most asylum seekers enter Indonesia legally and try to reach either Christmas Island or Ashmore Reef. An asylum seeker is a person who applies to a national government for recognition as a refugee, and for permission to stay because they face persecution on the grounds of race, religion, political opinion, nationality or because they belong to a particular social group.

However, asylum seekers in Indonesia do not have their applications considered by the Indonesian government, as Indonesia has not yet signed the UN Convention relating to the Status of Refugees 1951 (the Refugee Convention) and its 1967 Protocol. Instead, the UNHCR branch in Jakarta considers their applications. If successful, they will await resettlement in a third country.

More than five hundred more illegal immigrants are feared to have died en route to Australia in 1999 alone. Yet, Indonesia and Australia both ignore this tragedy. Commenting on a report in December 2000 that 163 illegal immigrants had probably drowned while sailing to Ashmore Reef, Australia, Australia's Immigration Minister Mr Ruddock said: 'The incident appeared to have happened outside the area of responsibility'. What a contrast to the enthusiasm (and the money – an estimated A\$2 million) the Australian Maritime Safety Authority exhibited to save Isabelle Autissier, the solo yachtswoman in 1995, and Tony Bullimore in 1997! Australia knows Indonesia does not have the capability to mount a 'coastwatch' service. Australia cannot hide behind its national boundaries.

Each year illegal people trafficking moves an estimated four million people worldwide, and generates proceeds of US\$10 billion. Daud paid US\$3,000 to an agent in Karachi, Pakistan, whom he met through an agent in Kabul, Afghanistan. For this fee he obtained an Afghanistan passport, Indonesian visa, and travel to Indonesia. In Indonesia, he contacted agents in Bali and Jakarta, and paid another US\$2,000 in his attempts before arrest. Most of the asylum seekers I spoke to indicated they would try to reach Australia, even if it meant using up all their savings on up to three attempts. Indonesian police and immi-

gration officials at remote ports, who lack the means to look after a sudden influx of foreigners, can sometimes be bribed just to let them leave. Their last resort was to contact the UNHCR and submit to status determination.

Peace

Australia attracts asylum seekers because of its wealth, peace, and stability. Mr Daud says: 'If our life is not in danger, why leave our children, our wife? I do not want to see Indonesia or Australia, I come here for safety.' The current flow is different only because they enter illegally. Does this make them criminals?

A recent letter to the editor in the Sydney Morning Herald stated 'illegals can nowadays not only drift in at will

ship, civil unrest, and persecution. The need is not for criminal but for migration solutions. The IOM does talk of resettlement and voluntary repatriation, but its counter-trafficking project gets substantial funding from Australia, so it has to concern itself with Australian views. It is senseless for individual states to act independently in the face of this global concern. Asylum seekers cannot call upon their homelands for protection. We cannot allow their plight to be viewed within the framework of individual nation states' interests.

For Australia, the 'boat people' are a hot topic, but they only become one at the moment they arrive in Australia and start affecting Australians. Those who make it that far are the lucky few. We

Australia attracts asylum seekers because of its wealth, peace, and stability. Does this make them criminals?

anywhere along our coastline but also demand the right to this and that'. Mr Ruddock himself claims illegal migration costs the Australian taxpayer millions of dollars in coastal surveillance, detention, litigation and removal costs. It is this perception that must be challenged. Firstly, from the 6,808 overstayers found in Australia in 1999, only 920 arrived as asylum seekers by boat. A media beatup. Secondly, the majority of those arriving by boat tend to apply to remain permanently in Australia as a refugee and as such contact Australian immigration. If any deception is involved it will be discovered when processing the claim for refugee status.

Asylum seekers rely on their own initiative and savings to reach safety. They face great dangers for a second opportunity at life. They use the established channels available to them – that is, narcotic and weapons networks. Restricted opportunity for legal migration has forced their hand. For those fleeing persecution, being smuggled is a reasonable alternative to bureaucratic, time consuming and therefore life endangering legal migration.

Each party is merely concerned with re-directing the flow away from their respective boundaries. There is no real recognition that this flow is due to migration issues such as reduced opportunity for legal migration combined with labour pressures, economic hard-

should take a hard look at the asylum seeker situation before reaching Australian shores.

The global refugee flow is having an impact on our region. Australia should translate its global human rights rhetoric into regional action. This would ensure regional cohesion and security. People trafficking and smuggling networks should be destroyed. But criminal solutions should not be used to answer what is essentially a migration issue. Legal migration avenues should be improved. Australian obligations regarding the Refugee Convention should be fulfilled in the Australian spirit. Australia should also not be afraid to use its offshore humanitarian program to assist regional humanitarian migration issues such as the current flow. Regional benefits mean Australian benefits.

Only when nation states recognise that their global obligations transcend borders will people like Mr Daud know that their future is not arbitrarily determined by a political game of 'national interests'. **II**

Anita Roberts (neetalr@yahoo.com) is a law student at the Australian National University, Canberra. She wrote a longer report on this topic while a participant in Acicis, the Australian Consortium for In-Country Indonesian Studies (www.she.murdoch.edu.au/acicis/).

ATTACHMENT 8:

Campbell Watson, 'Permeable Border', *Inside Indonesia*, Apr-Jun 1998: pp21-23

Permeable border

Indonesian fishermen whose traditional fishing grounds are in Australian waters may have a Mabo-style claim, says CAMPBELL WATSON.

Papela is situated on the island of Roti south-west of Timor, near the maritime border between Indonesia and Australia.

Local tradition says Papela was established during the sixteenth century as a base to fish for shark and trepang around the sandy islands and reefs between north-western Australia and Roti. So Papelans have been fishing there for 500 years.

Most of the 7,000 Papelans are descended from the Islamic seafaring peoples of south and south-east Sulawesi such as the Makassans, Bugis, Butonese and Bajo, and from the islands on the sea route from there such as Flores, Solor and Alor.

Colonial claims

Colonial Great Britain took possession of the Ashmore Islands in 1878 and Cartier Island in 1909. Presumably the claim was based on the same now debunked grounds as claims to the Australian continent itself, namely that they were *terra nullius* because they had no permanent inhabitants.

In 1931 Britain transferred the Ashmore and Cartier Islands to Australia. Approximately the present land areas were under the control of each state at the time of Indonesian independence soon after World War II.

But claims by Australia and Indonesia to ever more extensive seas continued to move forward. There is not simply one border between the countries but a whole set of them (see map). In 1952 Australia unilaterally claimed the living natural resources of the entire Australian continental shelf, which extends to within 150 km of Roti. It included the trepang and trochus within the Papelans' traditional fisheries.

In 1968 both nations extended their territorial seas, a zone of exclusive control, from three to twelve miles. In 1973 they reached agreement on a seabed jurisdiction line. In 1979 Australia, along with 60 other countries, extended its exclusive fishing zone to 200 miles. The

1982 United Nations Convention on the Law of the Sea (UNCLOS III, coming into effect in 1994) legitimated these extensions to sovereignty.

In 1981 Australia and Indonesia agreed on a provisional fisheries surveillance and enforcement boundary approximately equidistant from each country's coast. The 1993 Timor Gap Treaty for the exploration and exploitation of non-living resources of a large part of the seabed stops just short of the Ashmore and Cartier Islands, which have been identified as highly prospective region for oil and gas.

Restricted fishing

The effect of these extensions of sovereignty has been that gradually the traditional fishing grounds of the Papelans have come to lie entirely within Australian territory. It was only in the 1970s that the Australian government attempted to restrict fishing in those waters by Indonesian craft. Negotiations with the Indonesian government resulted in the Memorandum of Understanding (MOU) of 1974 by which a kind of reservation was set up for Indonesian fishermen. The MOU zone now includes all the waters in a boxed area around the initial group of reefs and cays right up to the Indonesian border.

The MOU provides for Indonesian fishermen using traditional sailing craft and methods of catch to fish within this zone. Fishermen may only use sail and compass and may not operate a radio. Fishing and collecting may only be carried out by traditional means. It is forbidden to take turtles or their eggs or any land based products.

Taking of trochus, trepang, abalone, green snails, sponges and molluscs was initially allowed everywhere. But in 1988 the Ashmore Reef National Nature Reserve was created. This drastically reduced the area in which products could be collected to just the sea bed next to Browse islet and Scott and Seringapatem

reefs. Fishermen are only allowed to step onto land within the MOU zone at two of the Ashmore islands and then only to collect fresh water.

Several fishermen claimed it would take a month to catch in Indonesian waters what it would take a week to catch in Australian waters. This is partly due to overfishing and lack of marine management in Indonesia compared to Australia.

Not exclusive

The Papelans themselves regard the seas as open and free and are not inclined to claim exclusive ownership of their traditional fishing grounds.

Many vessels from Sulawesi and other Indonesian ports also fish the waters throughout the border zone. These craft are bigger and motorised. Much of this fishing in Australian waters is 'illegal', although in some cases also based on purported historical rights. The MOU simply specifies 'Indonesian fishermen' as a whole.

