

Concerning the Agreement between Australia & the Republic of Indonesia on the Framework for Security Cooperation (Mataram, Lombok, Nov 13, 2006)

From: Bill Fisher

The Lombok Treaty should be put down the Long Drop

(Australian Bush Toilet)

You know a major foreign policy initiative is a disaster when the “Political Brief on Indonesia” accompanying it is full of inaccuracies.

For example: “President Yudhoyono’s Administration ... has a good record of ... strengthening civilian government control over the military, and fighting corruption.”

No, it hasn’t! (but if it did, it would be responsible for genocide in Papua & many other atrocities).

President Yudhoyono (commonly known in Indonesia as SBY) knew what was needed & why. He specifically assured US President Bush in May 2005 he would step up military reforms to allow full restoration of bilateral defence ties. He got the defence ties; the reforms didn’t happen. He had moved quickly to pass **Law No. 34/2004**, mandating the government to take over all businesses run by the military within 5 years. One year on, “Jakarta Post” revealed that the government would allow the military (TNI) to retain most of its businesses & virtually all of its 219 cooperatives & foundations (“Jakarta Post” 20/10/05). A week later, “Jakarta Post” reported that several active TNI officers would stand in regional elections (**Law No. 34/2004** also banned all TNI personnel from any involvement in politics) (“Jakarta Post” 29/10/05).

In June 2006, Human Rights Watch issued a 136-page report “**Too high a price: the human rights cost of the Indonesian military’s economic activities**”. It said TNI’s independent financing undermines civilian control, contributing to abuses of power by TNI & impeding reform: “Instead of protecting Indonesians, troops are using violence & intimidation to further their business interests. And because the government doesn’t control the purse-strings, it can’t really control them.”

So the Political Brief underpinning the Lombok Treaty is hopelessly wrong. That has long been the pattern for major Australian foreign policy initiatives. But that’s not the whole story.

What does **TNI Business-as-Usual** look like?

TNI gets one third of its funding from the Jakarta government. The rest comes from its many businesses, some of which are legal – shopping centres, airlines, golf courses. Most of TNI’s money, laundered through its legitimate companies, comes from **protection rackets, extortion, gambling, drugs, prostitution, arms trading, slave trading & illegal logging** (all well-documented & openly acknowledged by Australian academics & experts – if DFAT would care to listen). In Papua alone, TNI runs the **biggest illegal logging racket in the world**. In Sumatra, 100 TNI soldiers attacked police with grenades & automatic weapons, killing several police & civilians, to recover a **drug haul** seized by police (“Sydney Morning Herald” 2/11/02).

The unfortunate Political Brief is fundamentally wrong about **West Papua** too: “(SBY) ... advancing the development of the province of Papua and ... full implementation of Special Autonomy Law”. **No, that’s wrong!** SBY has allowed TNI to run Papua as its own fiefdom & TNI’s supporters in Parliament have completely sabotaged the Special Autonomy Law.

TNI’s abuses are worst in **West Papua**. In 2001, Parliament passed the **Special Autonomy Law**, giving Papuans their own Upper House & control of 80% of revenue from their vast resources. To protect their own profits from Papua (all proceeds from the world’s biggest illegal logging racket, plus huge “protection” payments from the **richest copper & gold mine in the world, Freeport**), TNI persuaded nationalist MPs to pass a law in 2003 dividing Papua into 3 provinces. As usual, the Australian government was asleep at the wheel. But the US Council on Foreign Relations urged Indonesia’s government to postpone plans to divide Papua, & to implement the Special Autonomy Law at once. However, SBY allowed elections in one new province to go ahead, effectively sabotaging the Autonomy Law.

TNI uses its militias to sustain the violence in Papua so that businesses, especially Freeport, seek TNI’s protection. The US State Department’s 2005 country report on Indonesia says TNI & militia murder, torture & rape of Papuans continue unchecked. In 2006, the UN Secretary-General’s special adviser on genocide said **West Papua’s indigenous population is in danger of extinction**.

