

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. Please provide information on the treatment of Buddhists and/or Chinese in Indonesia.**
- 2. Please provide any other relevant information.**

**RESPONSE**

**1. Please provide information on the treatment of Buddhists and/or Chinese in Indonesia.**

Limited information was found on the treatment of Buddhists in Indonesia, although the available information suggests that there has been an increase in local Islamic-based laws and Muslim extremism. The available information indicates that the situation for ethnic-Chinese Indonesians has improved significantly in the ten years since the 1998 anti-Chinese riots, with the government making efforts to abolish discriminatory regulations. Nevertheless, a degree of societal discrimination remains and there has been recent violence towards ethnic Chinese in Kalimantan, including the destruction of a Buddhist temple (for general information on religious freedom and treatment of ethnic Chinese, see: US Department of State 2007, *International Religious Freedom Report for 2007 – Indonesia*, September – Attachment 1, US Department of State 2008, *Country Reports on Human Rights Practices 2007 – Indonesia*, March – Attachment 2, and; Sidel, J. 2007, 'Indonesia: Minorities, Migrant Workers, Refugees, and the New Citizenship Law', United Nations High Commissioner for Refugees, Status Determination and Protection Information Section, March <http://www.unhcr.org/home/RSDCOI/461b52df4.pdf> – Accessed 11 April 2007 – Attachment 3; for media reports on current discrimination, see: 'Looking back in anger & shock' 2008, *The Statesman (India)*, source: *Jakarta Post*, 25 February – Attachment 4; for reports on

sectarian violence in Kalimantan, see: Scarpello, F. 2007, 'Petty dispute sparks wave of sectarian violence on Borneo', *South China Morning Post*, 11 December – Attachment 5).

This response includes recent government and human rights reports on the situation for ethnic Chinese in Indonesia, as well as recent media articles reporting on relevant issues including ethnic discrimination and religious extremism.

### **Latest US Department of State reports**

According to the most recent US Department of State report on religious freedom, 0.8 percent of Indonesia's population were Buddhist as of the last census (in 2000). The report does not include any examples of mistreatment of Buddhists in Indonesia (US Department of State 2007, *International Religious Freedom Report for 2007 – Indonesia*, September – Attachment 1).

The report contains the following relevant information on Buddhism and freedom of religion in Indonesia:

Among Buddhists, approximately 60 percent follow the Mahayana school, Theravada followers account for 30 percent, and the remaining 10 percent belong to the Tantrayana, Tridharma, Kasogatan, Nichiren, and Maitreya schools. According to the Young Generation of Indonesian Buddhists, most adherents live in Java, Bali, Lampung, West Kalimantan, and the Riau islands, ethnic Chinese make up an estimated 60 percent of Buddhists.

#### **... Legal/Policy Framework**

The Constitution provides for the freedom of religion, and the Government generally respected this right in practice. The Constitution accords "all persons the right to worship according to their own religion or belief" and states that "the nation is based upon belief in one supreme God." The first tenet of the country's national ideology, Pancasila, declares belief in one God. However, some restrictions exist on certain types of religious activity and on unrecognized religions. Government employees must swear allegiance to the nation and to the Pancasila ideology. The Government sometimes tolerated extremist groups that used violence and intimidation against religious groups, and often failed to punish perpetrators. The Government did not use its authority to review or revoke local laws that violated freedom of religion.

The Ministry of Religious Affairs extends official status to six faiths: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and, as of January 2006, Confucianism. Atheism is not recognized. Religious organizations other than the six recognized religions can register with the Ministry for Culture and Tourism only as social organizations, restricting certain religious activities. Unregistered religious groups do not have the right to establish a house of worship and have administrative difficulties obtaining identity cards and registering marriages and births.

... Some Muslim, Christian, Hindu, and Buddhist holy days are national holidays. Recognized Muslim holy days include the Ascension of the Prophet, Eid al-Fitr, Eid al-Adha, the Muslim New Year, and the Birth of the Prophet Muhammad. National Christian holy days include Christmas, Good Friday, and the Ascension of Christ. Three other national holidays are the Hindu holiday Nyepi, the Buddhist holiday Waisak, and Chinese New Year, celebrated by Confucians and other Chinese. In Bali, all Hindu holy days are regional holidays, and public servants and others do not work on Saraswati Day, Galungan, and Kuningan.

