

# Behind the Gun of Densus 88: Understanding U.S. Government Behavior under Crisis Situation

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## Abstract

*Sebelum terjadinya serangan 9/11, hubungan militer antara Amerika Serikat dan Indonesia bernuansa konfrontasi ketimbang kerjasama karena penerapan embargo pelatihan militer dan transfer persenjataan oleh Amerika Serikat pasca tragedi Santa Cruz pada tahun 1991. Meski demikian, sepanjang tahun 2003 dan 2004, ketika Indonesia masih dalam masa embargo, pemerintah AS dilaporkan telah mendukung pembentukan pasukan elit di Indonesia bernama Detasemen Khusus 88 Anti-Terror yang juga dikenal sebagai Densus 88. Serangan 9/11 dan beberapa aktivitas terorisme di seluruh dunia setelahnya membuat pemerintah AS berada pada situasi krisis. Berdasarkan bukti-bukti yang ada, penulis menyimpulkan bahwa di bawah situasi krisis pemerintah AS sangat mungkin untuk melanggar garis kebijakan luar negerinya sendiri seperti yang ditunjukkan dengan dukungannya terhadap Densus 88 di Indonesia.*

Before 9/11 attack, U.S. and Indonesia military relation was under the shade of confrontation rather than cooperation since the imposing of U.S. embargo on military training and weaponry transfer after Santa Cruz tragedy in 1991. However, throughout 2003 and 2004, when Indonesia was still in the embargo, U.S. government reportedly supported the establishment of an elite force in Indonesia named Special Detachment 88 Anti-Terror which also known as Densus 88. 9/11 attack and many terrorism activities throughout the world in its aftermath were situating U.S. government under crisis situation. Based on existed evidences, the author concludes that under crisis situation, U.S. government is highly possible violating its own foreign policy line as indicated with its support to Densus 88 in Indonesia.

**Keywords:** war on terrorism; crisis situation; national security; crisis behavior

## From Enemy Becoming Ally

“America under Attack,” that was the theme of CNN broadcasting on September 11<sup>th</sup> 2001. CNN reported all development the aftermath of terrorist attack in 24 hours and put the title “America under Attack” under the TV

screen. In that day, U.S. experienced the most terrible attack to its mainland since the Second World War, called as 9/11 (nine eleven) attack. Nineteen terrorists' whose affiliation to terrorist group in Afghanistan named Al Qaeda were accused behind the scenario and they must be responsible to this attack.<sup>1</sup>

As the result of 9/11 attack, President of the United States, George W. Bush, declared that America was in war. But the war that had been declared was the unconventional war towards the unclear and unseen enemy never discussed before in the international law. This new kind of war was called 'the war on terrorism' with the main target Al Qaeda as the organization responsible for 9/ 11 attack as well as all people, organization and government that harbor and support Al Qaeda's members.

Bush asserted that the top priority of his administration would be a campaign to end terrorism. All governments around the world had to decide whether they stand with U.S. in its antiterrorist effort or they face its wrath. Bush stated:

"Every nation in every region now has a decision to make. Either you are with us or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime."<sup>2</sup>

There was an interesting situation when the first head of government visited America after 9/11 attack was President Megawati Sukarnoputri, President of the Republic of Indonesia. One week after 9/11 tragedy, on September 17th 2001, President of the most populous Moslem country in the world visited the White House, gave the condolence and delivered a clear message that Indonesia was together with U.S. government in the war on terrorism. Megawati was not influenced by President Bush statement some hours after 9/11 attack when he preferred the term of 'crusade' to label 'the war on terrorism' which, of course, resurrected the history of conflicting situation between Western and Moslem civilization.

Indonesian government was totally involved with U.S. coalition in the war against terrorism after Bali Blast tragedy. On October 12<sup>th</sup> 2002, members of Jemaah Islamiyah, a terrorist organization whose cells in countries across Southeast Asia and believed to receive support from Al Qaeda, detonated a truck bomb outside a nightclub on Indonesian island of Bali. The explosion killed nearly 200 people and injured 300 more. The greatest numbers killed in the bombing, however, were Australians.<sup>3</sup> Series of bombings were also situated after Bali Blast, such as Marriot Hotel blast in Jakarta 2003 and the Australian Embassy bombing 2004.