So much for the absurd “Political Brief on Indonesia”. But does the Government have a **plausible explanation** for the Lombok Treaty?

Foreign Minister Downer gives us the bigger picture: we “need” TNI & especially **Kopassus** (TNI Special Forces, equivalent to our SAS) to help us in the war on regional terror, specifically against our “common enemy”, **Jemaah Islamiah** (JI). Defence Minister Nelson (& before him, Defence Minister Hill) focuses on the smaller picture: Kopassus’ counter-terror capability against any terrorist threat to Australians in Indonesia.

That’s the government’s story. What is the reality?

The Bali bombings show that regional terrorism is a threat to Australians. JI is believed to be responsible. Mr. Downer claims to know a bit about JI; but he neglects to mention its origins. A 2001 **International Crisis Group** (ICG) report says **JI** was created in the 1970s by the head of Indonesia’s military intelligence. General Ali

Murtopo gathered former Darul Islam members into an anti-communist alliance. They called themselves Jemaah Islamiah. In a sting operation, security forces arrested 185 JI members in 1977, & they were jailed for several years. They were radicalised by betrayal & jail. Released in the 1980s, they re-grouped as JI to fight Suharto's secular, moderate version of Islam. One of these 185 radicals was **Abu Bakar Bashir**.

So a TNI General created JI. But wouldn't TNI, & especially Kopassus be best equipped to fight JI now? As Defence Ministers Hill & Nelson put it: to rescue Australians in a hostage situation? **No.**

Kopassus has a section, **Group 5**, specified as "anti-terrorist" (also known as **Unit 81**, after its first "successful" mission in 1981). Once again, military intelligence set up a group of Islamic extremists – this time in a plane hijack at Bangkok airport. Despite careful planning of the whole operation before the hijack occurred (Unit 81 knew all the details because they planned the hijack), Unit 81 still managed to get some aircraft crew & one of their own members killed. Two captured hijackers who left Bangkok alive with Unit 81 arrived in Jakarta dead (they couldn't leave anyone to testify how the hijack came about). Their only other attempt at hostage rescue saw 2 (Indonesian) hostages killed. Unit 81 failed to find the hostages & kidnappers in Papua in 1996 despite being very close to them for several days. The remaining (European) hostages were eventually released by their captors – who were never caught by Unit 81.

If that is Mr. Hill's & Mr. Nelson's idea of "successful" hostage rescue, I hope we never see failure. But that's not the whole story.

Describing Kopassus as "**anti-terrorist**" is like describing Hitler's **SS** as Zionist. In a 2002 US Navy report, an American expert on terror called TNI "**a major facilitator of terrorism**" due to "**the radical Muslim militias they had organised, trained & financed**" ("Strategic Insight: the War on Terrorism in South-East Asia", National Security Affairs Dept.). Also in 2002, our Foreign Affairs first assistant secretary for South & South-East Asia, Jennifer Rawson, described evidence of **Kopassus'** links with radical Islamic groups such as **Laskar Jihad** (Hansard, 22/11/02).

Two **Kopassus** officers were convicted & jailed for blowing up the **Jakarta Stock Exchange** in a huge **car-bomb** blast, killing 15 people, in September 2000. Indonesia's Navy caught 5 Kopassus officers smuggling a huge arms shipment to **Laskar Jihad (JI)** "warriors" fighting a "holy war against Christians" on Maluku in 2000. Kopassus soldiers attacked Christian villages alongside **LJ warriors**; many thousands were killed in these religious wars. Police named several Kopassus officers in the **murder of Papuan leader Theys Eluay** in November 2001. Kopassus generals financed & trained militias in **East Timor in 1999**; over 1,000 were killed in a bloody rampage.

