

MERCENARISM - THE AUSTRALIAN CONNECTION

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Australia has recently invoked, for the second time, the provisions of the Crimes (Foreign Incursions and Recruitment) Act 1978. At the time of its enactment, the legislation was said to be directed towards meeting the twin objectives of, firstly, prohibiting persons preparing for or engaging in incursions into a foreign country, and, secondly, prohibiting the recruiting within Australia of persons to serve in the armed forces of a foreign country.¹

Section 7 of the Act prohibits preparations for incursions into foreign countries for the purpose of engaging in hostile activities, and provides a penalty of imprisonment for ten years. The provision applies to Australian citizens, persons ordinarily resident in Australia, and persons who at any time during the period of one year immediately preceding the commission of the offence were present in Australia for a purpose connected with the offence

"Preparations" include accumulating arms, weapons or poisons; training, drilling or the practice of military exercises; being present at a meeting with the intent of allowing oneself to be trained in the use of arms or explosives or the practice of military exercises or movements; giving, soliciting or receiving money or goods for the purpose of an incursion into a foreign country for the purpose of engaging in hostile activities, and, being in control of premises, knowingly permitting a meeting to be held on such premises for the purpose of committing or promoting the commission of an offence against sec 7.

Under sec.9 it is an offence for a person to recruit, to advertise for the purpose of recruiting, or to facilitate or promote the recruitment of another person to serve in or with an armed force, whether government or otherwise, in a foreign country. The penalty is \$10,000 or imprisonment for five years

The first prosecution under the Act arose from events in bushland near Eden (NSW), where a group of men were allegedly meeting, in September 1978, to be trained in the practice of military exercises. The Crown alleged that the defendants were members of the HRB (Croatian Revolutionary Brotherhood), a secret paramilitary group whose aim is to overthrow the Yugoslav government. At the committal proceedings in February 1980 in the Sydney Central Court of Petty Sessions, Mr H. Berman SM found that there was a prima facie case against 13 of the 19 defendants charged under sec.7 of the Act.²

During the trial, which commenced in the District Criminal Court in Sydney in August 1981, it was alleged that the defendants, wearing paramilitary uniforms bearing Croatian insignias, were preparing for an incursion into Yugoslavia by training in the use of arms and explosives. A small armoury of weapons and military equipment was found on the premises.³

Some of the defendants argued that the purpose of the gathering had been to make a documentary film. The jury, having deliberated for a record period of 10 days, returned a verdict of not guilty in respect of nine of the defendants,

failed to reach a verdict on three, and convicted one defendant, Jure Maric, who was subsequently sentenced to four years' imprisonment.⁴

The most recent occasion for the invocation of the Act arose from an alleged planned invasion of the Federal and Islamic Republic of the Comoros. The Comoro Islands, situated in the Mozambique Channel between the Malagasy Republic and the East African coast, were once ruled by Moslem sultans and became a French colony during the nineteenth century.

Over the last decade the archipelago had witnessed considerable political turmoil, some of which was attributable to the participation in the Comoros government of a veteran mercenary.⁵

Pursuant to an independence declaration signed in Paris in 1973, a referendum was held on the Islands at the end of 1974. The vast majority of the total population voted in favour of independence from France, but Mayotte, the eastern-most island, whose population is overwhelmingly Christian, favoured continued French administration.

The President of the Government of the Comoros, Mr. Ahmed Abdallah, welcoming the outcome of the referendum, indicated that independence would be proclaimed at the appropriate time in agreement with the French Government. Six months later the Comoro Islands government unilaterally declared independence, while Mr Marcel Henry, the leader of Mayotte's majority anti-independence party, the Mouvement mahorais, claimed that it was contrary to Article 53 of the French constitution to cede part of the national territory without the consent of the population concerned.

Mr Abdallah's new government came under immediate attack from two directions: The Front national uni, a coalition of opposition parties, condemned his election and called for an investigating committee to be sent to Mayotte so as to avoid a "fratricidal war", while the five Mayotte deputies in the government declared their refusal to recognise Mr Abdallah's government, and telegraphed President Giscard D'Estaing, placing their island "under the protection of the French Republic".

Mr Abdallah had earlier claimed that France wanted to retain control of Mayotte in order to establish a military base on it, and called for the immediate withdrawal of French armed forces from the Islands. France announced in July 1975 her decision to withdraw her military detachment from one of the Islands, Grand Comoro, but 200 soldiers of the French Foreign Legion remained stationed on Mayotte.

The new government was short-lived: in less than three weeks it was replaced by a new regime set up by the Front national uni. One of the chief architects of the Front, Mr Ali Soilih, announced the formation of a Revolutionary Council, comprised of himself, Prince Said Mohammed Jaffar and militants of the RDPC (Rassemblement démocratique du peuple comorien), MOLINACO (Mouvement de libération nationale des Comores) and the Socialist Party.

