Chapter Two

DFAT Travel Advice

Travel advice in the light of Bali

2.1 Of the Bali survivors and their families who gave evidence to the Committee, all indicated they did not know Travel Advice existed.¹

No-one that we know knew to look for anything. We have never done it for a holiday before and we did not even know where to start to look for any warnings or anything like that....The travel agent never warned us when we booked, paid or picked up the tickets or anything like that. We picked our tickets up a month before we left. We left on 7 October and nothing was said....No-one that we have spoken to was aware of any sort of travel warning, web sites or anything like that.²

- 2.2 This, along with other indications of poor awareness of their existence,³ has led to several improvements being made by DFAT. Travel Advice can now be accessed in Australia or overseas in a number of ways, including:
 - electronic email subscription;
 - phoning or visiting DFAT or an Australian mission;
 - a fax-back system; and
 - using the newly installed touch-screen kiosks in some Australian international airports.⁴
- 2.3 More sophisticated systems for dissemination are still being developed, including alerts via mobile phone SMS. The Minister for Foreign Affairs (Mr

Transcript of Evidence, p. 10, 25 September 2003 (David Marshall); Transcript of Evidence, p. 17, 25 September 2003 (David Bonython–Wright); Transcript of Evidence, pp. 35, 39, 25 September 2003 (Julian Burton and Andrew Whiteman, Players, Sturt Football Club); Transcript of Evidence, pp. 23, 25 September 2003 (Leanne and Samantha Woodgate); Transcript of Evidence, pp. 50, 25 September 2003 (Brian Deegan).

² Transcript of Evidence 25 September 2003, p215 (Ms L and Ms S Woodgate – Bali survivors)

For example, DFAT initiated a survey–based research project which indicated a lot more needed to be done: DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613_travel.html at 24 October 2003.

There are already kiosks in Sydney and Adelaide International Airports. They will be rolled out in other Australian airports over the coming months: The Hon Alexander Downer MP, 'Campaign to Promote Travel Advisories', Media Release, 7 August 2003.

Downer) also launched a new public information campaign on 7 August 2003: 'smartraveller.gov.au—it's a must see destination'.⁵

- 2.4 In addition, a joint initiative between DFAT and the travel industry, the *Charter for Safe Travel*, is encouraging travel agents, airlines and tour operators to promote and disseminate DFAT's Advice.⁶
- 2.5 The Committee regards this as an area in which DFAT should continue to concentrate its efforts. It was particularly clear from evidence to the Committee by Bali survivors that the travel agent was regarded as the key source of advice by tourists. It seems that it was simply assumed by the travellers that their agent would alert them if there were any threats or risks associated with their destination.
- 2.6 While the Committee commends the various initiatives by DFAT and the travel industry to work in partnership to encourage best practice, the Committee believes that steps could be taken to further strengthen the quality of advice and service to would-be travellers. Such steps could be congruent with initiatives being taken with respect to, say, financial advisers.

Recommendation 2

- 2.7 The Committee recommends that the government, in consultation with the travel industry further develop and oversee a code of practice which would, among other things, make it mandatory for travel agents/advisers to provide to overseas travellers, at the time a booking is made, a copy of both DFAT's Travel Advice for the destination concerned and ASIO's threat assessment for the country itself. Travellers must be advised to consult the DFAT Travel Advice 24 hours prior to their departure.
- 2.8 DFAT officials told the Committee that feedback from market surveys was taken into account as the Department sought to improve both the development and dissemination of travel advisories:

We have done quite a bit of market survey work... to gauge the clarity of advice. ... It is very important that the language of the advice and what it means is as clear as is humanly possible to the reader. We take professional advice on that but we also gauge the results of market survey work. The market survey work is actually pretty encouraging. The feedback we are getting about travel advice is surprisingly positive, in one sense. I have always judged this area of work as being an area where it is difficult to please just about anybody, because the judgments are difficult and there are

DFAT has been allocated \$10 million over the next four years for this purpose: DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613_travel.html at 24 October 2003.

The Hon Alexander Downer MP, 'Charter for Safe Travel Keeps Australian Travellers Informed', *Media Release*, 11 June 2003.

critics of the travel advice from both ends of the spectrum. But, in fact, I have been quite heartened by the level of feedback we have received about travel advice and Australians' awareness of and understanding of the issues. It is an ongoing process. ... [and] we are again looking at some additional things we can do to make even clearer what our advice means.

In the end, there is one complex issue that needs to be managed in this dialogue we have with the public about risks, and that is that risks are difficult to gauge and that the way our society works is that Australians need, in the end, to make their own judgment about risks and their applicability to them as individuals on the basis of the best advice that the government can provide. There can be an expectation on the part of Australians that we will make decisions for them. That question often arises: 'You are saying, "Defer non-essential travel." What does that mean? Is my travel essential?' Of course, our response has to be: 'In the end, you have to make a judgment about that on the basis of a range of factors. This is what we know. This is what we are telling you as clearly as we can. You need to think about whether, in all of that context, you need to travel now.' This comes up in our dialogue with the public from time to time. It is reasonably well understood, but it is an ongoing process.

General background about travel advisories

- 2.9 The Consular Branch of DFAT issues travel advisories for over 200 countries worldwide. Prior to 1997, DFAT produced its 'Travel Advice' only on an ad hoc basis to address a significant deterioration in security in an overseas location. The only dissemination mechanism employed was departmental media release.⁸
- Since then, the travel advisory systems of Australia and its consular partners alike have developed considerably. Their rapid development was driven by a number of factors, including an increasing interest in travel⁹ and the emergence of the internet which provided a highly effective mechanism for dissemination.¹⁰
- The greater uncertainty in the international travel environment caused by the September 11 terrorist attacks resulted in a greater demand for advice about the risks travellers might face overseas. 11 The number of hits on DFAT's website rose by 60 per cent from June 2001 to June 2002, a demand which continues to rise.

Submission 4, p. 3 (DFAT). 8

⁷ Transcript of Evidence, 5 August 2004, p560 (Kemish, DFAT)

⁹ Australians are frequent travellers, recently averaging about 3.5 million overseas visits per year: DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613 travel.html> at 24 October 2003.