Devil's Advocate: Let's be **pragmatic** about this. Let's be **realist**. Only Indonesians (& East Timorese) have anything to fear from these terrorists. They might be vicious murdering bastards, but they're our vicious murdering bastards. We have nothing to fear from them. **Wrong again!!!**

On August 31st 2002, Mr. Nelson's favourite "anti-terrorists", Kopassus planned, coordinated & joined an **ambush outside the Freeport mine**. 2 American teachers & an Indonesian teacher were killed ("The Australian" 26/9/02). They did it to prove Freeport needed their protection (ABC radio 2/1/06). Freeport was having trouble making the payments at the time due to an intrusive new US law regulating their activities. So our Defence Minister's vicious murdering bastards aren't above **murdering foreign nationals** when there's a tidy profit to be made.

They miscalculated badly. Congress responded by blocking military ties for several years. Congress renewed the ban in November 2005. 2 weeks later, President Bush over-ruled the ban & restored military ties. So, Kopassus has learned that killing foreign nationals isn't a good idea. Is this a sound basis for depending on them in a crisis? I don't think so, & nor does **Dr. Damien Kingsbury**, author of "Power Politics & the Indonesian Military" (2003) – an expert in the field.

"Kopassus Unit 81 is supposed to protect Australian citizens. However, as a regular visitor to Indonesia, I would rather take my chances without them." (Dr. Kingsbury in "The Age" 19/6/04).

This argument has been going on for a long time. Some repeated government claims are:-

The atrocities are committed by "**rogue elements**" (often advanced by Mr. Downer). This ignores a mountain of evidence (more like the Himalayas than merely Mt. Everest) that the culture is very deeply rooted & ubiquitous. For example: **Sydney University's** 2005 report "Genocide in Papua"; **Yale University** (US) 2003-4 Law Dept. report on genocide in Papua; **US State Department** country report 2005; **Reconciliation Commission** (CAVR) 2005 report on East Timor.

"**We will teach them human rights**" That's exactly what both the Keating & Howard governments said throughout the 1990s. **Eight years of extensive Australian training ended in the 1999 bloodbath in East Timor**; a so-called "**special relationship**" between our armies amounted to nothing. Our Defence Minister Moore made repeated 'phone calls to their Minister; he just never answered the calls. Foreign Minister Downer made repeated "representations" (60 or 70, he said). All were ignored.

It's not hard to understand how the Howard Government became **so poorly advised & informed**. It's a **self-inflicted wound**. The parade of messengers it has "shot", whistleblowers it has intimidated, honest defence & intelligence officers whose careers have been destroyed one way or another – just in connection with East Timor alone – reaches half way from Parliament House to Shoal Bay. From Lansell Taudevin, Wayne Sievers & Andrew Plunkett to Lance Collins & Martin Toohey to Steve McCrohon, Steve Hull & Wayne McInnes; the list goes on forever. Every one of them made revelations that should have led to a full enquiry, in some cases to a Royal Commission. Every one of them was ignored, threatened, and/or ostracised & they all found their careers seriously compromised and in most cases ended. Then there was the honest senior intelligence officer, Merv Jenkins, who was so heavily threatened by the government's bully-boys that he committed suicide.

This has induced a sickness in our intelligence community best described by Warren Reed (author, with Lance Collins, of “Plunging Point”): **“the best of our intelligence can no longer help the nation, because the government will only hear what it wants to hear.”**

The government has got its **strategy for dealing with terrorism** all wrong (monumental understatement). Like their US & UK allies, they think that the application of massive military force is a sensible thing to do. **Wrong!** Military force is for disputes between states.

Here’s an elementary lesson for Mr. Howard, Mr. Downer & Mr. Nelson: **Terrorism is a crime! Crime is best dealt with by the police.** Military force is a blunt weapon. Collateral damage is usually unavoidable. Innocent bystanders are killed; so you are making new enemies all the time (as in Iraq). If you treat terrorists as criminals, seek police cooperation with other states to find them & bring them to justice, the terrorists won’t be getting new sympathisers & recruits.