In mid-August the Revolutionary Council handed over its powers to the newly constituted National Executive Council, presided over by Prince Said Mohammed Jaffar. The Council affirmed its adherence to the Organisation of African Unity (OAU) and gradually consolidated its rule by introducing price control

and distributing freely rice, sugar and salt from hoards accumulated under the former regime. At the same time the de facto secession from the islands of Grand Comoro and Moheli of the island of Anjouan, where Mr Abdallah had remained since his overthrow, was ended by military action on the part of the National Executive Council.

In the meantime, Mayotte continued to be administered by members of the Mouvement mahorais as an integral part of the French Republic. The continued impasse over the island's insistence on rejecting independence was beginning to threaten the new state's economy. During October 1975 some 2,000 members of the pro-independence minority were expelled from Mayotte, in response to which Mr Soilih attempted a "peaceful invasion" of the island. After a forced withdrawal of the unarmed group, Prince Said Mohammed Jaffar appealed to the United Nations to "support the Comoro people in their just struggle to safeguard territorial integrity".

In November 1975 the National Executive Council launched further measures in an effort to end the de facto secession of Mayotte. The Council declared that all property of the French administration on the Islands was the property of the new state, closed the 1,000-pupil lycee in the capital, Moroni, and expelled all French nationals.

By the end of 1975 the French government enacted a bill whereby the islands of Grand Comoro, Anjouan and Moheli ceased to be part of the French Republic, and fixed a two-stage referendum for Mayotte. At the same time a United Nations mission, after a visit to the Islands, warned that as a result of the sudden French withdrawal, the total collapse of the Islands' economy was imminent. All supplies of sugar and flour had run out, and the remaining supply of rice was estimated at 675 tons, confiscated from the warehouse of Mr Abdallah, the previous head of state. It was subsequently reported that the Islands would receive 2,500 tons of rice from Australia and \$814,500 under the World Food Programme.

The two-stage referendum planned for Mayotte was held during February and April, 1976. In the first referendum voters had to choose whether the island should remain within the French Republic, or whether it should become part of the Comoro Islands state. The official result, in favour of remaining with France, was widely criticised: it was claimed that there had been no referendum campaign; that most of the pro-independence voters had abstained from voting; that 80% of the electorate were illiterate and spoke only Swahili, and that nearly 1,000 people had left the island as a result of intimidation.

In the second referendum voters had to choose whether Mayotte should retain, or abandon, its status as an overseas territory. However, the printing by the Mouvement mahorais of a third ballot paper demanding overseas department status resulted in only 20% of the overall vote being valid.

Before the first referendum Mr Soilih, who had replaced Prince Said Mohammed Jaffar as Head of State, called for an urgent meeting of the UN Security Council. During the Council's debate, the African states took the view that the referendum constituted "aggression against the sovereignty and territorial integrity of the Comoro Islands". The draft resolution sponsored by Benin, Guyana, Libya, Panama and Tanzania, called upon the Council to declare that the proposed referendum amounted to an interference in the internal affairs of the

Islands, and to ask France to abandon the referendum and hold immediate talks with the Comoro government to safeguard that country's unity and territorial integrity.

The resolution failed to be adopted - 11 countries voted in favour, three abstained, and France, a permanent member of the Council, exercised her right of veto.

In October of that year the UN General Assembly adopted a resolution condemning as null and void the referenda and calling on France to withdraw from the Island. The French government responded by enacting a bill conferring a special status within the French Republic upon Mayotte, and placed a French government representative in charge of national interests (including defence), administrative control and respect for the law.

During 1977 and 1978 there was further unrest. In March 1977 it was reported that a special network had been uncovered, organised to prepare the overthrow of the government by mercenaries recruited in France. Four months later Radio Moroni announced an attempted coup on Anjouan. A further coup attempt, allegedly linked to that of June 1977, was uncovered in January 1978.

The repeated attempts to overthrow President Soilih finally succeeded when in mid-May 1978 a Political-Military Directorate seized power. This coup had been organised by Colonel Bob Denard, a veteran French mercenary. Denard had served as a mercenary in the Congo (now Zaire) during the mid-1960's, and later in Biafra and Yemen. He also fought as a mercenary in Zimbabwe, and led the attack on Cotonou airport during the attempted coup in Benin (formerly Dahomey) in 1977.

Ex-President Ahmed Abdallah and his former deputy, Mr Mohammed Ahmed, were appointed co-presidents of the newly formed Political-Military Directorate. Denard, who had assumed the name of Saïd Mustapha Mâhdjou, became a permanent member of the Directorate and head of the Comoros armed forces and police. M. Louis de Guiringaud, the French Foreign Minister, later denied that his government had been involved in the overthrow of President Soilih.

The new government was refused recognition by the OAU and was being boycotted by the African group at the United Nations.