¹⁰ Submission 4, p. 3 (DFAT).

DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613 travel.html> at 24 October 2003.

- 2.12 In recent times, DFAT's Travel Advice has taken on a different character and a new level of importance to the Australian travelling public. The public expectations of DFAT concerning the production of timely, relevant, accurate and credible advice to travellers on safety and security have increased significantly.
- 2.13 DFAT has deliberately sought to make a distinction between 'travel advisories' and 'travel warnings'. While Travel Advice does contain information about safety and security issues and seeks to alert Australians to the sorts of risks they may face, Travel Advice is more than just a 'warning' about possible dangers. 12
- 2.14 Rather, it is an 'advisory' addressing a number of other practical issues that Australians need to be aware of when travelling. DFAT seeks to encourage Australians to see Travel Advice as a source that should be consulted even when travelling to a country that is not considered 'dangerous'.¹³
- 2.15 DFAT insists that their Travel Advice is only guidance. DFAT does not, and cannot, make decisions for Australians about when, where and whether or not to travel. DFAT's responsibility goes only so far as to assist Australians in making their own informed decisions, regardless of whether they are first-time holiday makers, seasoned business travellers, expatriate Australians, or government officials.¹⁴
- 2.16 A typical DFAT Travel Advice runs for two to three pages. It states when it was last updated, and briefly how the Advice has changed. It then contains a summary of the Advice (in bold text and contained within a box) which details the main safety and security issues, and the overall warning level. The body of the Advice is divided into sections, which may include Safety and Security, General, Health Issues, Insurance, Local Laws and Customs, and Consular Assistance and Registration.
- 2.17 DFAT follows the same methodology employed by its consular partners (the US, UK, Canada and NZ) in drawing on a range of sources to prepare Travel Advice.¹⁶

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DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613_travel.html at 24 October 2003.

DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613_travel.html at 24 October 2003.

DFAT, 'Travel Advice Explained: Frequently Asked Questions' http://www.dfat.gov.au/travel/faq.html at 24 October 2003.

DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613_travel.html at 24 October 2003.

¹⁶ *Submission* 4, p. 5 (DFAT).

The department's travel advice is a composite judgement based on the following factors:

- Input from our overseas posts on security conditions.
- Our experience, in the consular field, of the difficulties experienced by Australians overseas and issues of concern to them as reflected in the questions we are asked, on our free call lines, by the general public.
- Intelligence, with particular weight given to ASIO threat assessments. Unless the raw intelligence suggests a specific and imminent threat that requires immediate action, we will test the credibility of the information by seeking an assessment from ASIO.
- The consular settings of marker governments—the United States, United Kingdom, Canada and New Zealand—are also useful to our considerations. It is important to note that, for the large part, marker governments are dealing with a broadly similar information base for intelligence. Nevertheless, our travel advice settings can—and do vary.¹⁷
- 2.18 The Department gives particular weight to ASIO's Threat Assessments. Where ASIO assesses the threat of politically motivated violence against Australian interests to be HIGH, this will

As a matter of course lead to a clear and prominent reference to the risk of terrorism in the travel advisory, and a recommendation (at a minimum) that Australians exercise a high degree of caution. Our concern about the risk of terrorism will be reflected both in the summary section as well as the body of the advisory. ¹⁸

- 2.19 DFAT will not advise against travel to a country on the basis of an ASIO Threat Assessment of HIGH alone.¹⁹ There must be a 'clear, specific and credible threat' to Australians before advice to defer travel is given.²⁰
- 2.20 There have been allegations that Travel Advice might be tempered by DFAT according to diplomatic requirements that might be in play between Australia and the country concerned. This was articulated by one witness—a former ONA analyst—as follows:

[B]ased on my experience I think that the Department of Foreign Affairs and Trade did have a tendency to perhaps...apply the precautionary principle...particularly when dealing with Indonesia because of the sensitivity of the diplomatic relationship. ...Once again, I emphasise that I

¹⁷ Submission 4, p. 5 (DFAT).

¹⁸ Submission 4, p. 5 (DFAT).

¹⁹ Submission 4, p. 5 (DFAT).

²⁰ Submission 4, p. 5 (DFAT).

had been out of the loop for more than six months by the time the Bali bombings occurred, so whether there had been a change in that environment over that time I cannot say.²¹

Up until early 2002 the information that was coming through was certainly at odds with established orthodoxies on the nature of Islam and the nature of militant Islamic groups in south-east Asia. A debate ensued between those who were saying we need to revise the way we are thinking about militant Islam and potential terrorist groups in the region and those who are saying, 'No, the old model still applies.' The ambiguity generated by that debate perhaps created a window of opportunity for some within DFAT to continue a line that was perhaps sensitive to Indonesian concerns. By the same token, I do not believe that DFAT, had there been absolute information, would have downplayed the threat to protect that relationship. I believe that, had the information been more absolute and had the debates amongst the analysts been closer to resolution, then perhaps the warnings would have been a little more rigid.²²

2.21 DFAT emphasised to the Committee that it will not consider the impact negative Travel Advice has on the tourist industry and will not temper its Advice to accommodate diplomatic niceties.

Our travel advisories are not influenced by bilateral sensitivities, or the often strong representations we receive from foreign governments. In the face of pressure over the years from many governments, including in the Southeast Asian region, Ministers have taken a firm position that the safety of Australians overseas is of paramount importance.²³

- 2.22 The Committee accepts DFAT's evidence on this point and is satisfied that DFAT did not in this particular instance, nor generally, engage in the practice of tempering Travel Advice according to diplomatic considerations.
- 2.23 Nor does DFAT feel bound to ensure that its Travel Advices necessarily always align with those of its consular partners.

We are fully prepared to vary from our consular partner governments in the nature of the advice we provide, and do so from time to time. All governments make their own assessments on the basis of their own circumstances. But given that all governments are working off a broadly similar information base, we will naturally want to check the situation very carefully if a wide gap begins to develop between our travel advisory setting and those of other governments.²⁴

²¹ Transcript of Evidence, 20 November 2003, pp. 256–257 (Dr D Wright–Neville).

²² Transcript of Evidence, 20 November 2003, p. 257 (Dr D Wright–Neville).