So, in the normal course of events, the best way to deal with JI or any other terrorists is by police cooperation & intelligence sharing.

Not military cooperation!

Indonesia’s police has its own anti-terrorist squad. Problem solved? Just scrap the **Lombok Treaty** & settle for police cooperation (which is already happening over the Bali bombings)? Unfortunately, **no.**

The kindest way to describe the government’s regional security policy is it’s **grossly incompetent.** I’m not sure it’s the most accurate description, though. Seeking police cooperation to deal with terrorists should, in theory, be the best solution. But this government has so grossly mishandled regional security that once again what should be best is not the whole story.

Police cooperation with Indonesia should be a good news story. **Australia’s Federal Police (AFP) & Indonesia’s National Police (INP)** have successfully cooperated over the Bali bombers. But the elephant in the squad room is **SIEV-X.**

353 men, women & children died when their asylum-seeker boat **SIEV-X** sank on October 19th 2001. The only enquiry into SIEV-X was as an item tacked onto a parliamentary enquiry into another asylum-seeker boat incident, “Children Overboard”. During the enquiry, one Navy Admiral reversed his sworn testimony. Another Admiral, who had collected all the intelligence into a report, was prevented from appearing by the government. An RAAF Orion made 3 passes over the rescue of SIEV-X survivors by Indonesian fishing boats. These details were removed from the flight log. After the enquiry, a classified cable was belatedly released. Chair of the enquiry, the late Senator Peter Cook, told Parliament that he now realised officials had lied to the enquiry. 4 times the Senate has called for a judicial enquiry; 4 times ignored by the government.

What could there be to enquire into?

It’s fairly clear the 353 victims were murdered. Thirty **Indonesian police** forced over 400 people at gunpoint to board SIEV-X; it was designed to carry 100, & it had obvious cracks in the hull. In 2000-2001, 4 Australian Government agencies conducted a **People Smuggling Disruption Program (PSDP)** in Indonesia: AFP,

DIMIA, DFAT & ASIS. **AFP** signed an agreement with **Indonesia's police** in September 2000 to target people-smuggling syndicates. The agreement was withdrawn by Indonesia's government in September 2001, but AFP & INP continued the operation without legal sanction during October 2001 (the month SIEV-X sank). In August 2001, **ASIS** was assigned to operate **PSDP** with virtually no scrutiny. **Australia's Embassy** in Jakarta was at the centre of PSDP activities.

AFP agent Kevin Ennis says he organised voyages, collected money, & then **sank** (close to shore) several boats containing asylum seekers (with no loss of life). A week before SIEV-X sank, the PSDP Task Force discussed "beefing up" PSDP activities.

Australia's Justice Minister said he made great efforts to extradite SIEV-X organiser **Abu Qassey** to Australia to face court. Indonesia's Justice Minister said **no request was ever made**. Australia extradited several other people-smugglers from Indonesia without any difficulty. This enquiry even lists our Extradition Treaty with Indonesia as an example of cooperation; so why Abu Qassey was the only people-smuggler we failed to extradite remains a mystery. Abu Qassey was instead extradited to Egypt to face (lesser) charges there.

It's obvious to me there is something urgently needing investigation; & a judicial enquiry where witnesses can be compelled & protected. The Senate has repeatedly said so too.

How can we allow Australia's police to collaborate with Indonesia's police on anything at all until we know who murdered those 353 people? The Howard Government, by its actions, has completely destroyed the **trust we should have & need to have** in cooperation between our police & Indonesia's police.

On top of this massive can of worms they now want to impose the Lombok Treaty!

I have made submissions to many enquiries on East Timor & Indonesia over many years. I have repeatedly put my views politely & been politely ignored by successive governments bent on doing the opposite. Why should they take any notice now; especially since I believe I've shown the Lombok Treaty to be based on wrong assumptions & beliefs; that the Lombok Treaty fails even the Howard Government's appallingly low standards for justifying its foreign policies; & that the Howard Government has so grossly mishandled regional security that it would take even the best government many years to undo the mess.