Bali Blast and other bombings throughout Indonesia had convinced Megawati's administration to declare the war on terrorism. Finally, Megawati found the best time to issue Executive Order no. 1/ 2002 on Fight against

Terrorism as Criminal Activity. This regulation was ratified by Indonesian Parliament and became Indonesian Anti-Terrorism Law on April 4th 2003 under title 'the Republic of Indonesia Law no. 15/ 2003 on Fight Against Terrorism as Criminal Activity'.

In order to support the war on terrorism in Indonesia, on Thursday, August 17th 2004, The Jakarta Police unveiled a special new squad tasked to help protect the capital city from terrorist attacks named 'Anti-Terror Detachment 88' and called as Densus 88. The Singapore newspaper, The Straits Times, reported that Densus 88 was an elite Indonesian police counter-terrorism force being established in courtesy of American expertise and money. Anti-Terror Detachment 88, known as Densus 88, was sponsored by Washington's Anti-Terrorism Assistance (ATA) initiative. Washington agreed to give US\$12 million towards their training. Mr. Gary Laing, an ATA program manager, said that U.S. government was also supplying the elite unit with top-of-the-line weaponry and communications equipment. Gluck-17 handguns, AR-10 sniper rifles and Remington 870 shotguns join the M4 sub-machine guns to complement 88's arsenal.<sup>4</sup>

According to U.S. Department of State, throughout 2003, Indonesian police officers received training in both investigative and response techniques to enhance their capabilities to combat terrorism. On July 2003, 30 Indonesian National Police officers completed an intense 15-week counter-terrorism investigation course sponsored by ATA. On October 2003, 24 officers graduated from the Crisis Response (SWT) course and 15 from the Explosive Incident Countermeasure course. Indonesian officer-students enrolled in the three classes attended a state-of-the-art training school approximately 30 miles south of Jakarta, which was equipped with ATA-funded "shot house" for simulating hostage situations, a number of ranges and other facilities. Graduates of these courses became the core members of the first national-level Indonesian National Police counterterrorism special detachment. This group was designated as "Special Detachment 88 Anti-Terror." The number "88," culturally a double lucky number in Indonesia, also represents a phonetic approximation of "ATA".<sup>5</sup>

Anti-Terrorism Assistance (ATA) program was a cooperative effort of U.S. Department of State with foreign law enforcement officials. It had trained over 36,000 foreign police and security forces from 142 countries around the world in measures designed to combat, deter, and solve terrorist crimes. Congress authorized ATA program in 1983 as part of a major initiative against international terrorism.<sup>6</sup> Countries joining ATA Program should fulfill some requirements, including human rights consideration. According to Chapter 8 of Part 2 of the Foreign Assistance Act (FAA) Section 573 (b), it requires consultation of the Assistant Secretary of State for Democracy, Human Rights

and Labor when choosing countries who will receive ATA assistance, and when determining the nature of the assistance to be provided.<sup>7</sup>

Though human rights consideration was a part of requirements for countries that might join ATA program, Densus 88 could receive numerous amounts of money, training and weaponry equipment through ATA program. This situation was questionable because Indonesia was formally still in U.S. military training and weaponry embargo due to human rights concern. U.S. Congress shut close Indonesia's International Military Education and Training (IMET) aid on October 1992. The legislation became law as part of the Fiscal Year 1993 (FY1993) Foreign Operations Appropriations Act and was re-enacted in FY1994 and FY1995.<sup>8</sup> On July 1993, the State Department, under congressional pressure, applied the weaponry banning by blocking a transfer of U.S. F-5 fighter planes from the Jordan to Indonesia, citing human rights concerns. In the beginning of 1994, the State Department banned the sale of small arms and riot control equipment to Indonesia. While in the 1995 and 1996, they expanded the ban to include helicopter-mounted equipment and armored personnel carriers.<sup>9</sup> This embargo was still applied by U.S. government until 2005 when U.S. government lifted the banning and continued to normalize military training on February 2005 and weaponry embargo on May 2005. Therefore, U.S. support for military training and weaponry transfer to Densus 88 during the embargo situation in 2003 and 2004 became the big question.

