

# The Bali bombing

By Colin McDonald QC<sup>1</sup>

It is twilight in Darwin. The scent of frangipani and jasmine hangs in the sticky air. Fruit bats chuckle over their mango feast in my neighbour's garden; they have beaten us yet again to the first fruits of the season. However, tonight I am distracted from the exotic rituals of the change in season in Australia's tropical north. I have just returned from the service at the Darwin Cenotaph observing a minute's silence where I joined with others to remember and respect those murdered in the bomb blast in Kuta, Bali. It is the evening of 20 October 2002 and Australia is in official mourning. Indonesia, too, is in mourning and in deep, urgent soul searching. The bomb blast in Bali is evidence that Indonesia's constitutional structure based on a secular state is at risk. Saturday, 12 October 2002 is a dark day in the history of both Australia and Indonesia, but it was also a day when the two nations' respective destinies converged.

In my mind's eye there are present so many vivid images. I try to make sense of the experiences of the past week. My attention was drawn to the tragedy by phone calls from distraught Balinese friends overwhelmed by the killings. They spoke in disbelief that the peace of their island had been so swiftly disrupted and their livelihoods threatened. To their words of shock and sorrow I put faces, lives, families and friends. I saw the Indonesian Vice Consul quietly weeping at a church service. Television images of victims being air-evacuated from Bali to Darwin were verified by the actual sounds of the Hercules aircraft overhead my home.

Contradictions recurred powerfully night after night on the television and in the daily newspapers: Death tolls, graphic scenes of human despair and the toll mounting. Muslim students marched

again on the Australian embassy in Jakarta, but this time to express condolences, not outrage. Balinese people praying devoutly in their hundreds and thousands in the vicinity of where the bombs went off; while others held 24-hour vigils at the bedside of each of the injured victims at the under-resourced Denpasar hospital. Here is hate-inspired violence and cruel devastation on the one hand and compassion, empathy and solidarity on the other undiluted by racial, religious or philosophical differences.

have been unthinkable prior to 12 October 2002. A joint police task force was created to investigate the bombing and to bring those responsible to justice. Recent distrust and antagonism following September 1999 and the independence of East Timor were set aside. Instead, a joint desire to achieve justice and practical engagement have created new possibilities. Indonesia's acute problems have reached Australia but the disaster in Bali has given rise to a new, unexpected mutuality.

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Flowers placed on memorial pond at the Domain, Sydney. Photo: Chris Pavlich / News Image Archive

Any sense of Australia's isolation or immunity from the world's problems were destroyed on 12 October 2002. A potentially profound political step taken in the course of the week following 12 October 2002 was the Australian initiative to find joint solutions to the affront of violent terrorism. The Foreign Minister and the Justice Minister were dispatched to Bali and Jakarta. The willingness of Indonesia to allow Australian police, forensic and intelligence officers to work side by side with their Indonesian counterparts would

dramatic change in regional approach. From militant, naive isolationism on migration issues, Australia has reached out and engaged its most important neighbour on the issue of terrorism. Our approach has changed from reaction to symptoms to a search for causes.

The myriad of political and legal structural problems afflicting Indonesia has escalated to become a struggle to maintain the constitutional base of the secular state. For the third time in its constitutional history, Indonesia faces a fundamental fight for the rule of law. If

Indonesian history is any guide, this fight will be bitter and there will be casualties. The issues are complex. Indonesia faces a future which has essentially three options: continuing and struggling democracy under Megawati or the intolerance of an Islamic state or a return to the generals.

Those who employ terror and violence to achieve their ends can exploit so many economic and other injustices in our region and beyond. Poverty, shattered expectations and perceptions of injustice can lead people, in desperation, to resort to religious and political fundamentalism. We are seeing elements of such resurgence in our region: in Malaysia, Singapore, the Philippines and now, Indonesia. We saw it tragically in the genocidal fundamentalism of Pol Pot in Cambodia and unforgettably in the events of 11 September 2001 in America.

What sense are we to make of it all? How can we as lawyers help make a difference in our world? How can we turn despair into hope? In a recent reflection upon Australia and its place in the region in the context of the world problem of displaced people and refugees, Justice Michael Kirby suggested a path forward:

Australians share one continent. But we do not only share it among ourselves, selfishly and nationalistically. Australia is part of a wider region and a larger world. We must therefore consider how, in the future, we can do better. Doing better means more help to refugees here and abroad. But it also means urgent attention to the underlying causes of their terrible plight. And the journey to these truths will be helped by seeing refugees as we see ourselves – as people aspiring to life, dignity and hope.

Conquering the self-defeating path of hate now gripping our region and the

world has much to do with the ability and the readiness to understand, mutual respect, the hunger for justice and compassion. We need to address the causes of injustice not just the symptoms. Poverty, ignorance and intolerance remain barriers to justice. Lives led separately in the cities of Australia become interrelated with the lives of Balinese waiters, waitresses, cleaners and taxi drivers in Kuta. A bomb blast reminds us that we are all caught up in an inescapable network of mutuality. In our region our destinies are more than ever woven in the same tapestry.

So the efforts of Australian lawyers to engage with the region in reflection and in deed have become all the more important. The efforts of Australian lawyers beyond and at our borders can and do contribute to the common regional need for understanding; they contribute to the mutuality involved in achieving understanding, acceptance and justice. They contribute to people aspiring to life, dignity and hope.

Today Australian police officers are engaged in assisting Indonesian police in investigating the Bali bombing. Australian doctors, nurses and volunteers are engaged in Indonesia and at home attending to victims and alleviating their suffering. In a similar vein and with an identical humanitarian spirit Australian lawyers should bring their skills to bear to shape a more just region. The fragile but universal concept of justice is the lawyer's daily practical concern applied in an infinite diversity of factual issues.

Today the flags of Australia, Indonesia and the Northern Territory hang at half mast at the Darwin Cenotaph. Grieving Balinese and other Indonesian members of the Darwin community embrace their fellow Australian citizens and friends who have turned out to comfort and show support. The scene is replicated all around Australia.

The need for practical idealism and the search for justice at home and in our region is as urgent as ever. Here, lawyers have a role. Information, understanding and reason are the enemies of ignorance, hatred and bigotry. It is time to gather new

strength to remember that the unearned suffering of the many victims in Bali can and will be redemptive. In that process lawyers have a role and responsibility to discharge. We must address the problems and the injustices of our region. There are practical activities in which Australian lawyers can involve themselves in refugee and asylum seeker issues, to continue to expose the blight of mandatory detention in immigration, to assess critically Australia's laws introduced to deal with anti-terrorism, participate in AusAid projects and give up time to work



Memorial ceremony in Bali. Photo: News Image Archive

overseas with NGOs in our region, are to mention a few.

Martin Luther King's words, just before ignorance, hatred and intolerance took his life, are as true today as they were in 1968:

**Now let me suggest first that if we are to have peace on earth, our loyalties must become ecumenical rather than sectional. Our loyalties must transcend our race, our tribe, our class, and our nation; and this means we must develop a world perspective.**

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