²³ Submission 4, p. 6 (DFAT). See also Senate Foreign Affairs, Defence and Trade Committee, Helping Australians Abroad: A Review of the Australian Government's Consular Services (1997) p. 62.

²⁴ Submission 4, p. 6 (DFAT).

- DFAT has made a conscious decision not to use a strict rating system involving the colour-coding or ranking of threat. The basis for this decision is that DFAT wishes to encourage the public to read the content of the Travel Advice and make an individual informed decision on whether to travel.²⁵
- 2.25 A rating system would firstly mean that DFAT would be making that decision, regardless of the circumstances of the individual person. In addition, the public would be less likely to read the remainder of the document and therefore would not gain a true understanding of the threat. This general approach is also taken by Australia's consular partners.²⁶
- DFAT does, however, have an informal rating system using language. Travel 2.26 Advice may fall into one of seven broad categories, each of which is represented by a particular phrase. That phrase will appear in the summary and content of the Advice to give an indication of the overall assessment of the security situation. Generally, the categories will be applied in the following ways:
 - Where DFAT has compelling information suggesting it is not safe to travel to a country or area, DFAT will advise Australians to 'defer all travel'.
 - Where the threat is lower, or the information less specific, the Travel Advice may only advise Australians to 'defer non-essential travel'. Whether travel is essential or not is a matter for personal judgement. DFAT maintains that it cannot weigh those factors for the individual.
 - The lowest category, 'exercise good personal security awareness' involves people doing what they would normally do in Australia.²⁷
- Travel Advices are updated promptly in response to developments reported to their overseas missions and Consular Emergency Centre, which are open 24 hours a day, all year round.²⁸
- 2.28 When new information emerges, for example an ASIO Threat Assessment, DFAT will consult with the relevant overseas mission and consider the settings of consular partners in order to determine how to interpret and translate that new

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²⁵ Submission 4, p. 6 (DFAT). See also DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613 travel.html> at 24 October 2003.

Submission 4, p. 7 (DFAT). 26

DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613 travel.html> at 24 October 2003.

DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 28 2003) http://www.dfat.gov.au/media/transcripts/2003/030613 travel.html> at 24 October 2003.

information into a format that can be used in Travel Advice.²⁹ As a general rule, even where no new information has become available which necessitates an update, Travel Advice is reviewed on a quarterly basis and revised where appropriate.³⁰

- 2.29 DFAT stated that it operates on a strict principle of no double standards and therefore produces only one form of travel advisory: Travel Advice. This is the Advice provided to DFAT's own staff, other Government agencies and the private sector.³¹
- 2.30 DFAT officials described to the Committee how Travel Advice was formulated in the period before the Bali attacks. Since Bali, ASIO has been more formally integrated into the process outlined hereunder.

Within the department, there is a triangle, if you like, that is involved in preparing the travel advice prior to it going to the minister for clearance. The first point of the triangle is the Consular Branch, which is the part of the department that in the end physically passes the draft advisory to the minister for clearance. As the manager of the process of travel advice, it ensures consistency of format across travel advisories. Clearly the consular area can value add to the process, because the consular area has direct experience of the kinds of real difficulties that Australians experience on a daily basis across the world—because we are also managing and supporting people who are involved in those difficulties.

The second point of the triangle is the geographic division. In this case, that was the South and South-East Asia Division. In the way we structure these things in the department, we do rest to some considerable extent on the expertise and specialisation that a geographic division has in its own area of responsibility. So the responsibility for tracking developments, watching threat information and making suggestions about travel advice is shared with that area. The opportunity is certainly available—within the south and south-east Asia division in this case—to suggest a change in a travel advisory. They along with others are monitoring threat information. The third part of the triangle is the relevant embassy, in this case the embassy in Jakarta. Of course, the consul-general in Bali is also involved in these processes over time.

We need to be very clear that every time a draft travel advisory goes to the minister it has passed a clearance process involving all three elements of that triangle. The practice will vary a little from place to place but often the wording is suggested by the relevant embassy. The consular area will look at that, review it, consider its consistency and conduct a quick liaison. That

DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613_travel.html at 24 October 2003.

³⁰ Submission 4, p. 8 (DFAT).

³¹ Submission 4, p. 7 (DFAT); See also DFAT, 'Travel Advice Explained: Frequently Asked Questions' http://www.dfat.gov.au/travel/faq.html at 24 October 2003.

liaison is usually conducted quite quickly, but 24 hours or so would be normal unless there was some very urgent development that required immediate action ³²

- 2.31 Although there is only one form of Travel Advice, DFAT does provide other forms of information:
 - (a) General Advice to Australian Travellers provides general advice, wherever one may be travelling, on how to avoid difficulties. The General Advice currently includes warnings about terrorism.
 - (b) Travel Bulletins are used to address specific issues in a particular country to supplement a Travel Advice. For instance, these were issued after the Bali bombing.
 - (c) Embassy Bulletins are issued by Australian missions overseas for expatriate Australians. They may adopt a slightly different emphasis and provide more detail to Travel Advice, but their overall content and warning level must be wholly consistent with that Advice.³³

Travel advice by Australia and its consular partners

- 2.32 The Committee sets out hereunder the sequence of Travel Advices in the 18 months leading up to the Bali bombings. Given the relevance to the discussion of the consular settings and advice prepared by Australia's consular partners, the Committee refers to these where appropriate. Some contextual remarks are also provided in order to locate those advices within the sequence of notable events of the period.
- 2.33 In its submission to the Committee, DFAT stated that:

Our travel advisories for the Philippines and Indonesia had given clear focus to the risk of terrorism well before the 11 September 2001 attacks in the United States. Australia's travel advice for Indonesia has referred to the risk of bomb attacks since July 2001. Our consular partners maintained very similar travel advice settings.³⁴

2.34 DFAT's Travel Advice for Indonesia was already referring to the risk of bomb attacks prior to 11 September 2001. The 'Safety and Security' section of the Travel Advice of 27 August 2001 contained the following warning, which was repeated in similar form in the body of all but one of the subsequent travel advisories:

A number of explosive devices have been detonated recently in Jakarta and elsewhere. Australians are advised to take seriously any bomb threats that may be made against them or premises they occupy.