When the Directorate was reduced to a purely political body, Denard resigned as permanent member but retained his position as commander of the security forces until late September when Mr Abdallah announced that Denard was to leave the Islands shortly. At a farewell ceremony he praised Denard as a "hero" who had "saved the Comoros, its people, the Moslem religion and all that is humane in this country".

Denard himself was less eulogistic: he stated that he was withdrawing because he had become an embarrassment to the Comoros.

After the adoption of a new constitution Mr Abdallah became President and appointed Mr Salim Ben Ali Prime Minister. The new government concluded a military agreement with France under which the latter would supply aid in the event of external aggression against the Comoros and provide technical military assistance in training the Comoros' Army. It also appointed as ambassador to

France Mr Said Ali Kemal who held the position until his resignation in July 1980, soon after which he issued a communique in Paris /F

Three years later Mr Kemal's name was mentioned in connection with the recent prosecutions in Australia arising from the alleged planned invasion of the Comoros. In July 1983 the Attorney-General, Sen. Gareth Evans, announced that six alleged mercenaries would be prosecuted on charges of plotting to overthrow the government of the Comoros. Under sec.10 of the Crimes (Foreign Incursions and Recruitment) Act proceedings for the commitment of a person for trial on indictment for an offence against the Act shall not be instituted except with the consent in writing of the Attorney-General.

In February 1983 Frederick Patrick, a former British Special Air Service soldier experienced in the use of explosives, and Edward Greengrove, a Perth businessman, were charged in Perth under sec.7 of the Act with receiving money for the purpose of overthrowing the government of the Comoros. Patrick was charged with receiving \$2,766 in Australian currency in Perth during January 1983, and Greengrove with receiving \$54,500 in German currency in Singapore in December 1982.6

A similar charge was later brought in Perth against Walter Pilgrim, who also appeared on a charge of recruiting Patrick to become a member of a body of persons which had as its objective the overthrow of the government of the Comoros.7

It has been reported that internal rivalry within the group led by Patrick, who was disputing Pilgrim's leadership, to disclose their plans to a journalist of the Perth "Sunday Times".8

According to the evidence of Peter Laud, a Perth journalist, Patrick told him that the raid was to be funded by Mr Kemal and was to cost \$150,000, with each man to be paid \$5,000. The Crown alleged that Mr Kemal, who contacted Pilgrim in England in 1982, wanted to depose President Abdallah and reinstate himself as ruler.9

Pilgrim, who had pleaded guilty to the recruiting charge was sentenced in the Perth District Court in April 1984 to imprisonment for a minimum of eight months and a maximum of two years.10 The other two defendants, Patrick and Greengrove, were convicted and each sentenced to imprisonment for a minimum of six months and a maximum of 18 months.11

Late in March, 1983 three other men were arrested in Melbourne during a police raid on a yacht in Portland Harbour.12 William Lugg, John Meyer and Dieter Bujorevic were later charged under sec.7 of the Act, the Crown alleging that the defendants had planned to sail the yacht to Reunion Island which was to be used as a staging post for an attack on the Comoros.13

The Crown also alleged that the three defendants had been hired by Pilgrim and that the attack had been arranged by Mr Kemal.14 According to the Commonwealth Prosecutor, Bujorevic and Pilgrim were to attack the island of Grand Comoro from one side, with Lugg as a back-up, and cause a diversion, while 50 mercenaries hired in Britain would attack from the other side.15

On 18 October, 1983 Mr Kevin Mason found a prima facie case against all three defendants.16 To date the case has not yet gone to trial.

E N D N O T E S

- 1 See Second Reading Speech by the then Attorney-General, Sen. Durack: Commonwealth Parliamentary Debates (Senate), 7 March, 1978, at 363.
2. "Sydney Morning Herald", 1 March, 1980
- 3 "Sydney Morning Herald", 5 August, 1981
- 4 "Sydney Morning Herald", 9 October, 1981
- 5 Sources of historical information on the Comoros are: "Le Monde", "BBC Summary of World Broadcasts", "Times", "Daily Telegraph", "Guardian", "Financial Times", "International Herald Tribune", "Neue Zurcher Zeitung", "New York Times", as compiled and digested in Keesing's Contemporary Archives, 1975-1984.
6. "Sydney Morning Herald", 7 April, 1983
- 7 "West Australian", 13 December, 1983
8. "Le Monde du Renseignement: Bulletin d'Information sur l'Intervention Clandestine", Jan-Feb, 1984.
9. "West Australian", 13 December, 1984; 20 April, 1984
- 10 "West Australian", 20 April, 1984
11. "West Australian" 23 June, 1984
12. "Age", 2 April, 1984
- 13 "Sydney Morning Herald", 19 July 1983
14. "Sydney Morning Herald", 19 October, 1983
- 15 "Sydney Morning Herald", 18 October, 1983
16. "Age", 19 October, 1983.