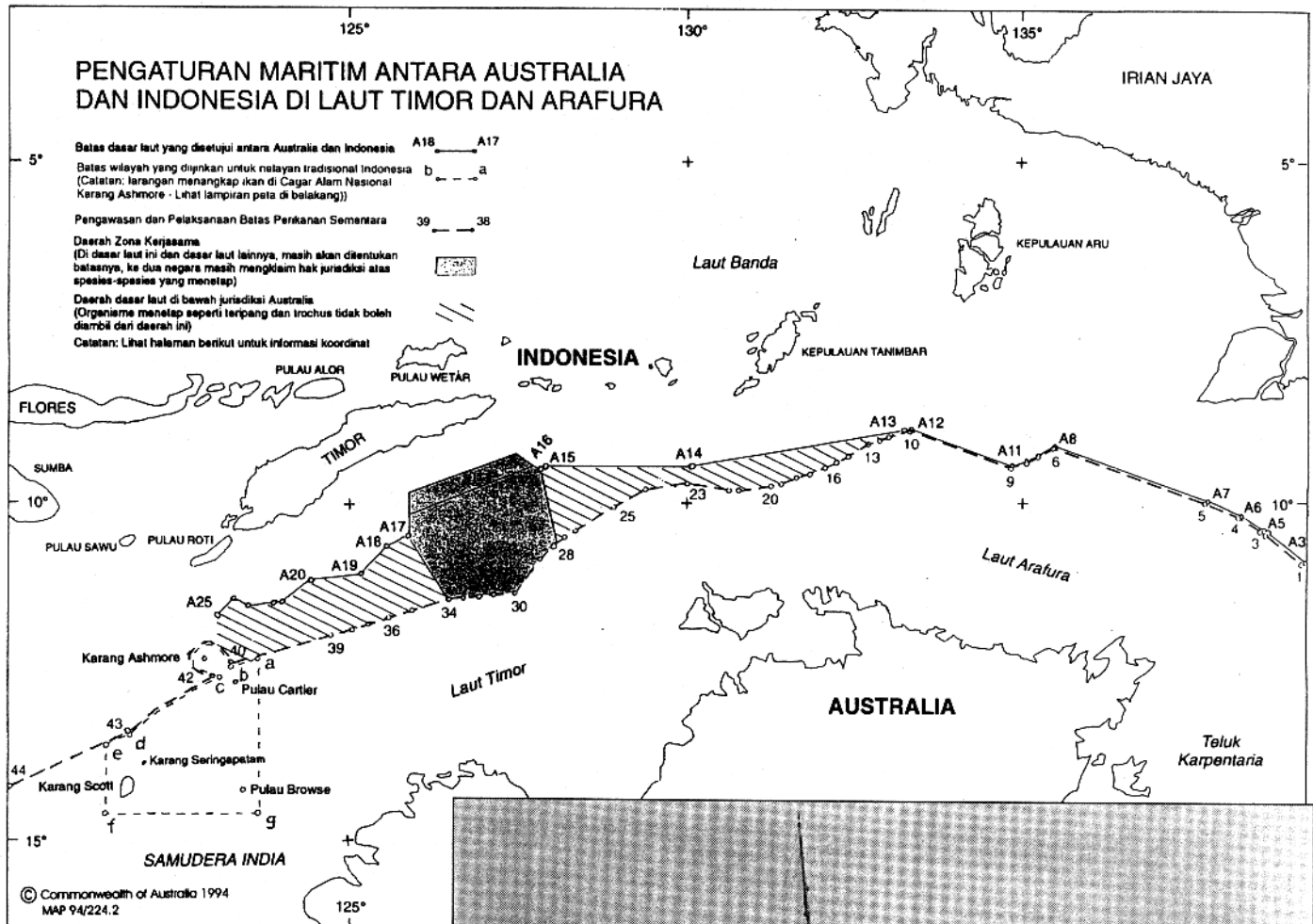
Many boats from nations such as Taiwan and Japan also fish on both sides of the border. They employ state of the art technology with devastating effect. Unlike Indonesian vessels most have sufficient capital to purchase licenses although there are also many instances of illegal fishing.

Relations with Australian fishermen are said to be amicable. In certain areas of Indonesia however conflicts are escalating between fishermen from different regions or using different methods of catch. As pressure on marine resources within Indonesia mounts ports adjacent to the border zone, including Papela, are becoming a magnet for their accessibility to unexploited resources. The border remains permeable to marine resources, and inevitably to the fishermen that derive their livelihoods from them.

Dirt poor

Since 1997 the Australian government has begun exercising an increasingly intolerant approach to

What right does a latecomer colonial government have to deny me the right to fish the same grounds as my ancestors?



wards boats breaching the strict terms of the MOU. Boats are seized by the Australian navy under directions from the Department of Fisheries and the crews taken into custody. The boats are then towed to either Broome or Darwin. When convicted the crews may be fined heavily or imprisoned, and their boats may be burnt.

Meanwhile the livelihood of the community as a whole is eroding. Forty seven boats were captured and destroyed in 1996 alone, out of a fleet of around 200, leaving over 250 fishermen without a livelihood. Multiply this by each fisherman's unsupported dependents, as well as businesses dependent on their income. Community members claim an increase in violence, disenchantment and alcoholism as a direct effect.

Papela is dirt poor. Malnutrition, infant mortality and birthrates are high. Houses are small and crowded and few have even running water. Most Papelans are educated only to primary level. The average fisherman is lucky to earn Rp 4,000 Rp (a dollar or two) a day.

The small number of boat owners or 'bosses' live in moderate opulence. Most fishermen work for a boss in return for a share of the



Papela: the traditional fishing grounds of the Papelans have come to lie entirely within Australian territory. CAMPBELL WATSON

catch. The majority are already in debt either to a boss or a moneylender before departing to the border fishing grounds. When they lose their livelihood they become further indebted to the boss, who is nevertheless seen as a benefactor.

The fishermen are all male and aged from their mid teens to their thirties. But the economic crisis resulting from the Australian Government's actions affects the entire community. I often encountered anger towards Australia, including at times towards myself as an Aus-

tralian, because the government denied them a livelihood.

Fishermen explain that primitive navigational methods (as required by the MOU) leave them unable to take reliable bearings or prevent drifting into Australian waters. They are often confused about the terms of the MOU and the area it covers. The border is not marked.

When, occasionally, they admit breaking the terms of the MOU intentionally, they justify it by asserting traditional rights not written into the MOU. One fisherman said: 'What

right does a latecomer colonial government have to deny me the right to fish the same grounds as my ancestors?' Another quoted a more mundane reason: 'It's not the same as Australia here. If we don't go out looking for a living the government doesn't give us money, we starve!'

Mabo

Only as recently as 1992, in the Mabo decision, has the highest court in Australia recognised that the customary laws of peoples who were in Australia before white sovereignty can give rise to rights within the common law of present-day Australia. These peoples include fishermen from present-day Indonesia, as we have seen.

The Australian government responded with the Native Title Act of 1993, which tried to extinguish the rights of Aboriginals and Torres Strait Islanders that had been recognised at common law and to replace them with a legislative scheme of land and sea rights. Negotiations prior to the legislation, and the legislation itself, did not include any foreign nationals such as the Papelans who may also possess such rights. As a result the Native Title Act may not have extinguished those rights, and the present actions of the Australian government may conceivably be contrary to the common law of Australia.

But doesn't the MOU do effectively the same thing as the Native Title Act? Not exactly. During the negotiations for the MOU the Papelans themselves were only consulted indirectly. The MOU did not embody their negotiating position and as such should not be effective as a voluntary extinguishment of their rights. The MOU can perhaps best be seen as an agreement controlling and regulating the enjoyment of historical and traditional rights that remain intact.

These rights can be renegotiated in line with developments in Australia's common law and its international obligations. Negotiations must involve their genuine representatives in a fair process in which all parties are fully informed of their likely rights.

For example, Papelans could press to be allowed the use of motors, diving equipment and improved methods of catch. As many as 20 fishermen a year from Papela alone perish in Australian waters as a result of primitive craft and navigational instruments, and lack of cyclone warning equipment, as dictated by the terms of the MOU.

Perhaps specific licenses could be granted to those communities with traditional entitlements but who

have been most disadvantaged by the extensions to Australia's waters.

The establishment of traditional rights may also act as a bargaining chip to allow Papelans to negotiate on any future oil or gas production in the area. Compensation could be in the form of aid packages, royalties or access to other resources.

Indonesian law

Papelans have little formal education and do not understand how international or Australian law may benefit them. As citizens of Indonesia they have naturally turned to the mechanisms of their own country. However, I found that these bodies have been of little help.

Ever since independence Indonesia has been a unitary state. Empowering local communities has often been construed as being in conflict with this goal.

Of course traditional rights should not have sole claim to determining resource distribution. However, in a society in which the state vigorously defends the rights of a small capital owning elite, community rights are a necessary counterbalance. They are part of ensuring a more equitable distribution of wealth. Without them, central governments tend to serve their own interests rather than those of their remote constituents.

Indonesia inherited the civil law tradition from the colonial Dutch. Unlike British and Australian common law, this system attempts to set down the entire contents of the law. While reserving supreme law making power the Dutch did allow for 'natives to be governed by their own customary (*adat*) laws'.

Ironically, since independence the civil law tradition has continued to expand in the form of increasingly comprehensive laws and regulations. These are usually divorced from traditional rights, and customary law has withered. The latter is now relegated to the role of a cultural anachronism. The official line is that customary law will eventually die out.

The passing of the new Fisheries Act of 1995 supercedes previous legislation and no longer protects traditional fishing rights. Yet Indonesia remains a signatory to UNCLOS III, which requires that such protection be given. In Australia, by contrast, the law is moving in the other direction, in line with broad international trends.

It is ironic that indigenous customary laws are receiving greater recognition within a predominantly settler society such as Australia than in a predominantly 'indigenous' nation such as Indonesia.

If the customary law of a community whose citizens are Indonesian were recognised under Australian common law, it could act as an important bridge with the customary law tradition of Indonesia. It could even lead to a re-invigoration of customary law in Indonesia.

Unfortunately the current legal and political structures in Papela have not been a suitable vehicle to assert Papelans rights. The fishermen do not even know how to conceptualise those rights. Their official letters tend to speak about the Indonesian nation rather than about traditional rights.

Aboriginal communities

In 1993 the Australian Ambassador, Alan Taylor, came to Papela primarily it seems to make Australia's position clear to the fishermen. He made no concessions to a direct request from a fisherman for fishing licenses to be granted to Papelan boats.

The Ambassador was accompanied on his visit by representatives of several Aboriginal communities. Most Papelans did not understand why they were there. But as it becomes more widely known that Aboriginals have traditional sea rights in Australia, the possibility arises of direct negotiations between Indonesian fishing communities and Aboriginal communities on each community's traditional rights.