³² Transcript of Evidence 5 August 2004, p543 (Kemish, DFAT)

³³ Submission 4, pp. 4, 12 (DFAT); see also Transcript of Evidence, p. 92 (Ian Kemish, DFAT).

³⁴ Submission 4, p. 9 (DFAT).

2.35 That Travel Advice also informed the public that:

The American and British governments have issued warnings to their citizens of a heightened terrorist threat to US and UK interests in Indonesia. While we are not aware of any specific threat to Australian interests, Australians should nevertheless exercise sensible precautions.

- 2.36 The bolded and boxed **headline** advice was that Australians should 'monitor carefully developments that might affect their security' and to defer travel to West Timor and Aceh. The body of the Advice also contained references to the risk of 'public disturbances' and Australian travellers were warned to avoid large public gatherings and areas where demonstrations might occur.
- 2.37 In relation to Bali in particular, the following statements appeared in the 'General' section of the August 2001 Travel Advice:

Tourist services are operating normally on Bali and Lombok. Travellers to other regions in Indonesia, as well as resident Australians, are advised to keep themselves well informed of developments that might affect their safety and to maintain a high level of personal security awareness.

2.38 DFAT told the Committee that the reference to Bali was included as a response to the numerous phone calls that DFAT was receiving from the public about the tourist situation in Bali. DFAT told the Committee it was a 'statement of fact'. 35

The Australian Jakarta Embassy's *Bulletin to Australia Citizens Living in Indonesia*, issued a couple of weeks earlier on 15 August 2001, contained a similar statement—that 'Bali is calm and tourist services are operating normally' and added the following sentence by way of extra advice. Australian tourists on Bali should observe the same prudence as tourists in other parts of the country.

- 2.39 The Committee considers that there is a risk that the 27 August 2001 DFAT Travel Advice could be read as making a distinction between the situation in 'Bali and Lombok' on the one hand and the situation in those 'other regions in Indonesia' where travellers are encouraged to 'maintain a high level of personal security awareness'. The point made in the 15 August Embassy *Bulletin*—namely that 'Australian tourists on Bali should observe the same prudence as tourists in other parts of the country'—mitigates that risk
- 2.40 In the Committee's view, the embassy's warning that tourists in Bali should maintain the same prudence as tourists elsewhere was appropriate, and indicated that there was an appreciation amongst Embassy staff that most Australian tourists thought—innocently or misguidedly—that Bali was a distinctively safe and hospitable place set apart from the rest of Indonesia.

³⁵ Transcript of Evidence, 20 June 2003, p. 91 (Kemish, DFAT).

2.41 The Committee notes that this additional point that 'Australian tourists on Bali should observe the same prudence as tourists in other parts of the country' was contained in virtually every Australian Embassy Bulletin issued from August 2001 through to October 2002. The Committee questioned DFAT about the non–inclusion of this reminder in the 27 August advisory and subsequent Travel Advices, especially given that DFAT had told the Committee that it relied heavily on the Australian embassy for accurate and up–to–date advice about the security situation 'on the ground'.

DFAT Consular Branch did not omit the text. Draft travel advice is prepared with the Embassy and cleared with the Embassy. The role of Consular Branch is to manage a process involving direct input from the embassy and geographic division. The Embassy did not recommend that this particular reference should be included in this case. ³⁶

We [Consular Branch] also had many exchanges across the year with our embassy in Jakarta about advisories. At no point was their advice ignored.³⁷

- 2.42 As noted earlier, DFAT informed the Committee that Australia's consular partners had maintained similar advice settings.³⁸
- 2.43 While the Australian, New Zealand, Canadian and UK advisories were similar in tone and content at this time, the US Travel Warning of 10 August 2001 conveyed a stronger sense of threat. The US warning opened with the statement:

The Department of State urges American citizens to defer nonessential travel to Indonesia....Those who must travel to Indonesia, or who are resident there, should exercise extreme caution.

The US Embassy in Jakarta has received information that indicates extremist elements may be planning to target US interests in Indonesia, particularly US Government facilities, and could also extend to US tourists and tour groups.

- 2.44 The US warning stressed that all Americans, 'including tourists and hotel guests', should take precautions to 'ensure their safety...and reduce their vulnerability.' It mentioned the locations of recent bombings, and noted that on past occasions of 'intimidation and violence...Indonesian security officials have sometimes been unwilling or unable to respond.' There was no specific reference to Bali in this 10 August 2001 US Travel Warning.
- 2.45 The Committee accepts that in these (August 2001) advices of consular partners there may have been perfectly good grounds to distinguish the risk to Americans and US interests in Indonesia from the risk to Australians and Australian interests

³⁶ DFAT Answers to Questions on Notice 28 May 2004

³⁷ Transcript of Evidence, 20 June 2003, p. 91 (Kemish, DFAT).

³⁸ Submission 4, p. 9 (DFAT); Submission 3, p. 5 (ONA).

The Canadian advice of 16 August 2001 was very similar to the Australian advice. In addition to their comments about Bali being calm and with tourist services operating normally the Canadians added the phrase that had been included in the 10 August Australian Embassy bulletin. Nevertheless, the same prudence should be observed as in other parts of the country.

2.46 The UK advice a couple of weeks later was similar in tone and content to, and possibly even softer than, the Australian Travel Advice. It included mention of attacks by extremists on Jakarta nightclubs with expatriates sometimes being the targets, advising British nationals 'visiting clubs and bars...[to] remain alert and be ready leave at the first sign of trouble.' The Committee understands that this warning related to harassment, sweeping or physical violence.

Travel advice after September 11 and before the Afghanistan action

- 2.47 The first DFAT Travel Advice after the terrorist attacks on the World Trade Centre was issued on 20 September 2001. It stated that the Advice 'contains new information or advice but the overall warning level has not changed'.
- 2.48 The headline advice remained identical to that of 27 August, and the body of the advice was almost so—including the reference to 'explosive devices...detonated recently in Jakarta... [so] take seriously any bomb threats'. To the body of the advice was added the sentence:

In view of the heightened tension associated with the recent terrorist attacks in the United States of America, Australian travellers are advised to be especially alert to their own security at this time.