... In 2003 the Government passed the National Education Law. By the end of the reporting period the President had not signed the law's draft regulation on religious instruction and religious education. This regulation would mandate religious instruction in any one of the six official religions when requested by a student. Previous laws required all students to take religious instruction in one of five religions, Islam, Catholicism, Protestantism, Buddhism, and Hinduism.

#### ... Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion. However, certain policies, laws, and official actions restricted religious freedom, and the Government sometimes tolerated discrimination against and abuse of individuals based on their religious belief by private actors. There were no reports of religious prisoners or detainees in the country (US Department of State 2007, *International Religious Freedom Report for 2007 – Indonesia*, September – Attachment 1).

The latest US Department of State report on human rights includes the following in relation to ethnic Chinese:

With the exception of Aceh Province, where non-Muslims were effectively blocked from political office by a requirement that all candidates must demonstrate their ability to read the Koran in Arabic, there were no legal restrictions on the role of minorities in politics. There were no official statistics on the ethnic backgrounds of legislators in the DPR. President Yudhoyono's cabinet consisted of a plurality of Javanese, with others being of Sundanese, Bugis, Batak, Acehnese, Papuan, Balinese, Arab, and Chinese heritage.

... The government officially promotes racial and ethnic tolerance. Ethnic Chinese accounted for approximately 3 percent of the population, by far the largest nonindigenous minority group, and played a major role in the economy. Instances of discrimination and harassment of ethnic Chinese continued to decline compared with previous years. Recent reforms increased religious and cultural freedoms. However, some ethnic Chinese noted that public servants still discriminated against them when issuing marriage licenses and in other services and often demanded bribes for a citizenship certificate, although such certificates were no longer legally required. An attorney advocate for the rights of ethnic Chinese noted 50 articles of law, regulation, or decree that discriminated against ethnic Chinese citizens. NGOs such as the Indonesia Anti-Discrimination Movement urged the government to revoke the remaining discriminatory articles.

... In Central Kalimantan, relations between indigenous Dayaks and ethnic Madurese transmigrants remained poor in the wake of 2001 interethnic violence. Relations between the two groups also remained poor in West Kalimantan, where former residents of Madurese descent were obstructed in their attempts to reclaim their property. In November and December, there was an increase in tensions between Madurese, Chinese, and Dayaks in the wake of local elections (US Department of State 2008, *Country Reports on Human Rights Practices 2007 – Indonesia*, March – Attachment 2).

#### **United Nations High Commissioner for Refugees (UNHCR) report**

A March 2007 report on minority groups in Indonesia, commissioned by United Nations High Commissioner for Refugees, Status Determination and Protection Information Section (DIPS), provides background and recent developments in its' section on ethnic-Chinese Indonesians. This information indicates that the situation for "Indonesian Chinese" has considerably improved, although it does note that resentment towards the ethnic-Chinese minority has not been eliminated. In the introduction the report states:

[T]he consolidation of democracy has also led, if not to an elimination of resentment towards Indonesia's small but important ethnic-Chinese minority, then to an easing of the legal, political, and social forms of discrimination, extortion, and persecution which this minority seemed to face in the late Suharto period and in the first years of transition to democratic rule. This pattern is evident in the decline – indeed, the virtual disappearance – of incidents of violence against ethnic-Chinese Indonesians since the heyday of anti-Chinese riots in the mid-late 1990s, and in a series of legal reforms and social and political changes which have allowed “Indonesian Chinese” far greater freedoms of expression, association, and political activity.

... To be sure, as noted in the pages below, these trends have been neither uniform nor all-encompassing in their implications for Indonesia's most vulnerable citizens. But the overall picture in Indonesia today is one in which the realities and dangers of discrimination and persecution, and of conflict, violence, and displacement have considerably diminished. The broad direction of change has been largely positive (Sidel, J. 2007, 'Indonesia: Minorities, Migrant Workers, Refugees, and the New Citizenship Law', United Nations High Commissioner for Refugees, Status Determination and Protection Information Section, March <http://www.unhcr.org/home/RSDCOI/461b52df4.pdf> – Accessed 11 April 2007 – Attachment 3).