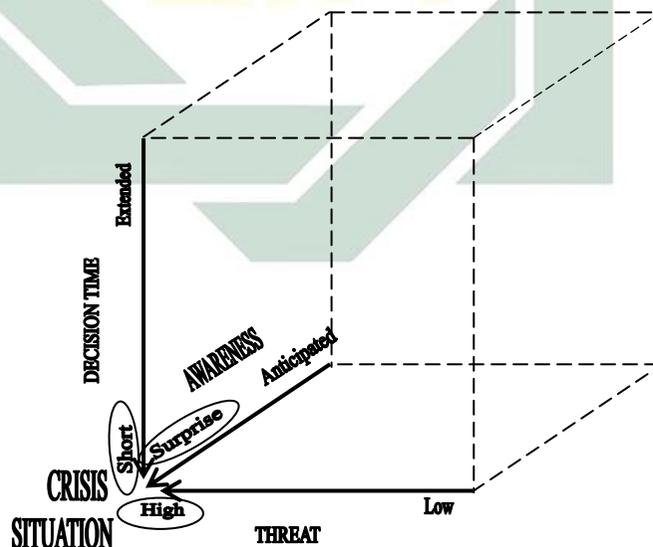
### **Crisis Situation of U.S. Government**

9/11 tragedy stimulated crisis situation of U.S. government. According to Charles F. Hermann, a situation is classified as crisis if, and only if, it (1) threatens one or more important goals of a state, (2) allows only a short time before the situation is significantly transformed, and (3) occurs as a surprise to policy makers.<sup>10</sup> Based on these three criteria, 9/11 terrorist attack had turned U.S. government into crisis situation.

Firstly, the first priority for any government in the world is on its national security and so does for U.S. government. In "The National Security Strategy of the USA 2002," President George W. Bush asserted that defending U.S. against its enemies was the first and fundamental commitment of his administration.<sup>11</sup> Thus, 9/11 attack was clearly threatening the Bush administration priority as well as the security of all Americans. It was by far the deadliest terrorist attack against the United States targeting symbols of American strength and success. U.S. Congress declared that the attack struck not only at the people of America, but also at the symbols and structures of U.S. economic and military strength.<sup>12</sup> 9/11 attack showed to the world that U.S. government had failed to accomplish its main duty to maintain the security of its citizens

notwithstanding only in its own mainland. In addition, it was a real message from the terrorists that they could fight against U.S. government and threatening its citizens at anytime and anywhere.

Secondly, crisis situation is characterized by the presence of an event that poses a severe problem for the policymakers and possibly their constituents. Crisis situation is always considered by the policymakers will evolve undesired situation in a short time. The policymakers usually will provide a decision to overcome the situation as soon as possible even though data gathering about the situation is still at premature level. The event of 9/11 attack undoubtedly posed a severe problem for U.S. policymakers. It triggered mass panic turning into crisis situation to all Americans. After 9/11 terrorist attack, U.S. mainland situation became uncertain with the found of several letters containing potent anthrax spores which were mailed to the offices of prominent media figures and politicians on October 2001. Five people died of inhalation anthrax, apparently after being exposed to the spores.<sup>13</sup> Though no link between terrorists and the anthrax mailings was found, the rash of anthrax cases sparked fears that terrorists were carrying out a new method using biological attack. U.S. policymakers paid more attention concerning national security issues after the fear of another terrorist attacks that would be more destructive. The first priority of U.S. policymakers in the aftermath of 9/11 attacks was enhancing ability to identify potential terrorists within U.S. society as well as to take whatever necessary actions to stop terrorists from carrying out attacks as quick as possible.



**Figure 1.** Crisis situation according to Charles F. Hermann's situational cube (with modification).

**Source:** Charles F. Hermann. "International Crisis as a Situational Variable." *International Politics and Foreign Policy*, ed. James N. Rosenau (New York: Free Press, 1969), 415.

Thirdly, 9/11 attack emerged as a great surprise to U.S. policymakers. U.S. government surprised with the terrorist attacks using four airplanes in New York and Washington. U.S. government also had no prediction that both World Trade Center towers could collapse into the ground after the terrorist attack. Moreover, 9/11 attack was considered by individual or group in the United States as a great surprise situation. Meanwhile U.S. government after the cold war era had built the new security system called Cybernetic Wireless System and Early Warning System and Control System,<sup>14</sup> these security systems had been defeated by simple weapon such as knives used by terrorists in 9/11 attack. Accordingly, 9/11 terrorists attack was really surprising many military experts and security policymakers in the United States.