2.49 The general advice about Bali was repeated:

Tourist services are operating normally on Bali and Lombok.

Travellers to other regions...are advised to...maintain a high level of personal security awareness.

- 2.50 UK and Canadian advices in September 2001 were similar in content to the Australian advice—including with respect to Bali. When referring to the September 11 attacks, their nationals were warned to 'keep a low profile [and] maintain a high level of vigilance' (UK) and to be 'especially vigilant' (Canada) because of the 'possibility of increased dangers for Canadians abroad'.
- 2.51 The Committee regards the language of these warnings—'keep a low profile', 'maintain a high level of vigilance', etc—to be direct and succinct. Prof. Ross Babbage told the Committee that, when it comes to travel advice:

I do not think it needs to be in a particular vernacular; I think it just needs to be very plain English. I think the Australian public is well enough educated to follow [travel advisories] if...the language is simple.³⁹

³⁹ Transcript of Evidence 20 November 2003, p. 308 (Prof Ross Babbage).

- 2.52 The phrase 'Australians are advised to be especially alert to their own security' corresponds to level two of DFAT's seven graded advisory settings. The phrase 'exercise caution and monitor developments' is a level three advice.⁴⁰
- 2.53 The US Travel Warning of 20 September 2001 is stronger than the Australian, UK, NZ or Canadian advices. Its language corresponded to a DFAT level five advisory, with the US State Department warning its nationals to 'defer nonessential travel to Indonesia'. The US warning added:

Those who must travel to Indonesia, or who are resident there, should exercise extreme caution.

- 2.54 On 26 September 2001 DFAT issued a new Travel Advice containing 'new information or advice but the overall warning level has not changed'. However, the headline advice was strengthened by the addition that Australians should 'exercise great caution at this time'. (This is a level 4 advice and is the standard setting when ASIO advises a high threat assessment.)
- 2.55 The body of the Advice also mentioned the US government's warning to its citizens of a heightened terrorist threat and for US citizens to defer non–essential travel. The Australian advice went on to say:

In this environment Australians should exercise sensible precautions and monitor carefully developments that might affect their safety.

- 2.56 Australians were also 'urged to avoid large public gatherings and areas where demonstrations might occur'. The remainder of the advice repeated the paragraphs that had been present since the 27 August 2001 advice, including the reference to explosive devices in Jakarta, and to take bomb threats seriously.
- 2.57 In its submission to the Committee, DFAT drew attention to the way Travel Advice is formulated whenever ASIO produces a high threat assessment:

An ASIO assessment of a high threat of politically–motivated violence against Australian interests will as a matter of course lead to a clear and prominent reference to the risk of terrorism in the travel advisory, and a recommendation (at a minimum) that Australians exercise a high degree of caution. Our concern about the risk of terrorism will be reflected both in the summary section as well as the body of the advisory. Where circumstances warrant, travel advisories will on occasions move to higher warning levels (defer non-essential travel/consider leaving; defer all travel/leave) because of terrorist threats, civil disorder or war.⁴¹

2.58 The US Travel Warning of 24 September 2001 added Central Java and Yogyakarta to its 'defer all travel' list, but on 26 September the State Department

⁴⁰ *Submission* 4, pp. 6–7 (DFAT).

⁴¹ Submission 4, p. 5 (DFAT).

issued another warning which raised the warning from 'defer nonessential travel to Indonesia' to 'defer travel to Indonesia'.

- 2.59 The 26 September 2001 US warning also urged 'all American citizens...to take those measures they deem appropriate...including consideration of departure from the country'. The warning was expressly issued 'to alert Americans to increased security concerns in Indonesia, and it supplements the Travel Warning...of September 24'.
- 2.60 The UK Travel Advice of 25 September 2001 remained largely as it had been a week earlier, but the Canadian advice was significantly strengthened. On 27 September the Canadian advice read:

Canadians should not travel to Indonesia and those in the country should consider leaving while commercial means are still available. Those who choose to remain in Indonesia are advised to be especially vigilant and avoid situations where political violence and demonstrations may occur. The recent events in the United States have raised the possibility of increased dangers for Canadians.

- 2.61 The NZ advice of 27 September 2001 spoke of 'increased risk to foreigners' and that situations 'could change rapidly'. New Zealanders were 'urged to take extreme care' and it was recommended that 'New Zealanders consider carefully their need to travel to Indonesia'.
- 2.62 By this time, it was apparent that US-led military activity against Afghanistan was in the offing. Canada reissued on 28 September its 'do not travel and consider leaving' advice, and did so again on 4 October 2001. However, Canada modified its comments on Bali in its 4 October advice, saying:

The security situation in Bali and Lombok is calm, and tourist services are operating normally, however, this could change and we are advising Canadians not to travel there.

- 2.63 The UK Travel Advice of 2 October remained largely unchanged, but with two variations worth mentioning. References were made to reports of attacks on Jakarta nightclubs, which were 'quite likely to recur' with the approach of Ramadan and the generally heightened level of tension. As well, the paragraph that 'there is no strong anti–foreign sentiment at present' was removed after having been present in all previous advices. Reference to bomb attacks in Jakarta and violence and explosions in several Indonesian provinces was common to all consular partners' advisories.
- 2.64 In summary, during the time after the September 11 terrorist attacks in the US and before the US–led invasion of Afghanistan, Australia and its consular partners had all strengthened their Indonesian travel warnings, but to varying degrees.
- 2.65 America and Canada had gone as far as to warn their citizens to defer travel (or nonessential travel) to Indonesia and to consider leaving the country. During the period under consideration (after 9/11, before Afghanistan) the US had so warned

consistently, and Canada had so warned from 27 September 2001. Between 9/11 and the commencement of hostilities in Afghanistan, neither Australia nor the UK had so advised their nationals. New Zealand had recommended that its nationals 'consider carefully their need to travel to Indonesia'.