There is one reason why I demand to be heard on this. I was myself on the receiving end of this government's gross bungling of regional security.

When called upon to justify the Lombok Treaty, government ministers usually say, bottom line, "protection of Australian citizens". That is an appallingly low bottom line, because it means abandoning the West Papuans to genocide at the hands of our military "allies" (plus all other Indonesians suffering at the brutal hands of TNI; plus previously also the East Timorese). I'm sure no Australian people accept

this Realpolitik (all too often based on fantasy, as I've shown) by their government. Repeated public opinion polls show large majorities of Australians don't accept the government's appeasement of TNI or the dispossession of the West Papuans. But for present purposes, I will judge the government by its own appallingly low standards.

Wouldn't the **protection of Australian citizens** necessarily include the hunting down & extradition of their killers? – if only to deter any future such incidents. During 2000, the UN conducted an investigation into the killing of 5 Australian journalists at Balibo, East Timor in 1975. 2 Australian police officers, John Skeffington & Tom Hanlon led the investigation, which was making progress towards issuing indictments. They applied for a 3-month extension of their tour of duty to complete the highly complex investigation. The head of the UN Mission in East Timor personally wrote to Australian authorities supporting their application. The application was refused. When the 3 indictments were eventually issued, the Australian Government showed absolutely no interest whatsoever in extraditing the alleged killers. The leading killer, giving the order to fire & firing the first shot himself, was a Kopassandha (later renamed **Kopassus**) officer. This government seems to use the Extradition Treaty cynically for its own political purposes. So much for the protection of Australian citizens.

I should know how this government fails to protect Australian citizens. It **failed to protect me in 1999**.

During preparations for East Timor's "Independence" referendum in 1999, Indonesia's security forces, army & police, were given control of security for the vote. This was mainly at the urging of the Australian government; the US government had some doubts but they bowed to the "regional knowledge" of Australia. **Big mistake!** TNI spent most of 1999 recruiting, training & leading its bloody militias in an attempt to frighten the Timorese into voting against independence. The situation got more & more out of control. It was obvious even to Australia's government what was going to happen. Militia leaders were threatening a bloodbath after the vote if it went the "wrong" way.

What follows is a quote from my (published) letter to the "Canberra Times" (published 23/7/01):

"The Government's new book on the East Timor crisis fudges the question of General Wiranto's role in militia violence & Australia's knowledge of it.

On 21st June 1999 Canberra made its most serious attempt to make the Indonesian army (TNI) respond to international concern. The vice-chief of Australia's armed forces, Air Marshall Riding, faced senior TNI officers in Jakarta with evidence that Indonesia's special forces command, Kopassus, was running the militia & that the links went all the way to the top of TNI. The evidence was conclusive, but the Indonesians denied it & were annoyed at the allegations.

Riding had evidence linking Wiranto with the militias, but said nothing. Also, US officials had said they wanted to confront TNI with this intelligence. Canberra asserted ownership of the intelligence data & refused to allow US participation.

The new book says Australia wanted to explore diplomatic avenues first before pressing for peacekeepers. By 22nd June, all diplomatic avenues had failed. The first militia attack on United Nations facilities happened a week later in Maliana,

on 29th June. Canberra knew disaster loomed & did nothing, & prevented the US from doing anything.

The Government's new book distorts the historical record."

Many Australians went to East Timor to observe the vote. The most prominent of these were Tim Fischer & Laurie Brereton. I went to Maliana with a team of vote observers from 6 nations. The point being, the Australian Government knew what was about to happen; knew that the situation was out of control; knew that international peacekeepers were needed; knew that many Australians were in danger. The Australian Government did nothing to protect those Australians.

The Australian Government failed to protect me.

I demand that my views be properly heard in this enquiry.

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