### **Freedom House**

The latest Freedom House report on Indonesia includes the following information on ethnic Chinese:

Ethnic Chinese continue to face some harassment and violence, though far less than in the late 1990s, when attacks killed hundreds and destroyed many Chinese-owned shops and churches. Unlike other Indonesians, ethnic Chinese must show a citizenship card to obtain a passport, credit card, or business license, or to enroll a child in school—a requirement that makes them vulnerable to extortion by bureaucrats. Ethnic Chinese make up less than 3 percent of the nation's population, but are resented by some Indonesians for reputedly holding the lion's share of private wealth. A few ethnic Chinese have amassed huge fortunes in business, though most are ordinary traders or merchants (Freedom House 2007, *Freedom in the World – Indonesia* (2007) – Attachment 6).

### **Latest RRT Research Responses**

The most recent research responses providing information on ethnic Chinese and/or Buddhists in Indonesia are included in this response as attachments:

*Research Response IDN32403* provides a brief background to May 1998 riots and conflict between ethnic Chinese and native Indonesians, as well as an update on any current discrimination targeting ethnic Chinese (RRT Research & Information 2007, *Research Response IDN32403*, 18 October – Attachment 7);

Question 1 of *Research Response IDN31735* provides an update on the situation for ethnic Chinese in Indonesia and Central Java in particular (RRT Country Research 2007, *Research Response IDN31735*, 15 May – Attachment 8);

*Research Response IDN23096*, dated 7 October 2003, provides information on Chinese Buddhists in Indonesia (RRT Country Research 2003, *Research Response IDN23096*, 7 October – Attachment 9).

## **Latest Immigration and Refugee Board of Canada**

Two research responses from the Immigration and Refugee Board of Canada (IRB) are also included as attachments:

An IRB response, dated 29 March 2006, provides information on: The largest centres of Chinese Indonesian population; reports of attacks in these areas and protection available; whether some areas of Indonesia are considered more welcoming than others to Chinese Indonesians (Immigration and Refugee Board of Canada 2006, *IDN101031.E – Indonesia: The largest centres of Chinese Indonesian population; reports of attacks in these areas and protection available; whether some areas of Indonesia are considered more welcoming than others to Chinese Indonesians (2004 – 2006)*, 29 March – Attachment 10);

An IRB response, dated 28 March 2006, provides information on reports of attacks against ethnic Chinese, Christians and non-Christians alike; state protection available (Immigration and Refugee Board of Canada 2006, *IDN101030.E – Indonesia: Reports of attacks against ethnic Chinese, Christians and non-Christians alike; state protection available (2004 – 2006)*, 28 March – Attachment 11).

## **Recent media articles**

The following articles, in chronological date order, are a selection of recent reporting on issues involving Chinese and/or Buddhists, or religious extremism, in Indonesia.

A 10 March 2008 article in the Christian publication, *Compass Direct News*, reports on the continuing closure of churches in Indonesia in the face of “Muslim extremist groups” (Rionaldo, S. 2008, ‘Indonesian Church Closures Mount under Islamic Pressure’, *Compass Direct News*, 10 March – Attachment 12).

An article dated 7 March 2008, reports that Indonesian civil society organisations, including Buddhist associations, are voicing solidarity with Burma’s monk-led uprising (‘Indonesia human rights body meets on Myanmar’ 2008, *Borneo Bulletin*, 7 March – Attachment 13).

An article dated 6 March 2008 profiles three Chinese-Indonesian women: Mari Elka Pangestu, the country’s Trade Minister; Melani Budianta, professor and head of the University of Indonesia’s literary department in the School of Humanities; and Kuei Pin Yeo, founder of the Jakarta Music School and the International Music Conservatory of Indonesia (Dawis, A. 2008, ‘Portraits of inspiring women, transcending ethnic barriers’, *Jakarta Post*, 6 March – Attachment 14).

An article dated 6 March 2008, notes recent tensions involving ethnic Chinese in West Kalimantan. Chinese New Year celebrations were prohibited following anti-Chinese riots in December 2007. A Buddhist temple was destroyed during these riots. The article states:

As this particular case demonstrates, the position of the Chinese in Indonesia can remain precariously dependent on the eddies of local politics. The national trend may be contradicted in particular localities. This is a by-product of the political decentralisation that has accompanied the end of the Suharto era (Yew-Foong, H. 2008, ‘Chinese Indonesians living on the edge’, *The Straits Times*, 6 March – Attachment 15).