- 2.66 Australia's Travel Advices had stated consistently—in response to consistent inquiries to DFAT from travellers—that 'Tourist services are operating normally on Bali'. The UK elaborated that Bali had low crime but residents and tourists should take precautions. Canada added that, while Bali was calm and tourist services normal: 'Nevertheless, the same prudence should be observed as in other parts of the country'.
- 2.67 Advice about Bali being 'calm' and with 'tourist services operating normally' had been given consistently by Australia, Canada and the UK. But Canada was the only one during this period—9/11 to Afghanistan to advise (in its October 4 Advice) specifically against travel to Bali.
- 2.68 US Travel Warnings never mentioned Bali—the general tenor of the US advice was: 'Avoid going to Indonesia, and if you're there, leave.'
- 2.69 DFAT officials reminded the Committee on a number of occasions that the explicit advice about Bali being 'calm' with tourist services 'normal' was:
 - ...A simple statement of fact. It was included against the backdrop of widespread civil unrest in other parts of Indonesia over previous months.The travelling Australian public was naturally interested in whether such unrest would spread to tourist locations such as Bali. It was a very common question...We were responding to that question with a statement of fact through the travel advisory.⁴²
- 2.70 DFAT also pointed out, by way of illustrating its congruence with its consular partners that:

The governments of the United Kingdom and Canada also stated this fact. The government of the United Kingdom said for a period that Bali was safe. 43

- 2.71 The Canadians reminded their nationals that while Bali was 'calm' and 'normal', the 'same prudence should be observed as elsewhere' and that 'however, this [the security situation] could change'. Such caveats were not linked as directly and immediately to the Bali advice in any of the Australian versions.
- 2.72 The settings of consular partners 'can, and do, vary' because:

⁴² Transcript of Evidence, 20 June 2003, p. 91 (Kemish, DFAT).

⁴³ Transcript of Evidence, 20 June 2003, pp. 90-91 (Kemish, DFAT)

⁴⁴ Submission 4, p. 6 (DFAT).

- (a) Governments may come to different conclusions based on the same information; and
- (b) Assessments are specific to a country's own circumstances and the risks that may confront its citizens. 45
- 2.73 It is standard practice that each individual country articulates its advice in a way which highlights those aspects that the relevant authorities think are of most use or significance to its citizens.
- 2.74 But given the 'consular partner' nature of the relationship between the countries considered above, and given the 'very intimate intelligence sharing between the United States, Australia and the United Kingdom in particular', ⁴⁶ it is to be expected that there would be considerable similarity in the travel advisories of Australia and its consular partners. And there was. This is supported by the fact that DFAT itself has stressed its constant engagement with its consular partners on these matters, including as part of DFAT's efforts to ensure that it was operating at world's best practice.
- 2.75 The bulk of the Committee's examination, however, must remain focused closer to home, on the relationship between the intelligence and threat assessments provided by ASIO, (and other reports from ONA and DIO) and the Travel Advices produced by DFAT which presumably relied significantly, although not exclusively, on those assessments.
- 2.76 This task is undertaken in the last section of this chapter, once the Committee has completed its consideration of all the Travel Advices leading up to 12 October 2002.

Travel advice from 8 October 2001

2.77 The commencement of the US-led action against the Taliban in Afghanistan prompted the issuing of fresh travel advisories by Australia and its consular partners. The DFAT advice included in its headlined section:

Australians should consider deferring all holiday and normal business travel to Indonesia, excluding Bali. Australians in Indonesia are advised to monitor carefully developments that might affect their security and exercise great caution at this time.

2.78 The advice specifically *excluded* Bali from the warning to defer travel. (The body of the advice included the standard statement that 'Tourist services are operating normally on Bali'.) The exclusion was made on the basis that the concern about

DFAT, 'Transcript of Briefing conducted by Assistant Secretary, Consular Branch' (13 June 2003) http://www.dfat.gov.au/media/transcripts/2003/030613_travel.html at 24 October 2003.

⁴⁶ Hon J Howard (Prime Minister) *House of Representatives Hansard*, 24 March 2003, p. 13105.

violence to foreigners related to protests and demonstrations in Jakarta and big cities. This, in DFAT's judgement, did not apply in Bali, which was calm.

- 2.79 The Committee explores this exclusion more thoroughly later in this chapter with reference to the Australian intelligence and threat assessments available at the time, and to DFAT's use of these in formulating travel advisories.
- 2.80 The 8 October DFAT Advice went on to refer to the commencement of hostilities in Afghanistan, saying 'It is highly likely that there will be further demonstrations in a number of cities in Indonesia which could have anti-Western overtones'. Australians were also advised to take 'special care' and 'exercise sensible precautions'. The reference to explosive devices and bomb threats was again included.
- 2.81 The UK's 8 October Advice was only marginally different from Australia's. It advised 'against all holiday and other non-essential travel to Indonesia, except for Bali'. It expanded upon the Bali situation in the following terms:

Bali remains safe. At present we are not advising tourists there to leave. Nor, at the moment, are we advising those who have planned to holiday in Bali to defer their travel.

- 2.82 The New Zealand advice, while overall very similar to Australia's, expanded its Bali–specific advice in the same manner as the UK, and reminded its nationals that, with respect to Bali, they 'should monitor developments closely'.
- 2.83 The Canadian 8 October Advice retained its warning not to travel to, and to leave, Indonesia. This advice removed completely its previous references to Bali. (Recall that Canada's 4 October Advice said that the 'calm' and 'normal' situation in Bali 'could change' and advised Canadians 'not to travel there'.)
- 2.84 The DFAT Travel Advice of 15 October 2001 repeated in its headline summary the 'defer holiday and business travel' advice of 8 October, but as well as excluding Bali from the warning, now also excluded Bintan and Batam. The body of the advice remained largely unchanged.
- 2.85 The UK Advices of 12 and 17 October persisted with warning 'against holiday and non-essential travel, except for Bali'—the same exception as contained in the DFAT Advice. The UK Advices also reiterated that 'Bali remains trouble free' and retained the earlier "watch this space" advice.
- 2.86 Canada's 22 & 23 October 2001 Travel Reports continued to 'defer tourist travel to Indonesia until further notice' but now excluded Bali from that recommendation. It also reinstated its standard paragraph about Bali (calm/services normal/nevertheless observe same prudence as elsewhere.)
- 2.87 On 23 October 2001 DFAT issued a Travel Advice that removed the 'defer travel' warning, but advised tourists to 'consider their destinations carefully'. The headline summary advised:

The Government no longer judges it necessary to advise Australians to consider deferring normal business or holiday travel to most parts of Indonesia, although continued vigilance is recommended.