Papela is now on a trail well worn by Australian anthropologists, lawyers, fisheries staff, film makers, journalists and tourists. Awareness is growing in both Australia and Indonesia that the present agreement is inadequate. The time is certainly ripe for some informed and equitable negotiations.

If Australia recognises the traditional rights of a group of Indonesian citizens within its territory, based on their own customary laws, it would blur the border between the two countries.

If the Indonesian government supports the community of Papela to assert these traditional rights, it could by osmosis lead to a more pluralist legal and political system within Indonesia itself.

Sovereignty would be dispersed to the subject communities of both countries. It would be part of an evolving international standards of rights that more easily crosses borders. ●

Campbell Watson is an Australian lawyer who has worked with Aboriginal organisations. He lived in Papela for two months in late 1996 under a program of Gajah Mada and Muhammadiyah Universities. He now researches international law at Leiden University. A more detailed report is available from him at: Herengracht 33E, 2312 LA Leiden, Netherlands, <Campbell.Watson@UnivLeiden.nl>.

ATTACHMENT 9:

Jill Elliott, 'Fishing in Australian Waters', *Inside Indonesia*, Mar 1996: pp11-14

Fishing in Australian waters

In the past decade, 140 Indonesian fishermen drowned in Australian waters and a further 400 were imprisoned. JILL ELLIOTT reports that policies dealing with the issue are costly, ineffective and have tragic consequences. She suggests better alternatives.



Fishermen from Kadatua Island (Southeast Sulawesi) bring their catch to market each morning. BRUCE DUNCAN

For at least three centuries fishermen from what is now Indonesia have sailed to Australia's northern shores in search of trepang, shark fin, green snail, trochus shell and other marine products. Evidence of early contact is found in Aboriginal art, language, song, and oral history. Today their descendants still make the hazardous journey, but they are no longer welcome. They now run the added risk of apprehension, confiscation of vessels and equipment, and for some, imprisonment.

Since 1906

The process of denying Indonesian fishermen access to their traditional fishing grounds began in 1906 when they were prohibited from taking trepang in Australian waters. It continued with the gradual expansion of the Australian Fishing Zone (AFZ), and culminated in 1981 (after negotiations between the Australian and Indonesian governments) with the

establishment of an Australian 200 mile (320 km) Fisheries Surveillance and Enforcement Line.

This bilateral agreement effectively granted Australia sovereignty over as much as 80 percent of the sea area between our northern shores and Indonesia's southernmost islands. The Indonesian government received generous aid promises in return. The losers were the Indonesian fishing communities living near the AFZ, who were denied unconditional access to their traditional fishing grounds without compensation. Only limited concessions were made in a 1975 Memorandum of Understanding (MOU), allowing them to fish 'traditionally' in certain 'allowed' areas within the AFZ. Gradually even their access to these areas is being eroded as much is converted to marine national parks.

Colonial

Australian policies towards Indonesian fishermen are authoritarian and

rely totally on deterrent measures. They are reminiscent of a colonial past. They are costly but ineffective, and have a serious impact on the lives of the fishermen and their families. A closer look at the facts will suggest cheaper and more humane ways of dealing with the problem.

There are two quite separate situations. The first concerns the villagers of Papela and the island of Rote, the second the fishermen who travel here from three small island communities in the southeast of Sulawesi. Both groups share traditional fishing links with the reefs and seabed in Australia's north. But the Papela people live only about 80 kilometres beyond the AFZ, and thus have the stronger relationship.

Papela

The village of Papela lies on the island of Rote, a small island off the southwest tip of Timor, less than 500 km from Australia. Since 1988, an estimated 140 fishermen from Papela

have drowned in our northern waters during cyclones or strong winds. All were fishing legally, their deaths a consequence of MOU regulations that prohibit the use of motors and modern communication and navigation equipment. Almost more alarming than the tragedies themselves has been the lack of concern shown by either government. There are no search and rescue operations for these men. Usually their families learn their fate only because they fail to return.

The definition of 'traditional' applied to Indonesian fishermen is both inflexible and anachronistic. Inflexible because it makes no allowances for safety, and anachronistic because it expects sail power and traditional navigation methods to provide enough precision to locate the boundaries of modern fishing zones. This point was highlighted recently when five sail powered vessels from Papela were apprehended by an Australian navy patrol boat near Browse Island. The fishermen claimed they had drifted into Australian waters after the wind dropped. They had no intention of violating Australian regulations, but could not tell their exact position.

Proposals

The loss of life and confiscation of vessels greatly affects the people of Papela. Most try to obey Australian regulations. But they regard the current arrangement as unfair — particularly because the loss of their fishing grounds was negotiated without consulting them. While fully aware they are powerless to lobby, they have asked the Australian government to consider two proposals. First, that they be allowed to carry small motors for emergency use to prevent further loss of life. Second, that Australia place beacons or buoys to identify areas off limits within the MOU.

The fact that fishermen from Papela have been careful to obey Australia's fishing regulations is reflected in the small number convicted in recent years. Among them were several who adamantly denied the charges, but were unable to negotiate an alien legal process hostile to-

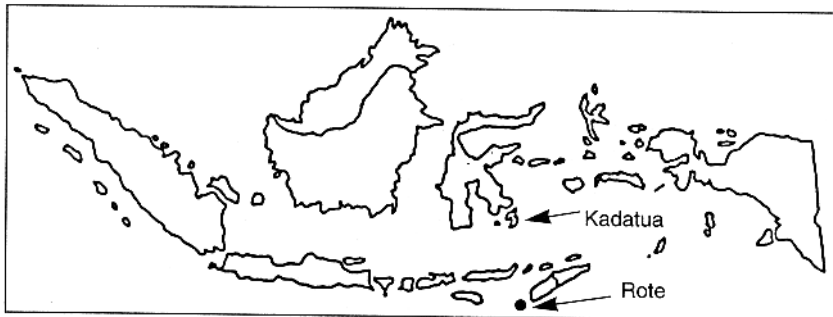
wards them. In the recent case where they claimed to have drifted into Australian waters, they initially pleaded not guilty. But when told they would be remanded in detention for three months, they despaired and changed their plea to guilty. They were quickly convicted and placed on good behaviour bonds. Their vessels, equipment and catch were confiscated. Coincidentally, one captain had witnessed his entire crew drowned during a cyclone off the northwest coast of Australia four years earlier. He had been fishing legally at the time. But having only recently recovered from this trauma he had no intention of putting himself or his crew at risk this time.

Anomalies

Australian society provides for the families of those detained awaiting

This does not happen elsewhere in Indonesia, and shows a willingness to comply with Australia's laws and protect the few rights the Papela people still have. If the Australian government was to consider offering restricted licences to these fishermen, there is no doubt they would work to comply with any conditions. It would also be in their interest to discourage illegal operators, and thus they would help police our northern waters.

The Papela fishermen have been more disadvantaged by the expansion of the AFZ than any other group. Australia has an obligation to acknowledge the prior rights of these fishermen, and consider a more equitable way of compensating them. Their economic livelihood has been traded off with scant regard for their welfare. Australia's strict enforcement of MOU regulations only exacerbates their poverty. The confiscation of vessels denies them an income, leaving them unable to pay off debts over the loss of their vessels. The unnecessary loss of life has an impact on the whole village. It leaves wives and children dependent on the limited charity of other poor villagers.



LONELY PLANET

Why has the Australian government not contemplated a strategy of assistance rather than punishment?

court, but not so in Indonesia. These fishermen were forced to trade their right to justice for the sake of a quick return home to provide for their families. This is just one of many anomalies in the legal process dealing with Indonesian fishermen. Another, also relevant to this case, is the decision by the Immigration Department to repatriate the crews before the case was heard. If this did not preempt the outcome, how did they imagine the captains would sail their vessels home without a crew should they have been found guilty?

The community of Papela believes it is in its interest to obey Australia's fishing regulations. When fishermen are unambiguously convicted in Australia, a 12 month fishing ban is enforced on them by the local government when they return.

unsustainable. The smallest island, Maginti, is only a kilometre long and 400 metres wide. Such a size denies them a viable land-based economy. These fishermen are so economically deprived and bereft of choices that they are forced to take the enormous risk of contravening Australia's fishing regulations to feed their families.

Since 1988, more than 400 fishermen from these islands have been imprisoned in Broome. Since this excludes juveniles, adults of diminished responsibility and first offenders, the total detained at Broome could exceed 2,000. With each island supporting a population of approximately 2,000 people, this represents a large proportion of the male population.

It is therefore surprising that since 1988 no government represen-

Sulawesi

Muna-speaking fishermen from the Southeast Sulawesi islands of Maginti, Masaloka and Kadatusa make up the second group. These three tiny communities share one culture. But the strong maritime tradition that draws them together is becoming

tative has discussed the problem with these men, either here or in Indonesia. Some years ago a delegation of Aboriginal people led by Western Australian MLA Mr. Ernie Bridge visited Papela. Apart from that, Australian officials have preferred to meet Indonesian officials in Jakarta, rather than travel to these remote communities. Suggestions are sometimes heard of senior Indonesian officials with business interests linked indirectly to illegal fishing in Australia. Indonesia's apparent inability to stem the flow somewhat supports the suggestion. The fishermen say their officials tend to 'turn a blind eye' because these are considered 'economic' transgressions.

Depleted

Fishermen who voyage to our north-west waters come from one very small region of Indonesia. Per capita income in this province is among the lowest in Indonesia. Large foreign fishing ventures, over-population, and rising expectations as people move from a subsistence to a monetary economy all conspire to deplete their own marine resources. Transmigrants coming from more populated islands add pressure on resources at the expense of the locals.

Australia's policies have a devastating effect on these fishermen and their families. They are often imprisoned for long periods. Their families are left unsupported and forced to borrow from moneylenders for their daily needs — beyond debts incurred by the loss of the vessels and in financing their unsuccessful voyage. The longer they remain in prison, the greater their debt and the greater the pressure on them to repay when they return home. When released, their prison wages are garnished against the cost of their repatriation. They are flown to Bali and left penniless to begin the greater part of their journey home.

