



BN22299394

FOI 108/20/21 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED] under the *Freedom of Information Act 1982* (FOI Act), for access to:

The current Department of Defence's code of conduct and policies that ensure human rights are abided by in bilateral education, programs and assistance between the Department of Defence and the TNI (Tentara Nasional Indonesia or Indonesian National Military).

A curriculum table of contents and summary of the education programs provided by the Department of Defence to any TNI military personnel, including Kopassus, since January 2018 [title page and table of content of three particularly large documents – Course Profiles 2017-18, 2019 and 2020 – each in excess of 550 pages].

High level briefings outlining the units and ranks of all Indonesian military personnel who are members of Ikatan Alumni Pertahanan Indonesia Australia (IKAHAN) that have been accused of committing human rights violations in West Papua since 1 January 2018.

In circumstances where Indonesian members of IKAHAN are accused of human rights violations, high level briefings regarding the procedures in place to respond to these individual members.

As of July 2020, the current policies concerning the ethics and human rights standards expected of all IKAHAN members.

High level briefings regarding the vetting processes that TNI personnel go through when they participate in programs funded or facilitated by the Department of Defence.

In answer to Question on Notice 174 from Supplementary Estimates 2012, the Department asserted that "Defence limits engagement with individuals where we have information to support allegations of human rights concern". Please provide the current monitoring and evaluative frameworks that are in place to find these individuals with allegations of human rights concerns. Further, provide the current procedures in which the Department of Defence implement to limit the engagement of such individuals.

FOI decision maker

2. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

3. I identified six documents as matching the description of the request, held by Strategy, Policy and Industry Group.

4. The decision in relation to each document is detailed in a schedule of documents.

5. I have added an FOI reference number and serial number to each of the documents, which corresponds with the schedule.

Decision

6. I have decided to:

- a. fully release three of the documents (Items 1 to 3); and
- b. partially release three of the documents (Items 4 to 6) in accordance with section 22 (access to edited copies with exempt or irrelevant matter deleted) of the FOI Act. Education and training programs not provided by the Department of Defence to the Indonesian Armed Forces (TNI) have been removed from these documents.

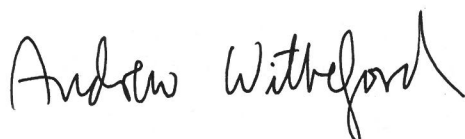
Material taken into account

7. In making my decision, I had regard to:

- a. the terms of the request;
- b. the content of the identified documents in issue;
- c. relevant provisions in the FOI Act; and
- d. the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Context Statement

8. Whole-of-Government arrangements are in place to prevent individuals suspected of war crimes, crimes against humanity and genocide from entering Australia. Questions relating to these processes should be directed to the Department of Foreign Affairs and Trade and the Department of Home Affairs.



Andrew Witheford
Accredited Decision Maker
Strategy, Policy and Industry Group

30 October 2020