- 2.88 The DFAT Advice also reported 'the attempted placement of a small bomb in an Australian company office'. This was the first time during this period that a DFAT Travel Advice had referred specifically to a threat directed at an Australian interest. The body of the advice retained the usual warnings about explosive devices in Jakarta and elsewhere.
- 2.89 On 24 October, the UK Travel Advice—and the NZ advisory—no longer warned 'against holiday and non-essential travel', but in the light of Afghanistan—related protest activity urged care, and retained references to the forthcoming Ramadan, and the associated risks of attacks on bars and nightclubs.
- 2.90 Throughout this period the American State Department had retained its warning to its citizens to 'defer travel to Indonesia'. Eventually, on 23 November 2001, this was softened slightly to 'defer non-essential travel'. This was the travel warning that remained throughout 2002, until the Bali bombing.
- 2.91 In December 2001 Australia, NZ and the UK maintained their Travel Advice at the lower levels of late–October advisories. Canada removed it's 'defer tourist travel' warning.

Travel advice in 2002 leading up to the Bali attacks on 12 October

- 2.92 DFAT's 7 December 2001 Travel Advice was reissued unchanged on 8 March 2002 but on 28 March 2002, the DFAT Travel Advice contained 'new information or advice', including that Australian travellers should register with the Australian embassy in Jakarta or Consulate–General in Bali. The advice specifically warned of dangers in Aceh, Ambon and Irian Jaya and the risk of kidnapping in North Sulawesi. These warnings were based on specific intelligence.
- 2.93 The standard reference to Bali in the body of the advisory changed its form of words for the first time. It now read: 'Tourist services elsewhere in Indonesia are operating normally, including Bali'. This was included in all subsequent advisories.. The reference to explosions in Jakarta and elsewhere was omitted from this particular advice. It reappeared in subsequent advisories with the addition that such explosions had been detonated at sites 'including areas frequented by tourists'.
- 2.94 Throughout 2002, UK, NZ and Canadian travel advisories remained essentially unchanged from the close of 2001. There was no significant reference to Bali in these advisories.

- 2.95 DFAT told the Committee that there were two issues that were of principal concern leading into 2002—the 'risk of civil unrest, demonstrations and harassment directed at Westerners' and 'a non-specific risk of terrorism in the region'. 47
- 2.96 According to DFAT, the focus of the advisories on terrorism:

Sharpened further at different periods since then up to 12 October 2002—in particular, from the middle of 2002 as intelligence agencies came to understand this phenomenon better. In particular, ASIO threat assessments and our advisories gave a much stronger focus to terrorist threats generally from mid–2002 onwards. That is a matter of public record, and it was at the time a matter of very considerable media coverage. 48

- 2.97 The Committee has examined those advisories from the middle of 2002. DFAT issued Travel Advices on 12 July, 13 August and 10, 13 and 20 September. While there was sometimes new information added, DFAT had written at the head of every advisory that the 'overall level of advice [was] not changed'. Closer examination, however, reveals that the content of the advisories had changed and that actually the warnings in the mid-2002 advisories had been strengthened from what they were earlier in the year.
- 2.98 The bolded and boxed summary or 'headline' section in the 2002 July and August Travel Advices opened with the statement that Australians in Indonesia should 'monitor carefully developments that might affect their safety' and that they should 'maintain a high level of personal security awareness'. (These are the key phrases used by DFAT at advisory levels 3-4.)
- 2.99 The body of these two advices, in the *Safety and Security* section, included the advice:

Bombs have been exploded periodically in Jakarta and elsewhere in the past, including areas frequented by tourists. Further explosions may be attempted.

- 2.100 This was the first reference to bombs exploding 'in areas frequented by tourists' and warning of the risk of future bombings in tourist areas.
- 2.101 The summaries in the September 2002 advisories were further strengthened by the explicit reference to the 'risk of terrorist activity in the region', and these risks were repeated in the *Safety and Security* section, which also contained the above reference to explosions etc.
- 2.102 Reference to 'bombs' and 'violence' had been contained in the *Safety and Security* section of all DFAT's 2002 Travel Advices, and the summary 'headline' of all Travel Advices of this period finished with the statement: 'Tourist services elsewhere

⁴⁷ Transcript of Evidence, 20 June 2003, p. 90 (Kemish, DFAT).

⁴⁸ Transcript of Evidence, 20 June 2003, p. 90–91 (Kemish, DFAT).

in Indonesia are operating normally, including Bali'. This statement was repeated in the *Safety and Security* section of each Travel Advice.

- 2.103 The Committee appreciates the distinction between the description of a existing situation and the conveying of warnings of possible risks. The statement 'tourist services operating normally' was objectively true, and was in no way inconsistent with the warning of the risk of bombings in areas frequented by tourists.
- 2.104 By the same token, the Committee has argued elsewhere that this 'objectively true' statement was reassuring to Bali travellers at a time when risks to them were unprecedentedly high.
- 2.105 The Committee notes that, in addition to the Travel Advice, DFAT also issued a Travel Bulletin around the time of the September 11 anniversary. It was headlined: 'Possible terrorist activity in Southeast Asia' It highlighted a generic threat to Australian and UN interests in East Timor, then went on to say:

Australians in Southeast Asia should note the ongoing threat of terrorism in the region and maintain a high level of personal security awareness at all times, both during the anniversary of the 11 September 2001 terrorist attacks and afterwards.

The US Government has also reminded its citizens to be extremely cautious during the coming days and to maintain a high level of vigilance, a low profile, and avoid facilities associated with the US Embassy.

- 2.106 The Travel Advice of 20 September was the advisory extant at the time of the Bali attacks. That Advice, as discussed above, opened its headline summary statement with the sentence 'In view of the ongoing risk of terrorist activity in the region, Australians in Indonesia should maintain a high level of personal security awareness' and concluded with the sentence 'Tourist services elsewhere in Indonesia are operating normally, including Bali'.
- 2.107 The *Safety and Security* section in the body of the advisory also contained the paragraph:

Bombs have been exploded periodically in Jakarta and elsewhere in the past, including areas frequented by tourists. Further explosions may be attempted. In view of the ongoing risk of terrorist activity, Australians should maintain a high level of personal security awareness at all times.