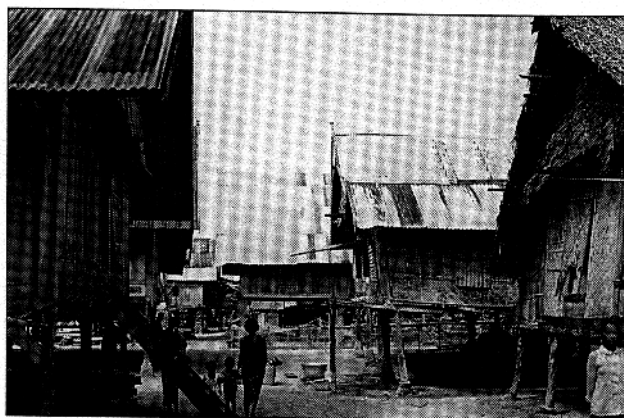
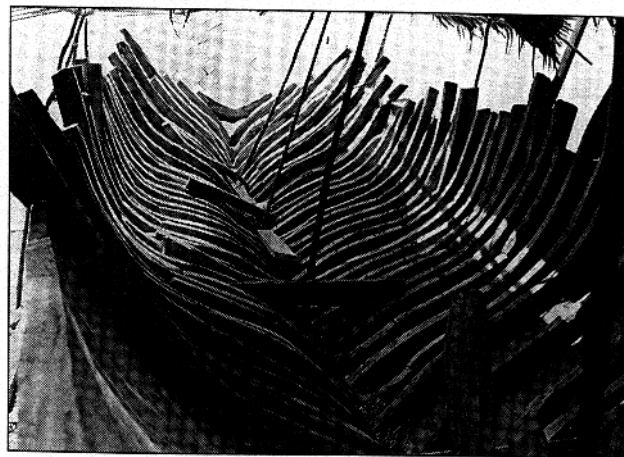
When imprisoned fishermen receive news of the death or serious illness of a family member it adds another cruel dimension to their punishment. Whether Australia should take responsibility for at least some of these tragedies is not certain. But imprisonment certainly distresses the families of fishermen and greatly increases their deprivation.

Assistance

Thus there are two critical aspects to the illegal fishing problem in Western Australia. First, the illegal fishermen come from one very small region of Indonesia, motivated by a unique set of circumstances. Second, harsher penalties actually increase the chance of them returning to Australia, to recoup their losses.

Hand carved ribs of a new boat being built in Baubau.

BRUCE DUNCAN



Typical housing in the village of Banabungi, Kadatua.

BRUCE DUNCAN

Present procedures for apprehending and detaining Indonesian fishermen are costly both to the Australian taxpayer and to the fishermen themselves. Why has the Australian government not contemplated a strategy of assistance rather than punishment? A small part of the same money could be used to initiate projects that help them develop a more sustainable economic base. Australian expertise in aquaculture could ideally help the fishermen restock and manage their own reefs.

There has been an initiative to help the people in one of these island communities, but not by any government body. On Kadatua a man from the Pilbara region of Western Australia has devoted much of his time and money in setting up and maintaining small community projects. These help the people manage their resources in a more sustainable way. Since beginning this project several years ago, not one fisherman from Kadatua has been apprehended in Australian waters. This example puts the scale of the problem in its true perspective, and highlights the inability of the government to fully address the issue.

Fishermen from the island of Masaloka have also stopped making these risky voyages. It is now more than two years since a vessel from this island has been apprehended.

This was achieved through a local initiative. Some wealthier people in the community helped finance small cooperative trading ventures.

Broome

The fishermen from Maginti, smallest of the islands, continue to occupy cells in Broome Prison. However, during their incarceration this time, a group of them have formulated a strategy to take back to their community that they hope will end illegal fishing. This also involves a village cooperative and small trading enterprises. Unfortunately, there are no wealthy villagers in Maginti, and assistance will come from a small group of interested people in Broome.

These solutions sound remarkably simple. But the fishermen have trouble contemplating an enterprise that does not use their seafaring skills. Instinctively, they look to the sea for their resources. When these become depleted, they merely travel further afield. When they voyage into Australian waters they are aware they are contravening Australia's laws. But they do so only because their traditional values deny any ownership of the oceans or its contents. They do not consider their actions criminal. Australia calls them criminals and imprisons them for up to two years. But ironically crime is nonexistent in their own communi-

Australian policies towards Indonesian fishermen are authoritarian and rely totally on deterrent measures.

ties, and communal and religious values remain strong despite the deprivation.

Makassan trepang fishermen

In the middle of 1994, some Makassan trepang fishing vessels were apprehended at Hibernia Reef, about 300 km northwest of the Australian coastline and just inside the AFZ boundary. The fishermen had purchased maps from Indonesian officials in the West Timorese town of Kupang, which showed Hibernia Reef in Indonesian territorial waters. Because of this, and because they had not intended to fish in Australian waters, all pleaded not guilty. Nevertheless, all were found guilty, and their catch and equipment were confiscated. Those able to produce the faulty maps were allowed to return to Indonesia with their vessels, but those without, whatever their stated good intentions, lost their vessels.

Some saw this influx of trepang fishermen from the Sulawesi mainland as a new wave in Australia's ille-

gal fishing problem. The West Australian newspaper went further, running a headline story that suggested a large number of Makassan vessels were waiting in the West Timor town of Kupang, ready to descend on Australian waters early in 1995. The informant used by the newspapers claimed to have spent time in Broome Prison. But he is unknown to Australian authorities or other Indonesian fishermen incarcerated at Broome. Not only had the newspaper not verified its story, it failed to report that there has been no such raid into Australian waters to date.

Budgets

Stories such as these give the Australian public the feeling that the illegal fishing problem is much more threatening than it actually is. Furthermore, were it not for these stories, and for the determination of our naval, customs and fisheries officers to bring before our courts a regular supply of destitute Indonesian fishermen, it is unlikely the budgets for surveillance and protection of

our northern waters would have increased at the rate they have in the past decade.

Indonesian fishermen might well provide the justification for increased budgets, but there is also a danger that those policing our northern shores will lose sight of the real threats. This may have been the case in the Northern Territory in 1994, when a shipment of illegal drugs almost entered Darwin's port undetected because authorities were preoccupied with monitoring movements of a vessel carrying Asian refugees.

Australians should question the motives behind the hysteria which is drummed up over issues such as Indonesian fishermen and Asian refugees. There are far more humane solutions to these problems. But they will only be found by putting the issues into their proper perspective, and by taking a less imperialistic stance when relating to our Asian neighbours. ●

Jill Elliott lives in Broome and is a member of the Kimberley Indonesian Friendship Association.

ATTACHMENT 10:

Robert Wesley-Smith, 'Australian Treachery Again', *Inside Indonesia*, Jul-Sep
2002: pp11-12

Australian treachery, again

This time, says an experienced activist, it's over oil and gas

Robert Wesley-Smith

Australian treachery against East Timor again' was the title of a public statement by Australians for a Free East Timor on 1 April 2002. I am writing this because during my lifetime Australia has been treacherous to or deserted East Timor six times.

The first was my year of birth, 1942. Australia withdrew its troops from East Timor in the face of overwhelming Japanese force, leaving not only the

whole population to its fate but also guaranteeing death for most of the young men who had adopted Aussie commandos and been their eyes and ears and much more. During the Japan-

ese occupation about 60,000 Timorese (12% of the population) died from attack and privation.

Earlier this year Japan sent its forces back to East Timor, but they do not want to talk about their wartime occupation, much less say sorry or pay reparations. Several thousand surviving East Timorese are directly affected. Much work by Japanese and Australian activists has not made a huge impact on this issue yet.

The family I grew up in was always well aware of aspects of WW2 history and the need to relate to Southeast Asia. My father had been a senior intelligence officer. He then had a lifetime of involvement with Asian students through the Colombo Plan at the University of Adelaide. He also studied in Indonesia. Ironically, us boys had a differing perspective on the Vietnam war. This introduced my brothers and I to human rights and the politics of Southeast Asia.

We learned that the early years of the Indonesian Republic created a liberal democratic society, with

This document undoubtedly will lead to the theft of most of their seabed resources by Australia



The author with Falintil commander Taur Matan Ruak in Darwin, late 2001

ROB WESLEY-SMITH

Mohammed Hatta somewhat of a hero. We were thus always able to distinguish between the people and the military regime which ruled to its own advantage, from the repression in Aceh and Papua to the invasion of East Timor.

I combined my busy job as a rural scientist in the Northern Territory with involvement in the growing struggle for the human rights and a decent standard of living for the indigenous people there. I mixed with young people from all over the Territory through playing and coaching sport. Gradually I managed more work opportunities with them, and I became involved in the land rights struggle with the pioneering Gurindji at Wattie Creek, now called Daguragu.

In 1975 I was there when Prime Minister Whitlam poured sand into the black hands of my friend Vincent Lingiari in recognition of his people's land rights. Later I lived to regret the way the government 'recolonised' aboriginal affairs using its money and power, without the community having the strong counter-backing of their

activist friends. I see history repeating itself in East Timor.

Freedom

After the Carnation Revolution in 1974, Portugal allowed political parties in its East Timor colony for the first time. Party activists such as Jose Ramos Horta visited Darwin to seek support, and I got drawn in. I believe in being involved in one's 'backyard' as a priority. However, Cyclone Tracy devastated our city at the end of that year, disrupting normal life. From Dili came an official offer to help in any way possible.

I missed the great rallies in Timor in May 1975, but saw film of it and heard the call of freedom. Unfortunately, stupid people, egged on by malicious ones in neighbouring countries, created a brief civil war which began and ended

details of this experience are in my chapter in *Free East Timor* (Vintage, 1998).

We heard the horrifying accounts of a nation being systematically torn apart, raped and genocided. Why did the world let this happen? The broadcasts ceased in late 1978, and at that time the Fraser government gave de jure recognition to the brutal Indonesian military occupation of East Timor — Treachery three.

