

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 97

Senator Trood asked the following question at the hearing on 22 February 2011:

- A. In response to questions on notice (62 g) states “The AFP notes that, similar to Australian law enforcement, the INP is responsible and accountable for the behaviour of its members.” If the Australian Government is providing funds/training etc... to Indonesia’s counter-terrorism unit, Detachment 88, what measures does the AFP have in place to monitor this?
- B. Does the Australian Embassy or the AFP vet Indonesian individuals applying for training?
 - a. How?
 - b. What criteria is used to assess the suitability?
 - c. Who is responsible for this?
- C. Is the AFP aware that in response to torture allegations, the United States suspended aid to the Detachment 88 force in Ambon as early as 2008? Has the AFP considered taking the same action?

The answer to the honourable senator’s question is as follows:

- A. The AFP is unable to comment on the mechanisms the Australian Government has in place to account for the aid it provides to the Indonesian authorities. The AFP does not have any mechanisms in place to monitor the conduct of Detachment 88 and INP officers; this is a matter for the Indonesian authorities. The effectiveness of AFP support to the INP is measured through the capacity of the INP to disrupt, investigate and prevent terrorist activity within Indonesia. Details of INP operational outcomes would touch on operational sensitivities, as such the AFP is unable to elaborate.
- B. The AFP is unable to provide comment on the undertakings of the Australian Embassy in Jakarta; this is a matter for the Department of Foreign Affairs and Trade. The AFP does not vet Indonesian individuals applying for training.
 - a. The selection of INP officers to undertake training programs at the Jakarta Centre for Law Enforcement Cooperation (JCLEC) is undertaken entirely by the INP. The AFP understands individuals are chosen for specific courses based on their skills, role requirements and local jurisdiction. This is entirely at the discretion of the INP, as it is with the selection of course attendees from other States throughout the region.
 - b. The selection of course participants is entirely at the discretion of regional law enforcement agencies in Indonesia.
 - c. The INP is responsible for selecting INP course participants for JCLEC programs. The AFP has no mandate to oversee the administrative functions of foreign police forces.

- C. The AFP is aware of allegations of torture within Ambon however the AFP is not directly engaged with Detachment 88 officers in regional provinces. The AFP engagement with Detachment 88 is through its Executive in Jakarta. Investigation of the Detachment 88 torture allegations is a matter for the Indonesian authorities. The AFP does not intend to suspend its capacity building engagement with the INP. The AFP is aware of media reporting in *The Age* newspaper which states the US had banned cooperation with Detachment 88 in Ambon. This reporting is not factual and the US Anti-Terrorism Assistance program remains one of the largest contributors of training and support to Detachment 88 however the Ambon office of Detachment 88 has since closed.

Furthermore, the Jakarta Centre for Law Enforcement Cooperation (JCLEC) seeks to consolidate and sustain the cooperative links between the AFP and the INP and to offer operational support and capacity building assistance to Indonesian and regional law enforcement agencies and nongovernment agencies in dealing with aspects of transnational crime including terrorism.

The involvement of the AFP in training programs at JCLEC allows the AFP to impress on regional counterparts some of the values the AFP holds such as human rights and ethics in policing.

The principles of human rights are embedded in all JCLEC programs and police accountability is incorporated in scenario-based activities.

As at 20 January 2011, JCLEC has provided training to 8311 regional law enforcement students who have participated in 359 training programs. Areas of training include transnational crime investigation management including CT, people smuggling and human trafficking, criminal intelligence, forensics, financial investigations, proceeds of crime, communications, management, security risk management, disaster victim identification, response to Chemical, Biological, Radiological, and Nuclear events, internet offences, child protection and post bomb-blast management.

All JCLEC programs must be delivered in a manner consistent with the Human Rights legislation and policy of the delivering country or organisation and must take into account the Indonesian Human Rights legislation and National Action Plan on Human Rights.

The countries that provide the training at JCLEC include Australia, the United Kingdom, Germany and Canada.