Later in the section the advice was repeated about tourist services 'elsewhere in Indonesia...operating normally, including Bali.'

2.108 While the 20 September 2002 Travel Advice was the one extant at the time of the Bali bombings, the Australian Embassy in Jakarta had, on 3 October 2002, issued a *Bulletin to Australian Citizens Living in Indonesia*. It contained much of the advice and warnings that it had issued in previous *Bulletins*, but in the second paragraph of the 3 October 2002 issue there was a warning that made reference to clubs and bars:

As in the past around religious holidays, militant groups may conduct intimidatory activity against night clubs, bars and other places where expatriates are known to gather. Australians are advised to take particular care in this period prior to religious holidays, and during Ramadan.

- 2.109 The Committee mentions this Embassy Bulletin, as there was some speculation in the press and elsewhere that warnings about clubs and bars at this time related to information about terrorist attacks. The above makes it clear that the warnings related to harassment and sweeping associated with religious holidays.
- 2.110 The Committee also notes that on the day before the Bali attacks, DFAT issued a worldwide Travel Bulletin in which it set out the details of an FBI release warning of potential terrorist attacks against US economic interests. This was a universal alert, and not specific to Indonesia. The release said that 'US authorities are unable to provide further information on specific targets, timing or method of attack'. The DFAT Travel Bulletin closed with the lines:

In light of the warnings by the United States Government, Australian travellers and residents overseas are advised to remain alert to their own security. They should monitor local developments and news broadcasts carefully and follow the advice of local authorities.

2.111 In this context, DFAT officials expressed to the Committee their frustration at claims that the US had provided some kind of special warning just prior to the Bali attacks that had not been matched by Australia.

Finally, we have noted in the media—and I would really like to make this clear—suggestions that the United States came up with some kind of statement immediately prior to the Bali bombings and that this was not matched by Australia. This frustrates those of us who actually know the truth of the matter and recall quite clearly the public attention that was given to the matter. In fact, the Australian and United States governments issued statements about these issues at the same time. These were global warnings and they were not informed by knowledge about Bali and about bars. These statements, issued at almost exactly the same time, advised our respective travellers overseas generally to remain alert to their own security. We took the additional caution on 11 October 2002 to relay to Australians—in the form of a bulletin—the full text of a statement issued by the United States government.⁴⁹

Concluding remarks

2.112 At the time of this Report going to print in August 2004, the official ASIO threat assessment for Indonesia remained at high, and the official DFAT Travel Advice was that Australians should defer non-essential travel to Indonesia as a whole, including Bali. Despite this persistent advice, Australians have continued to flock to Bali in their thousands—around 15,000 per month since mid-2003.

⁴⁹ Transcript of Evidence 5 August 2004, p554 (Kemish, DFAT)

- 2.113 The Committee makes this observation by way of affirming that official advice can only ever be that; Australians will continue to make their own decisions about how that advice impacts upon their personal choices and circumstances. This does not, of course, diminish the absolute requirement that our intelligence agencies and DFAT must always ensure that the advice they give is as accurate, meaningful, relevant, accessible and intelligible as possible.
- 2.114 During the year before the Bali bombings, DFAT Travel Advice contained generic threat advice, with particular attention being paid to those areas of Indonesia where domestic ethnic and religious political violence posed serious risks to travellers. They included reference to explosions and bomb threats in Jakarta and elsewhere, and (from July 2002) including areas frequented by tourists.
- 2.115 For the first half of 2002 there was no notable warning about the deliberately anti-Western terrorist threat of the kind being discerned by the intelligence agencies during that period. The advisories tended to highlight the risks to foreigners arising from demonstrations and protests, and from harassment and opportunistic physical assault by militants. They did, however, warn that Australians should take seriously any bomb threats made against them or the premises they occupied. The advisories also stated, in response to persistent questions from travellers, that Bali was 'calm' and that tourist services were 'normal'.
- 2.116 In July 2002, however, the Travel Advices were changed to convey to travellers the need to 'monitor carefully developments' and to 'maintain a high level of personal security awareness'. The Advice also now warned that bombs had been exploded 'including in areas frequented by tourists' and that 'further explosions may be attempted'.
- 2.117 From 10 September 2002, each Travel Advice headline summary began with the words: 'In view of the ongoing risk of terrorist activity in the region ...' and concluded with the words: 'Tourism services elsewhere in Indonesia are operating normally, including Bali.'
- 2.118 In the Committee's view, the information and warnings contained in the travel advisories for Indonesia during the month or so before the Bali attacks, while warning of an increased generic terrorist risk, nonetheless did not adequately reflect the content of the threat assessments that were available by that time that specifically warned that Australians in their own right were now seen as terrorist targets in Indonesia. ASIO's threat assessments had made plain that Australians were potential terrorist targets not just because they were 'westerners', but because Australia itself had become a focus of al-Qa'ida / Jemaah Islamiah terrorist attention. In the Committee's view it would have been better for this additional piece of information to have been provided through DFAT's travel advisories so that potential Australian travellers would have been aware that Australians in their own right were now the objects of specific terrorist interest in Indonesia.

- 2.119 Furthermore, while DFAT's travel advisories warned of a generic terrorist threat 'in the region', the ASIO threat assessments had referred to Australians becoming potential terrorist targets specifically within Indonesia (as well as elsewhere in the region). Again, it is the Committee's view that it would have been better to tell the Australian travelling public that Australians in Indonesia (rather than simply westerners within the region) were of potential interest to al-Qa'ida / JI terrorist organisations.
- 2.120 It would be reasonable, however, to assume that anyone reading the Travel Advice for Indonesia even just the headline summary and *Safety and Security* section would understand that there was a generic terrorist risk, that bombs had exploded in the past, including where tourists gathered, and that further explosions may be attempted.
- 2.121 What the Travel Advice reader may *not* have appreciated, however, was that Bali was no safer than any other part of Indonesia in terms of the terrorist risk or the likelihood of a bomb going off. The Committee explores this key issue in detail in a separate chapter of this Report.