The 1980s were an isolated and difficult time for the support activists, as well as for the heroic resistance inside East Timor. Xanana quietly reformed the resistance and began to take it into the towns. So the Australian and Indonesian foreign ministers Gareth Evans and Ali Alatas probably thought they were on a winner with the Timor Gap

now pretends Australia has always been East Timor's best mate.

Oil and gas

Living on the southern shore of the Timor Sea, I have kept an interest in the massive oil and gas reserves, which were part of the reason for the travail heaped upon East Timor by greedy neighbours. We held a conference on these issues back in 1990. The Timor Gap Treaty was always illegal, but it was continued for a while after the 1999 independence ballot, as a starting point for a new agreement. Apart from a bit of coffee, the new nation has few ways of earning hard currency and thus lifting the health and living standards of its people other than from its oil and gas reserves. Unfortunately the inexperienced administration in East Timor, like the Gurindji before them, has been 'dudded' by the greedy and the powerful.

Australia has played hardball once again, with a sneaky formulation of words as a new Timor Sea treaty. There was an effective public expose of this in March/April 2002, and it was clear Australia was in breach of the international law of the sea. Australia then precipitately withdrew from the UN Convention on Law of the Sea, which guides the settlement of maritime boundaries issues. We concerned activists are continuing a hectic campaign to explain the issues. However the new East Timor government signed this document on 20 May. We can't understand why, it feels like the juggernaut is unstoppable.

But Chief Minister Mari Alkatiri can stop it single-handedly, like Superman! This document undoubtedly will lead to the theft by Australia of most of their seabed resources, valued at over US\$30 billion. So, Treachery six and continuing. We will keep working with civil society in East Timor and Australia to reverse this and to gain economic justice. **II**

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In the broadcasts from the mountains of East Timor by the Fretilin/Falintil resistance, we heard the nation being systematically torn apart. Why did the world let this happen?

in August. We helped out with some aid via Acfoa and CAA. I engaged in a verbal battle with the mayor of Darwin to hold an appeal for East Timor — it didn't happen. Forward-thinking activists set up a radio link to East Timor in case the worst happened and normal communications were cut.

But the die was cast, and Indonesia moved towards a full-scale invasion, with support from the Whitlam ALP government and then the Fraser Liberal government. I was amazed and appalled. Treachery number two. Around Australia and in a few other places East Timor support groups were established.

Then began three years of helping run Radio Maubere. We received the broadcasts from the mountains of East Timor sent by the Fretilin/Falintil resistance. We also occasionally went to our countryside and did two-way broadcasts, while keeping a wary eye out for government telecommunications police, as we had been denied a licence. The information went to Sydney and Maputo/Lisbon, and was published in East Timor News. But it was mostly met with indifference by the world press and governments. The

Treaty in 1989 — Treachery four. Their glee in fact galvanised some who saw the injustice. And as with most treaties and acts conceived and born in injustice, they will unravel.

The Dili massacre at Santa Cruz, 12 November 1991, electrified the world when they saw it on film bravely taken by British cameraman Max Stahl. Many groups formed or reformed. In Darwin we became Australians for a Free East Timor (Affet). Charlie Scheiner and others formed Etan and the email list for East Timor, which became the main information and linking mechanism. Initially from Jean Inglis in Japan the Ifet link with the UN was formed. Street action, as well as the paper war of lobbying and submissions, grew in Darwin and all over the world.

But Australia signed a defence treaty with the Suharto regime, another one conceived and born in injustice. The Howard government continued to support the Suharto regime despite its military atrocities in East Timor — Treachery five. Only after the devastation became so great that the world finally cried 'enough', was Interfet created in September 1999. The Keating defence treaty was torn up. Howard

ATTACHMENT 11:

Paul Monk, 'Whitlam Knew', *Inside Indonesia*, Oct-Dec 2001: pp19-20

Whitlam knew

Indonesian military intelligence kept Australia fully informed (and complicit) in its 1975 East Timor invasion plans

Paul Monk

On 3 July 1974, the Australian ambassador to Jakarta, Bob Furlonger cabled Canberra:

'Harry Tjan told Jan Arriens on 2 July that he intends to submit a paper to the president this week recommending that Indonesia mount a clandestine operation in Portuguese Timor to ensure that the territory would opt for incorporation into Indonesia... [Indonesian intelligence chief Lt-Gen] Ali Murtopo would appear to have directed Tjan to draft a paper setting out the operation. Tjan's extreme frankness indicates that the Indonesians are confident that we would favour an independent Portuguese Timor as little as they do.'

Jan Arriens was then first secretary in the Australian embassy in Jakarta. Harry Tjan was a principal member of the Centre for Strategic and International Studies (CSIS), Jakarta. Furlonger remarked that the Indonesians appeared to want to 'take us along on a realpolitik approach to the problem.' Australia was being consulted, he observed, and needed to respond in clear terms. 'A failure to do so soon will be taken by them, I fear, as tacit agreement.' Canberra's response to Furlonger was that the information from Tjan was most valuable, but that 'we should not encourage the Indonesians in any way to talk to us along those lines.' Australia could not afford to be

associated with a covert operation given 'the risk of exposure.' Any hint of our complicity 'or even acquiescence' in such things with Indonesia would 'be damaging to the government's reputation overseas, to its domestic credibility, and to the confidence in us of small countries, especially PNG.'



Australian prime minister Gough Whitlam and Indonesian dictator Suharto exchange gifts in 1974

COURTESY JOHN TAYLOR

Australia gave tacit agreement to the clandestine operation being mounted

Yet the Indonesians were in no way discouraged from talking to us 'along those lines.' Tjan's revelation of 2 July 1974 was the first of some forty-five secret briefings to the Australian embassy up to June 1976. Australia gave tacit agreement to the clandestine operation being mounted. It was kept closely informed about its design and its progress. It was told in detail of the obstacles encountered. Very early on, it was informed that, if covert manipulation did not work, Indonesia would foment disorder in the territory as a pretext for military intervention. Australia went along with this realpolitik approach to the problem — at the risk of exposure. No greater risk of exposure arose than the presence of five Australian network journalists at Balibo, in mid-October 1975. That's why the Indonesian forces killed them, and why the Australian government covered up their murders.

Australia and the Indonesian Incorporation of Portuguese Timor 1974-1976, published in September 2000 by Melbourne University Press, shows the significance of these secret briefings. They were an intelligence officer's dream. To see how they were used is to understand precisely what was flawed and unworkable in the Whitlam policy on East Timor in 1974-75.

Self-interest

The Australian Department of Foreign Affairs told Furlonger that the danger in Indonesian planning was that 'self-interest may distort rational thinking and the assessment of risks.' This was true, however, not only in Jakarta but also in Canberra. Australia's self-interest, as its officials perceived it, lay in the inconvenient little Portuguese colony being quietly absorbed into Indonesia. It also lay in cordial relations with Indonesia, which was consolidating a 'New Order' of a broadly pro-Western and 'stable' nature. Quite as much as in Jakarta, the question was worth asking in Canberra whether self-interest might distort 'rational thinking' and 'assessment of risks.' The record suggests that it did.

The briefing notes for Whitlam's talks with President Suharto, in early September 1974, informed the Australian

Seldom do governments get such clear intelligence on the thoughts and intentions of other governments in sensitive matters

prime minister about Harry Tjan's plan. He was advised to tell President Suharto that self-determination for Portuguese Timor was a firm Australian policy and that such self-determination 'should not exclude any of the three future options for Portuguese Timor', that is, sustained links with Portugal, incorporation into Indonesia, or independence. A more 'forward' policy than this on Indonesia's part would present problems for Australia's other interests.

Whitlam chose not to accept the guidance offered to him. He told Suharto that he personally believed Portuguese Timor should be part of Indonesia. This was not yet Australian policy, he said, but his views tended to become Australian policy and they soon would in this case. He added that incorporation should take place as the result of a genuine act of self-determination on the part of the Timorese. He knew that this is not what the Indonesians had in mind, but said nothing to the Indonesian leader about the advisability of a clandestine operation. Suharto took this to mean that Whitlam would align Australia's policy with his own.

Australian policy was now caught between two incompatible considerations that were only ever likely to be reconciled by the means Tjan had proposed, at the risk of exposure and failure foreseen by thoughtful Australian officials from the outset. Just to the extent that the Timorese exhibited an unwillingness to be absorbed into Indonesia, Australia would be faced with an invidious choice between the two incompatible halves of Whitlam's policy. This soon became crystal clear. On 30 September 1974, Tjan told Arriens that 'he had now developed a "grand design" on the future of Portuguese Timor, which had been submitted to the president.' This 'grand design' called for resolution of the matter in the course of 1975-76.

If Whitlam wished to see a genuine act of self-determination he now knew that this was not what Jakarta intended. To deflect the Indonesians from their realpolitik course at this point would have required pro-active diplomacy.

This was not forthcoming from Whitlam or from his Department of Foreign Affairs. Not to initiate such efforts at that point was clearly to acquiesce in the 'grand design'.

On 16 October 1974, Furlonger sent a Secret Austeo (Australian Eyes Only) cable to Canberra summarising a conversation he had had with Lim Bian Kie, private secretary to Ali Murtopo. Lim had stated, he said, that if Indonesia could not influence matters decisively within eighteen months it would be 'unable to do so at all.' If it was clear by 1976, Lim said, that the Timorese would not vote for incorporation into Indonesia then 'the use of force could not be ruled out.' Harry Tjan confirmed this. Lim 'spoke of the possibility of fomenting disorder in Portuguese Timor and of the Indonesian forces stepping in to salvage the situation at the request of certain sections of the population.'

Military intervention

Seldom do governments get such clear intelligence on the thoughts and intentions of other governments in sensitive matters. Canberra had been told explicitly that Jakarta felt a sense of urgency, that it was not actually optimistic about its covert action having the desired effect in the brief time available, and that it would resort to military intervention, if need be, in order to have its way. In other words, the Whitlam policy was clearly non-viable.