### **Identifying U.S. Government Behavior under Crisis Situation**

Charles A. McClelland in his article "Crisis and Threat in the International Setting: Some Rational Concept" noted that there are five approaches to analyze crisis behavior, i.e. by defining the crisis situation; classifying type of the crisis; studying the ends, goals, and objectives in the crisis situation; examining decision-making under conditions of crisis stress; and discussing about crisis management.<sup>15</sup>

Based on McClelland approaches, the writer observed that 9/11 attack had stimulated severe problems for U.S. policymakers. It produced crisis situation within U.S. society. The 9/11 terrorist attack was highly threat to U.S. national interests and triggered fearful feeling within the society so that the policymakers considered that they only had a short time before the situation was getting worse. Most Americans considered 9/11 attack was a great surprise as well as the most terrible attack to U.S. mainland since the Second World War. As a result, the main goal of U.S. government in the aftermath of 9/11 was protecting all Americans from another terrorist attack and making United States safe and secure for its own citizens.

In a crisis situation, with its extreme danger to national goals, the highest level of governmental officials makes the decision. The time limitations together with the ability of these high-ranking decision makers to commit the government allow them to ignore usual bureaucratic procedures. Decision makers may have a tendency to rely on incomplete analogies with previous situations or on their prior judgments about the friendliness or hostility of the source of the crisis. Although some substantive disagreements may occur among the policymakers, personal antagonisms remain subdued because of a felt for ultimate consensus. Compared to the policies made in response to other situations, crisis decisions tend more toward under- or over-reaction.<sup>16</sup>

In the crisis situation after 9/11 attack, President George W. Bush as the highest rank of government official immediately declared that U.S. was at war soon after the terrorist attacks on September 11th 2001 at about 3:15 pm. President Bush met with his principal advisers through a secure video teleconference. National Security Advisor Condoleezza Rice said that President Bush began the meeting with the statement, "We're at war." Director of Central Intelligence George Tenet said the agency was still assessing who was responsible, but the early signs all pointed to Al Qaeda.<sup>17</sup> Thus, it was pretty clear that in the aftermath of 9/11 attack, U.S. decision makers had a tendency to rely on incomplete analogies with previous situation on their prior judgments about the source of the crisis. They easily related the 9/11 attack to Islamist terrorist group because of some terrorist attacks in 1990s were believed executed by Islamist terrorist namely Al Qaeda. As a result, under crisis situation, President George W. Bush declared U.S. at war on terrorism with the main target Al Qaeda and countries that harbor its network.

Crisis situation in the aftermath of 9/11 attack had changed U.S. government behavior toward its national and foreign policy. U.S. high-ranking decision makers not only ignored usual bureaucratic procedures but also tend to abuse their own policies and regulations made before the crisis situation occurred. They would use all efforts to win the global war on terrorism whereas sometimes they should ignore or abuse their own regulations or policies.

According to U.S. constitution, the authority to declare the war is only in the hand of the Congress.<sup>18</sup> In the case of war on terrorism, the Congress authorized the war on terrorism on September 18th 2001 with Joint Resolution 22 Public Law 107-39. Nevertheless, President George W. Bush had declared the war on terrorism since September 11th 2001, soon after the terrorists attacked the World Trade Center and Pentagon. Thus, under crisis situation, U.S. government behavior was highly possible ignoring or abusing its own regulations and any bureaucratic procedures.

### **U.S. Government Support to Densus 88 as Part of its Crisis Behavior**

U.S. government was reportedly supporting the establishment of Densus 88 upon its training and weaponry equipments under Anti-Terrorism Assistance (ATA) program during 2003 and 2004.<sup>19</sup> Regarding this case, U.S. government was clearly abused its own foreign policy line on military training and weaponry transfer embargo toward the government of Indonesia. Practically, Indonesia should not join ATA program due to its human rights problem. Three Legislative Mandates on Anti-Terrorism Assistance program, i.e. Foreign Assistance Act of 1961 (as amended), International Security and Development Act of 1985, and Diplomatic Security Act of 1986 (as amended),

demand countries who join the program to fulfill some prerequisites including human rights consideration. However, these three legislation mandates were ignored by U.S. government during the crisis situation in the aftermath of 9/11 attack.