This ominous outlook was reinforced on 26 October, when Tjan again met with Arriens. He told him that Murtopo had been replaced by Lt-Gen Benny Murdani as real operational chief of the 'grand design', that the latter had hardened into agreed policy, and that Indonesian 'determination to take over Portuguese Timor had now developed an almost irresistible momentum.' If Canberra had been at all serious about self-determination for Portuguese Timor then this was the time to make a stand. Late October 1974, not October 1975, was the end of the line for the policy Whitlam had espoused.

Whitlam failed to see this, however. He was too convinced of his own grand

vision to heed the views of the people of East Timor — or Australia — in this matter. He had prime responsibility for the dilemma Australian policy now faced. He was fully briefed, but did not see a need to modify his policy. He wanted to see incorporation take place — by an act of 'genuine self-determination'. He persisted in believing that this was compatible with the 'grand design'. The policy, therefore, remained set on autopilot, as Australia flew with Indonesia towards the bloody invasion on 7 December 1975.

By early December 1974, Australia's most senior policy makers and intelligence officers were aware that the Timorese were unlikely to prove 'malleable', as Michael Cook put it at a top level meeting, and that voluntary incorporation was 'not a winnable goal.' Gordon Jockel, director of the Joint Intelligence Organisation, told the same meeting that intelligence estimates suggested Fretilin could and would stoutly resist an Indonesian military intervention and that an effort to crush it could become 'a running sore' for Indonesia. Richard Woolcott, soon to become ambassador to Indonesia, thought Jockel and Cook were being too pessimistic. Besides, he told the meeting, 'the prime minister wants to see incorporation take place. If things get messy he has escape clauses.'

Whitlam did not have escape clauses. His personal conceit had left the Labor Party, and government, with a policy heading inescapably for disaster. Over the twelve months that followed, Tjan kept the Australian embassy closely informed as that disaster unfolded. In its wake, Canberra chose to try to make the best of a bad job by suppressing evidence of the extent of the catastrophe. But truth will out. The recently declassified documents make clear how a devastating policy error was made. What has not yet been declassified is the defence and intelligence archive on the details of the Indonesian invasion of East Timor. That remains suppressed, because the truth is so damning. **II**

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ATTACHMENT 12:

Richard Tanter 'Witness Denied', *Inside Indonesia*, Jul-Sep 2002: pp28-30

Witness denied

Australian media responses to the Indonesian killings of 1965-66

Richard Tanter

In the aftermath of the Untung coup and the Suharto countercoup of September 30th and October 1st, 1965 between 100,000 and 1,000,000 Indonesians were killed by the Indonesian army or by civilians supported and encouraged by the army. This genocide was the foundation of Suharto's three decades of power, and beyond that for the whole of post-Vietnam War Southeast Asia. The killings can be regarded as the constitutive terror of the New Order state. How was this genocide seen in Australia? What could Australians have learned from reading the press of the day?

In mid-1966, while the killings that had started in October the year before were continuing unabated, the Australian Prime Minister Harold Holt visited the United States. Speaking to the Australian-American Association at the River Club in New York, Holt expressed his satisfaction with the pro-Western shift of Indonesian foreign policy and economic policy under Suharto after March 1966. This was hardly a surprising position for a conservative politician, but the language that Holt chose to employ was startling: 'With 500,000 to 1 million Communist sympathisers knocked off, I think it is safe to assume a reorientation has taken place.'

As a representation of genocide, the casual brutality of the first part of the politician's sentence (a million people 'knocked off') is stunning. Surely this is what the American psychologist of state terror, Robert Lifton, calls 'psychological numbing' at work: an adjustment to the normality of mass murder. And yet the brutality of Holt's throw-away line was enhanced for his listeners by the smug joke in the second part of the sentence: 'I think it's safe to assume a reorientation has taken place'. It is not hard to imagine the knowing smiles and even guffaws of the powerful and

wealthy American audience.

Yet Holt's slip in New York was significant not just in the brutal clarity of his manner of speaking. Holt's remarks were reported the next day in the New York Times, but not, so far as I can discover, in any Australian newspaper. It is most implausible that no Australian US-based correspondents were present. The fact the remarks were not reported at home was not an accident. Even in the roughhouse atmosphere of Australian 1960s anti-communism, Holt had gone much further than would have been safe. Speaking to an invitation-only audience of powerful friends abroad, Holt relaxed his normal political guard and openly revealed the fundamental outlook of Australian anti-communism and racist perceptions of Indonesia. The Australian reporters

The language that Holt chose to employ was startling: 'With 500,000 to 1 million Communist sympathisers knocked off, I think it is safe to assume a reorientation has taken place.'

touring with the Prime Minister or their editors protected their readers from the need to face the historical and moral reality of the genocide next door. (It was to be thirteen years before Holt's remarks were brought to wider attention in Noam Chomsky and Edward Herman's pathbreaking study of the systematic media differentiation of 'constructive' terror [Indonesia] and 'nefarious' terror [Cambodia] in their *The Washington connection and Third World fascism*.)

In Australia today there is very little awareness of the 1965 killings. In my

own experience, apart from those with a close interest in Indonesian affairs, very few people have any knowledge of this set of massive crimes against humanity. While recent public opinion polls show a widespread negative image of New Order Indonesia in Australia, this is largely derived from perceptions of the Indonesian invasion of East Timor. And of course, most people who know nothing of the Indonesian killings in 1965-66 know a great deal about the Khmer Rouge killings a decade later.

This ignorance is not a matter of forgetting something once known. An Australian public opinion poll conducted in the early 1970s by the political scientist Rodney Tiffen showed that while more than half the respondents could identify President Suharto, not a single person mentioned the killings as part of their description of their image of Indonesia.

How can this ignorance or amnesia of genocide in the country nearest Australia be explained?

The first question is a simple question of fact: exactly what information about the killings in Indonesia was provided by the mainstream media of the time? The newspapers of the city of Melbourne — Australia's second largest city and the heartland of the old-fashioned conservative dominance epitomised by Holt — make a reasonable sample of the press coverage of the day. I examined all issues between 1 October

1965 and 30 August 1966 of Melbourne's two daily morning newspapers. These together dominated the Melbourne market: the tabloid Sun News-Pictorial and the 'quality broadsheet' The Age. Both newspapers published many articles on Indonesian politics at the time — at least one or more each day. This was almost as many as were published on Vietnam, and far more than at any other time in Australian media history. Most stories were given great prominence in the papers, appearing either on the front page or the principal foreign affairs page.

Without mentioning the killings, *The Age* wrote: 'It is too much to hope that the new Indonesian regime will be logical; our best hope is that it will be practical'

The Sun

Coverage of the killings in both papers was extremely limited, and grossly distorted. The Sun, the more popular paper, while publishing almost daily major reports on Indonesia, published only five articles in eleven months that even mentioned killings of communists.

- Two minor articles in November 1965 reported small numbers of PKI members killed in Java.
- The execution of D N Aidit, the PKI leader, was reported in December.
- President Sukarno's statement in January 1966 that 87,000 had been killed was reported on two occasions, but in a manner that suggested it was an unreliable report by an irrational politician.
- On 9 March 1966, the political columnist Douglas Wilkie discussed Jakarta students as 'rioting in a good cause' (ie. anti-Sukarno), but then went on to make an extremely intriguing statement: 'Many of the students are tools of the Moslem extremists who butchered some 300,000 of their Communist countrymen with kris and club after the September 30 revolt.'

Two aspects of the way this single sentence is written are important. Firstly, in March 1966, the columnist is referring to the mass killings in a way that suggests they are common knowledge already: he sees no need to explain the reference to his readers. Yet those readers would not have been able to find that information in *The Sun*.

Secondly, Wilkie's allusions to killings by 'kris and club' and to 'Moslem extremists' are characteristic of contemporary Australian (and US) references to both the killings and to Indonesian politics as a whole. 'Indonesia' is a different world from 'here' (Australia), one characterised by immaturity ('It's children's hour in Jakarta'), and by unknowable and irrational causation ('Moslem extremists'), with connotations of racially informed separateness (Indonesians kill with 'kris and club').

Apart from these tiny allusions and reports, nothing appeared in this news-

paper until early August of 1966, by which time most of the killings had stopped. On August 5, *The Sun's* prolific Jakarta correspondent Frank Palmos published a powerful and detailed report beginning: 'More than one million people died in the massacres triggered by the attempted coup in Indonesia on October 1 last year.' The graphic detail in the full-page report came from army participants in the killings, and from a military research report carried out in part by

The Age

Coverage of Indonesia in *The Age* was even greater than in its popular rival, and coverage of the killings was more extensive. Despite this, *The Age's* coverage was equally limited and distorting. Like *The Sun*, *The Age* published several minor reports of communists killed in fighting in late 1965. It also reported President Sukarno's January pleading for an end to the killings, though in a less hostile manner. In the remainder of 1966, *The Age* published three articles reporting the killings in some detail. Two of these were somewhat detailed reports by New York Times senior correspondents C L Sulzberger in April and Seymour Topping in August.

The flavour of Sulzberger's report, which did emphasise the genocidal quality and scale of the killings, can be



Communist being led off to execution in late 1965

SUSAN ABEVASEKERE, JAKARTA, A HISTORY (1987)

university students. Palmos' report also emphasised the irrational 'blood lust' and 'constant semi-amok' behaviour of young Islamic men.

In sum then, the largest newspaper in Melbourne barely mentioned the killings in the ten months while they were in full sway, and then allowed only a single detailed report to be published. There were no follow-up articles after Palmos' report. The limited information that did appear represented Indonesians as irrational and unknowable racial others.

guessed from its original title in the New York Times: 'When a nation goes amok'. Topping's article in August was a much more sober and more detailed account, based on extensive travel in Java, Bali and Eastern Indonesia. There was no editorial comment on Topping's report, nor any follow-up by any of *The Age's* own writers. When I asked one journalist who wrote extensively on Indonesia that year for *The Age* why he and his colleagues did not cover the genocide story, he answered, 'Well it's easy to criticise now, Richard. But in

those days it was near impossible to get out of Jakarta.' When I put this to Seymour Topping, who like other New York Times correspondents travelled widely and reported in depth on the genocide, he replied, 'That was simply untrue. You could do it if you wanted to.'

Yet in January 1966, much earlier in the period of the killings, *The Age* published a detailed eyewitness account of the killings by one of its own reporters, Robert Macklin. In 500 words Macklin provided a graphic and convincing account of mass murder that could have left no reader in doubt of what was happening in Indonesia. In journalistic terms, it was a world scoop. Yet, given both its importance and its virtually unique status, Macklin's article was published deep in the newspaper, well away from both the front page and the

many articles on Indonesian politics in this period. However, only one sentence in many hundreds actually mentioned the killings: 'Djakarta virtually escaped the violence which swept Indonesia in the wake of the October coup, and which resulted in the death of thousands, perhaps hundreds of thousands, mostly Communist supporters and sympathisers.'

Burns here provides an early example of a formulation that was to become widely employed in the years to come in western writing on the killings. As George Orwell might have noted, the key to the political effect of the passage lies in the grammar: there is no agent of violent death here. Abstract and disembodied violence 'sweeps Indonesia', resulting in Communist death. In other versions, which were to

is, where were the Australian witnesses? In what way did Australian newspapers report the Indonesian killings of 1965-66? What did Australian political figures say at that time? What was said in the Australian community at that time?

But there is a second meaning of the word 'witness' in English, a sense captured in the phrase 'to bear witness', meaning to speak of what has been seen, to speak actively of what has happened, and to not be silent. The Australian media and political response to the Indonesian genocide was a matter of 'witness denied' in this sense as well. This is significant not just in the real-politik world, but in the moral sense that many people assume flows from Auschwitz onwards: a responsibility to bear witness to holocaust and genocide. Unlike in Indonesia itself, in 1960s Australia, speaking truth to power required no great risk. Yet, witness was systematically denied.

I began this work trying to answer what seemed to me to be an odd puzzle: why didn't people my age and older in Australia know about the killings? That simple puzzle has led to somewhat more complicated puzzles, bearing a great deal of moral and intellectual weight. It has been a saddening study, particularly tracing back through the intellectual history of the study of Indonesian politics and history in Australia.

All of our work is an act of representation, but we have paid astonishingly little attention to our own intellectual history. The story of the representation of the Indonesian genocide is the point where anti-communism, the demands of the national security state, and in the Australian case at least, a deep measure of racism, fused to smother and then sever the connection to a shared humanity and moral responsibility. **II**

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Why didn't people my age and older in Australia know about the killings?

foreign affairs section, next to the daily cattle market price reports. Short of not publishing it at all, there could have been no better way of ensuring it went unnoticed.

There was no follow-up either by Macklin or the paper's Southeast Asian correspondent. Macklin himself wondered at the time whether editors of the paper who he even then knew to have close relationships with Australian security organisations had effectively spiked the story.

The choice of words with which *The Age* discussed Indonesian affairs in themselves carried powerful effects. As in *The Sun*, paternalistic and racist assumptions of irrationality and immaturity were common. The day that Sulzberger's April article with its emphasis on amok and kris appeared, *The Age* editorial discussed Indonesia, without mentioning the killings, expressing the hope for a new direction in condescending but revealing terms: 'It is too much to hope that the new Indonesian regime will be logical; our best hope is that it will be practical.'

Yet there was a far more effective rhetorical device used by the Australian media to deal with the delicate problem of both acknowledging and denying the fact of genocide at the same time. The Southeast Asian correspondent of *The Age*, a senior journalist and academic political scientist named Creighton Burns, published a great

be repeated during the East Timor crisis of 1999, the phrasing is even more telling: 'X number of Communists died in the wave of violence...'

The agent-less and passive voice was appropriate for what was needed in 1966, and was repeatedly used. Because of the report by Macklin (and later by Sulzberger, Topping, and other sources such as Palmos), it was impossible to deny the holocaust directly. Equally, it was politically highly undesirable that the agency of the army and its instigation of Islamic groups be emphasised.

Wherever possible *The Age* avoided direct reference to the killings, and effectively suppressed its own inconvenient world scoop by Macklin. When reference to genocide was unavoidable, the highly effective solution was to use the rhetoric of the passive voice. Writing about mass murder in the passive voice provided a remarkably effective complement to simple avoidance and suppression via a form of words that allowed both knowledge of genocide and denial of genocide at the same time. Denial — in the psychoanalytic sense — always involves a process of actively repressing knowledge.

Witness

'Witness' has a double meaning in English. There is firstly the person who takes the role of 'witness' in relation to an event, the person who says 'this is what happened'. My first question then

ATTACHMENT 13:

Marcus Mietzner, 'Godly Men in Green', *Inside Indonesia*, Jan-Mar 1998: pp8-9

Godly men in green

Abri officers are becoming more Islamic, but many do not want their Islam to become a political tool for the administration, according to MARCUS MIETZNER.

Admiral Sudomo, the once powerful commander of Kopkamtib and currently head of the Supreme Advisory Council, has always been in possession of an infallible political instinct. When he returned to Islam in a widely publicised ceremony in August 1997 after having embraced Christianity for more than thirty years, this was not just another chapter in the already legendary record of one of the New Order's most flamboyant characters. It also reflected a significant change in the approach to the cultural and political implications of Islam by the Suharto administration in general and by the military elite in particular.

Sudomo's move highlights a development that has seen a remarkable shift in the religious affiliations of the top military personnel. In the 1970s and '80s Christian officers held key positions in the Armed Forces, and most of their Muslim colleagues could be described as less than strict *abangan*. But devout *santri* officers with strong ties to Muslim organisations have been prominent in the 90s.

Secular

For decades, the secular and nationalist orientation of the Armed Forces seemed to exclude devout Muslims from top military posts. After independence had been achieved, the army saw itself as the defender of the national ideology Pancasila. This implied opposition to the identification of the state with any particular religion. Especially Islam with its reluctance to concede a distinction between religion and state politics was viewed by the army as a possible threat to the stability of the heterogeneous nation.

It was only the threat of a communist takeover during the last phase of Sukarno's Guided democracy in the early 1960s that forced the army and the Muslim community into a short-lived coalition. But after Sukarno's fall in 1967 the New Order government demonstrated very

quickly that it had no intention of making any concessions to a politically oriented Islamic movement. The final disillusionment for Muslim organisations came with the 1971 elections, in which Abri orchestrated a Golkar victory that marginalised the Muslim parties.

The distrust of the government towards political Islam was embodied in the military personnel. Besides moderate Muslims many Christian officers occupied top posts: Panggabean, Witono, Sudomo and — most notably — Benny Murdani. To-

organisations to accept Pancasila as their sole ideological principle, which was finally enshrined in the 1985 political laws.

Having domesticated Nahdatul Ulama (NU), Muhammadiyah and the Islamic Students Association (HMI) by 1985, Abri should have been satisfied with its achievements. But its very success undermined fundamental elements of Abri's legitimacy. Given the reduced danger of Muslim extremism, it was much more difficult for Abri to explain the need for the continuation of its dominant role in politics. The

presence of Christian officers in the top ranks, traditionally presented as a measure of containing ambitions for an Islamic state, was now openly questioned.

This partial legitimacy crisis coincided with the cultural renaissance of Islam in Indonesian society. Caused by the New Order's success in providing secondary and tertiary education to the average Indonesian, devout Muslims began to rise to important positions in the bureaucracy and — after some initial resistance by the Abri leadership — in the middle ranks of the military.

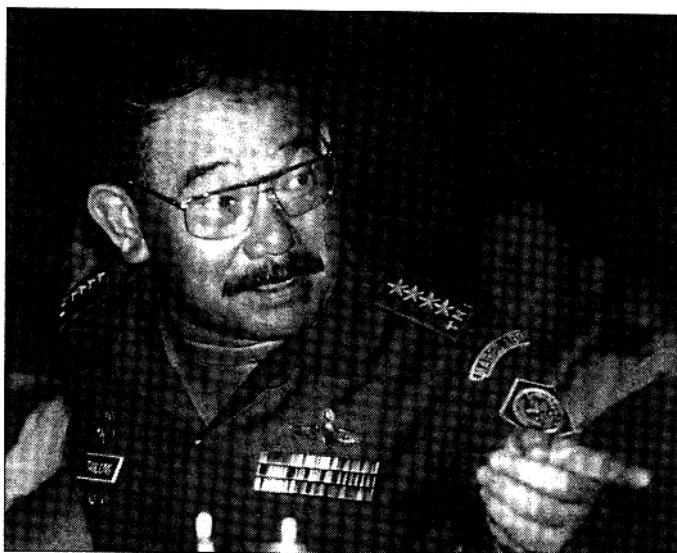
At the same time, Benny Murdani's obvious attempts to distance Abri from the administration and a Golkar dominated by Sudharmono confronted

Suharto with the possibility that the Armed Forces could withdraw their support for the president.

Ingenuous

Suharto reacted quickly. He dismissed Benny as Abri Commander-in-Chief in 1988 and turned to the Muslim community as a new basis of power. This ingenious move carried some far-reaching consequences and provided the president with a wide range of tactical alternatives. First, he was able to integrate Islamic groups into the system of the New Order and therefore reduce the danger of political instability.

Second, comforting the Muslim community required the appoint-



Feisal Tanjung: devout Muslims have been appointed to key positions in the military since he became head of the armed forces in 1993. TIRAS

gether with Ali Murtopo, who had provoked the Muslim community by creating the concept of 'democratic theism' as a theoretical basis for the New Order, the Christian officers became the focus of anti-military sentiments within Muslim circles.