During 2003 and 2004, Indonesia was still imposed on military training and weaponry embargo due to human rights violation based on Foreign Appropriations Act in FY 2000. On the contrary, U.S. Congress abused the spirit of the legislation by signing Supplemental Appropriation for Combating Terrorism in Fiscal Year 2002 (P.L.107-206/H.R. 4775) which demanded U.S. government assistance for training and equipping Indonesian police to respond to international terrorism, including the establishment of a special police counterterrorism unit Special Detachment 88. The supplemental appropriation underlined:

“...the FY2002 anti-terrorism supplemental appropriations provided up to \$4 million for law enforcement training for Indonesian police forces and up to \$12 million for training and equipping Indonesian police to respond to international terrorism, including the establishment of a special police counterterrorism unit.”<sup>20</sup>

U.S. government initiated to offer ATA program to Indonesian government in 2002 when the Secretary of State Colin Powell visiting Indonesia and announced the three-year of anti-terrorism assistance package from U.S. government to Indonesian government in amount of 50 million US dollars. Furthermore, Bali bombings tragedy in October 12th 2002 had convinced U.S. government to realize its offer as soon as possible. The Secretary of State Colin Powell said at a news conference after Bali bombings that Indonesian government could not pretend terrorism did not exist in the country. He hoped the attack reinforced Indonesia's determination to deal with terrorism threat.

Indonesian government pathway to join ATA program was wider after Bali bombings tragedy. U.S. government ignored Indonesian government record on human rights violations as well as its military training and weaponry embargo on Indonesia. Kurt Campbell, a former Pentagon adviser, said that the Bali bombings provide the important meaning that the tragedy was the first and most powerful recognition that the battle against terrorism was not strictly limited to the Middle East or south Asia. He stated that national security concerns would override human rights worries in the short term.<sup>21</sup>

U.S. government remained supporting Indonesian government on the war against terrorism through ATA program until the establishment of Densus 88 in 2004. Though U.S. government had clearly abused its own law and foreign policy line on military training and weaponry embargo to Indonesian

government, the crisis situation made it possible. The writer illustrates the situation under following figure.

	Crisis situation (highest national priority being threatened, the need of a quick decision, terrorist attacks are surprising policymakers)	Normal situation (highest national priority under secure situation, have enough time to set up a decision, no event that is surprising policymakers)
Support Delta 88 regardless the existence of military training and weaponry embargo	High possible	Less possible
Doesn't support Delta 88 because of military training and weaponry embargo	Less possible	High possible

**Figure 2.** Decision matrix of U.S. government support to Densus 88 (developed based on Sven Ove Hansson’s decision matrix in Sven Ove Hansson. *Decision Theory: Brief Introduction* (Stockholm: Department of Philosophy and the History of Technology Royal Institute of Technology (KTH), 2005), 25-26).

The writer observed other phenomena concerning crisis behavior of U.S. government. In the situation before 9/11 attack, U.S. government imposed foreign assistance restrictions upon India and Pakistan due to their nuclear tests in 1998 and the Kargil conflict between these two newest nuclear states in 1999. However, 9/11 tragedy had changed U.S. position on it. After 9/11 tragedy, the government of India responded U.S. declaration on the global war against terrorism with “full support” while the government of Pakistan showed “indispensable help.” The first priority of the United States after 9/11 attack was to win the war on terrorism and therefore President Bush rapidly waived sanctions and provided assistance to India and Pakistan. Moreover, on September 22nd 2001, Bush issued a final determination removing all remaining nuclear test-related economic sanctions against Pakistan and India. On October 27th 2001, President Bush signed S.146 (P.L. 107-57) into law, officially waiving sanctions on Pakistan related to democracy and debt arrearage through 2003. In addition, the removal of sanctions allowed the United States to extend to 600 million dollars in Economic Support Funds (ESF) to Islamabad. In 2002, Pakistan received an estimated \$624.5 million in development assistance and ESF, while India received \$164.3 million in development aid, ESF and food aid grants.<sup>22</sup> Thus, it is pretty clear that under crisis situation, U.S. government is highly possible ignoring or abusing its own foreign policy line. Based on data examined, the writer concludes that the more crisis situation confronted by U.S. government, the more possible U.S. government abuses its own regulations and foreign policy line.

## Endnotes

<sup>1</sup> "September 11 Attacks," Microsoft Encarta Encyclopedia 2004. See also "September 11 attacks," *Wikipedia: The Free Encyclopedia*, dilihat 17 Oktober 2015, [http://en.wikipedia.org/wiki/September\\_11,\\_2001](http://en.wikipedia.org/wiki/September_11,_2001).

<sup>2</sup> Microsoft Encarta Encyclopedia 2004, *loc. cit.*

<sup>3</sup> Dennis Piskiewicz, *Terrorism's War with America* (London: Greenwood Press, 2003), 138.

<sup>4</sup> Robert Go, "Jakarta Swat Team Ready for Action," *The Straits Times*, December 2003.

<sup>5</sup> "Building Counterterrorism Capacity," IWS: The Information Warfare Site, dilihat 18 Oktober 2015, <http://www.iwar.org.uk/cyberterror/resources/patterns-of-global-terrorism/31948.pdf>.

<sup>6</sup> *Ibid.*

<sup>7</sup> "Anti-Terrorism Assistance (ATA)," Ciponline: Latin America Working Group Education Fund, dilihat 17 Oktober 2015, <http://www.ciponline.org/facts/ata.htm>.

<sup>8</sup> Frida Berrigan, "Indonesia at the Crossroads: U.S. Weapons Sales and Military Training," *World Policy*, dilihat 17 Oktober 2015, <http://www.worldpolicy.org/projects/arms/reports/indo101001.htm>.

<sup>9</sup> *Ibid.*

<sup>10</sup> Charles F. Hermann, ed., *International Crises: Insights from Behavior Research* (New York: Free Press, 1972), 187.

<sup>11</sup> The White House, *The National Security Strategy of The United States of America 2002* (Washington, DC: The White House Washington, 2002), iv.

<sup>12</sup> "Senate Joint Resolution 22 Expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001 Public Law 107-39; September 18, 2001," The Avalon Project at Yale Law School, dilihat 17 Oktober 2015, [http://www.yale.edu/lawweb/avalon/sept\\_11/pl107-39.htm](http://www.yale.edu/lawweb/avalon/sept_11/pl107-39.htm).

<sup>13</sup> Microsoft Encarta Encyclopedia 2004, *loc. cit.*

<sup>14</sup> *Cybernetic Wireless System* is the security system using radar or electronic wave to identify any threat within U.S. territory. During the Cold War era, U.S. government placed its intercontinental missiles in some places to anticipate direct attack from its enemies, particularly the Soviet Union. *Early Warning System and Control System* aimed to detect any attack and threat towards U.S. territory.

<sup>15</sup> Charles A. McClelland, "Crisis and Threat in the International Setting: Some Relational Concepts," unpublished memo cited in Michael Brecher, "Toward a Theory of International Crisis Behavior," *International Studies Quarterly* (March 1997): 39 – 40.

<sup>16</sup> Charles F. Hermann, "International Crisis as a Situational Variable," *International Politics and Foreign Policy*, ed. James N. Rosenau (New York: Free Press, 1969), 416 - 417.

<sup>17</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*. (Washington, DC: U.S. Government Printing Office, n.d.), 326.

<sup>18</sup> Rosalie Targonski, ed., *Garis Besar Pemerintahan Amerika Serikat* (Jakarta: Kantor Program Informasi Internasional Departemen Luar Negeri Amerika Serikat, 2000), 84.

<sup>19</sup> IWS: The Information Warfare Site, *loc. cit.*

<sup>20</sup> Bruce Vaughn, et. al., *Terrorism in Southeast Asia*, dilihat 18 Oktober 2015, <http://www.fas.org/sgp/crs/terror/RL31672.pdf>.

<sup>21</sup> "Bali bombing could prompt renewal of U.S. military ties with Indonesia," *USA Today*, dilihat 17 Oktober 2015, [http://www.usatoday.com/news/washington/2002-10-15-us-indonesia\\_x.htm](http://www.usatoday.com/news/washington/2002-10-15-us-indonesia_x.htm).

<sup>22</sup> Zhang Guihong, *U.S. Security Policy Toward South Asia After September 11<sup>th</sup> and Its Implications for China: A Chinese Perspective* (Washington, DC: The Henry L. Stimson Center, 2003), 10 – 11.

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