Legitimacy crisis

In 1983 and 1984 Benny Murdani's ascent to the top post of the Armed Forces, and the army's suppression of the Islamic riots in Tanjung Priok which left a still unknown number of protesters dead, marked the historic low in the relations between Abri and the Muslim community. After Tanjung Priok, the army took an active role in 'convincing' Muslim

ATTACHMENT 14:

John Miller, 'One Less Place to Hide', *Inside Indonesia*, Jul-Sep 2002: pp16-17

One less place to hide

US courts bring down judgments against two Indonesian generals

John M Miller

Only two ranking Indonesian officers have been held accountable in any meaningful sense for human rights abuses in East Timor so far. In both cases, it was not a court in Indonesia or East Timor, but courts in the United States that issued the judgments in civil cases brought by victims or their relatives.

In 1994, a Boston court held General Sintong Panjaitan liable for US\$14 million for his involvement in the 12 November 1991 massacre of over 270 East Timorese at the Santa Cruz cemetery in Dili. Helen Todd, the mother of the only non-East Timorese killed that day, sued Panjaitan. Judge Patti Saris ordered that Gen Panjaitan, who was commander of the Bali-based Udayana military command at the time of the massacre, to pay \$4 million in compensatory damages to Todd and \$10 million in punitive damages in the shooting death of her 20-year-old son Kamal Bamadhaj.

Last September, Judge Alan Kay of the US District Court in Washington, DC, ruled that General Johnny Lumintang was liable for US\$66 million in damages for his role in crimes against humanity following East Timor's vote for independence in 1999. That lawsuit was brought on behalf of six East Timorese plaintiffs. The judge granted \$10 million in punitive damages to each plaintiff or their estates. Compensatory damages ranged from \$750,000 to \$1.75 million each.

'It has been established ... that Lumintang has responsibility for the actions against plaintiffs and a larger pattern of gross human rights violations,' wrote Judge Kay. '[H]e — along with other high-ranking members of

the Indonesian military — planned, ordered, and instigated acts carried out by subordinates to terrorise and displace the East Timorese population ... and to destroy East Timor's infrastructure following the vote for independence.'

In 1999, Lumintang, as Deputy Army Chief of Staff, was second in command of the Indonesian army. In his ruling, Judge Kay cited the principle of command responsibility, where 'a commander may be criminally or civilly responsible for crimes committed by subordinates.' He said that Lumintang is 'both directly and indirectly responsible for human rights violations commit-

ted against' the plaintiffs. Evidence of direct involvement includes his signature on certain key documents calling for the use of torture and removal of large numbers of people in East Timor if the people voted for independence in the 1999 referendum. Lumintang was also found liable because, as a member of the TNI high command, he knew or should have known that subordinates were involved in systematic rights violations in East Timor, but he failed to act to prevent them or punish the violators.

The alternatives

Although courts are currently sitting in Dili and Jakarta, the case against Lumintang is the only one heard to date against a senior Indonesian commander

for the systematic destruction following East Timor's 1999 referendum.

Indonesia's ad hoc human rights court has been widely criticised for its limited jurisdiction and the poor quality of its judges. Human Rights Watch has said that the wording of the court's statute 'may make it more difficult to convict defendants who were not actually present at the scene,' making conviction of most commanders unlikely. The TNI remains powerful. The highest-ranking officer to be named as a suspect is regional commander MajGen Adam Damiri, though at the time of writing he has yet to be brought to trial.

Ranking Indonesian officers are unlikely to face prosecution before the Serious Crimes Court in East Timor, because Indonesia continues to refuse to extradite suspects. Barring intense international pressure or the establishment of an international tribunal for East Timor, holding ranking Indonesian officers responsible will have to rely on the serendipity of legal actions in remote jurisdictions.

The Panjaitan and Lumintang cases are part of a widening international effort to establish that certain crimes — especially war crimes, crimes against humanity and genocide — are so heinous that their perpetrators can be pursued and prosecuted anywhere. The soon-to-be established International Criminal Court is the most prominent expression of this impulse to universal

People in other jurisdictions might want to examine their national laws and see what possibilities there are

jurisdiction. But the ICC will not hear crimes retroactively, so it cannot deal with the abuses committed by Indonesia in East Timor.

Well publicised was the 1998 effort by a Spanish magistrate to question Augusto Pinochet. The magistrate, pursuing a criminal investigation into the murder of Spanish citizens during the 1973 coup in Chile, sought to question the former Chilean dictator when he visited Britain. Pinochet was detained while the British courts decided whether to allow questioning. Ultimately, the British government declared him too old to stand trial and allowed him to return home.

In the US, the effort has mainly involved private civil suits. Precedent

was set by the case of Joel Filartiga, who had been tortured and murdered by a Paraguayan police official in 1976. His family tracked the official to the US and sued, but a lower court rejected the suit for lack of US jurisdiction. In 1981, a United States Court of Appeals ruled that the 'deliberate torture perpetrated under colour of official authority violates universally accepted norms of the international law of human rights, regardless of the nationality of the parties.' Michael Ratner of the Centre for Constitutional Rights (CCR) explains that the court found 'that it was appropriate for a court in the United States to hear the case, even though the occurrence and the parties had no substantial connection to the US. In part this was based on the concept of universal jurisdiction and that the

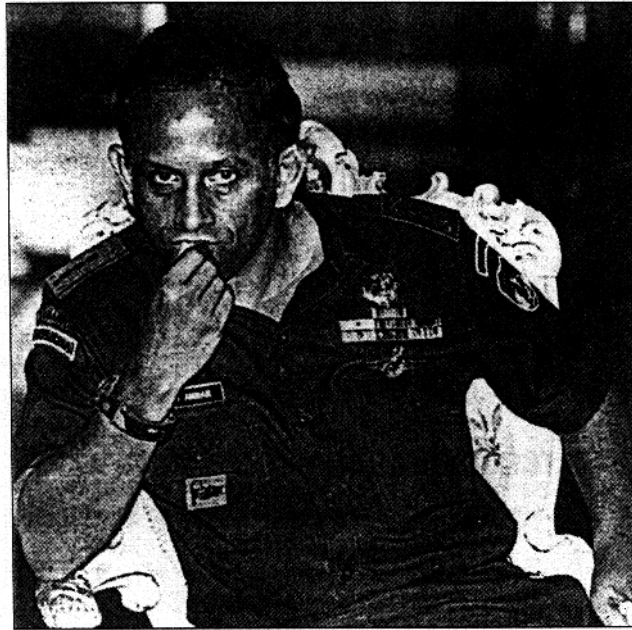
right to be free from torture had been universally proclaimed by all nations. With stirring language, the court emphasised that a torturer could be brought to justice where found even for civil liability: "Indeed, for purposes of civil liability, the torturer has become — like the pirate and slave trader before him — *hostis humani generis*, an enemy of all mankind."

The law

Filartiga was based on the Alien Tort Claims Act of 1789, which allows non-citizens to sue for acts committed outside the United States 'in violation of the law of nations or a treaty of the United States.' A later law, the 1991 Torture Victim Protection Act, reaffirmed the 1789 law and gives US courts jurisdiction over claims by citizens involving torture or extrajudicial killing occurring anywhere.

Filartiga has inspired numerous lawsuits against direct torturers, military commanders (like Lumintang and Panjaitan), and, recently, corporations involved with repressive regimes, including ExxonMobil in Aceh. These private actions are not at the mercy of the federal government's foreign policy priorities and have resulted in billions of dollars of damages. However, cases can only go forward if the defendant is personally served legal papers while they are physically in the US.

Neither General Panjaitan nor Lumintang chose to return to defend



Another candidate? MajGen Zacky Makarim (see www.yayasanhak.minihub.org/mot/)

GATRA

themselves. The courts issued rulings of default in both cases, and then held hearings to determine the amount of compensatory damages for the plaintiffs' suffering and the amount of punitive damages.

General Panjaitan was served papers in 1992 after he came to the US to enroll in Harvard Business School. A default judgment was entered against him in February 1993. Judge Patti Saris heard testimony in October 1994 from Allan Nairn, a journalist and eyewitness to the massacre, and from Constanancio Pinto, an East Timorese resistance leader who helped organise the November 12 demonstration and who was then living in exile in the US. Todd testified that Bamadhaj, a New Zealand citizen, was shot in the arm during the initial attack, and later in the chest by an army patrol. Troops prevented a Red Cross jeep from taking him to a hospital and he bled to death. 'I'm the only plaintiff because I'm the only one of 271 families that can bring this case without endangering my other children,' she said.

Although Indonesian military spokespersons claimed that Lumintang was not properly notified of the suit, he was personally served on 30 March 2000, as he was preparing to leave

Washington after speaking before the US-Indonesia Society. Judge Gladys Kessler found him in default the following December after he failed to answer the suit. By the time Judge Kay presided over three days of testimony from several of the plaintiffs and expert witnesses in a Washington, DC, federal court, East Timorese were able to travel and testify, but most wished to remain anonymous, still fearing military or militia retaliation.

Plaintiffs travelling to Washington included an East Timorese victim of Indonesian military and militia violence whose brother was killed and father injured in post-election attacks. The father testified via videotape. Two other East Timorese targeted by the Indonesian military

in September 1999 during the scorched-earth campaign by Indonesia also testified: a mother whose son was killed, and a man shot by Indonesian soldiers who subsequently had to have his foot amputated.

The court judgments, however, are not likely to enrich the surviving plaintiffs. Collection of any damages depends on uncovering the defendant's assets.

So far, the US has been the only jurisdiction outside the archipelago to bring any Indonesian generals to court. One result has been that few, if any, prominent suspects of past rights violations are publicly travelling to the US anymore. Indonesian officials who especially value their ties to the US might view this as more than an inconvenience. People in other jurisdictions might want to examine their national laws and see what possibilities there are for similar legal actions.

For the text of Judge Kay's 'Findings of fact and conclusions of law' and more information about the Lumintang and Panjaitan cases, see <http://www.etan.org/news/2000a/11suit.htm>. **II**

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Certain crimes are so heinous that their perpetrators can be prosecuted anywhere