An article dated 27 February 2008 reports that a recent “government ruling upholding local edicts based on the Islamic legal code has alarmed some religious leaders, who say it could lead to conflict between Indonesia’s religious groups”. There are fears that the laws are

discriminatory towards non-Muslims, and may also cause conflict in such a religiously diverse nation:

Neles Tebay, a Catholic priest and lecturer at the Fajar Timur School of Philosophy and Theology in Abepura, Papua, feared that the ruling would lead to a proliferation of religious-based laws that were likely to cause turmoil in the pluralistic nation (Scarpello, F. 2008, 'Religious leaders fear conflict over sharia edicts', *South China Morning Post*, 27 February – Attachment 16).

An article dated 25 February 2008, written by a Chinese-Indonesian, looks back at the 1998 anti-Chinese riots and discusses the level of ongoing discrimination which ethnic Chinese still face in Indonesia:

Many Indonesians ~ ethnic Chinese and otherwise ~ contend that broaching the issue of ethnicity, even in a joking way, simply serves to bring lurking hostility and stereotypes to the fore. Part of the reticence can be attributed to Indonesia's fickle and painful history, for acknowledging one's ethnicity has been dangerous for Chinese-Indonesians. Others, however, feel the failure to look at the issues head-on, and confront the discrimination that Chinese-Indonesians face, means the issues will never be resolved.

An allegation often leveled at Chinese-Indonesians, as if to justify the discrimination they face, is that they have failed to assimilate into Indonesian society, especially the totok community who continue to speak Chinese dialects and hold to traditional ways. It's an argument that not only belittles the significant role people of Chinese descent have played in Indonesian society, but also has been used to support various legislation to enforce their assimilation. School textbooks have rarely included the names of Lim Koen Hian, Tan Eng Hoa, Oey Tiang Tjoe, Oey Tjong Hauw and Drs. Yap Tjwan Bing even though they helped draw up the Constitution. Others, including So Beng Kong, Tan Djin Sing and Sie Kong Liong, are practically unheard of. Yet each of them is a national hero. We followed a standard curriculum set by the government, says Miranda Juandi, a retired history teacher. During the New Order regime, history was nothing but a bunch of fictitious stories strung together as facts. And now? It's getting better, she says. But I wouldn't bet my money on it, either. In the waning years of the Sukarno regime, Chinese-Indonesians also endured discriminatory regulations. Under the draconian PP10/1959 regulation, traders in rural areas were forced to move to urban centres (some were reportedly killed when they resisted), and ethnic Chinese told to choose if they wished to remain in Indonesia or depart for the Peoples Republic of China. Those hardships were nothing compared to what lay in store when the New Order took power after an attempted coup blamed on the Indonesian Communist Party with supposed backing from associates in China. References to ethnic Chinese involvement in the history of the nation were erased and eventually denied. Expressions of Chinese culture were outlawed, ethnic Chinese ordered to take more Indonesian sounding names and new citizenship regulations were established that created greater divides between ethnic Chinese and so-called indigenous Indonesians. Most of them don't know how or why their ancestors came to this country; all they know is that they have lived here all their lives ('Looking back in anger & shock' 2008, *The Statesman (India)*, source: *Jakarta Post*, 25 February – Attachment 4).

An article dated 18 February 2008 also discusses the fact that ethnic Chinese are still experiencing a degree of discrimination in Indonesia, even though discriminative regulations have been revoked (Junaidi, A. 2008, 'Thung Ju Lan: Rejecting ethnic stereotypes', *Jakarta Post*, 18 February – Attachment 17).

Another article dated 18 February 2008 reports calls by the president to end discrimination against Chinese-Indonesians in public services (Nurhayati, D. 2008, 'No more discrimination against Chinese-Indonesians: President', *Jakarta Post*, 18 February – Attachment 18).

An article dated 8 February 2008 reports on Chinese New Year celebrations in many places across the country:

Indonesians of Chinese descent celebrated Imlek or Chinese New Year in many places across the country Thursday.

In Makassar , South Sulawesi, despite the long-standing conflict involving the local Chinese community, celebrations were merry.

Thousands of Indonesians of Chinese descent flocked to temples across the city to pray since Wednesday night, ignoring any fears they once may have had of racial conflict.

Fireworks were lit at the turn of the day, 12 p.m., filling the air with smoke and bright, colorful lights.

Thousands of local residents also joined the celebrations in Chinatown areas including Jl. Sulawesi, Jl. Timor and Jl. Jampea. Various attractions, like the lion dance, formed part of the scene.

A local Indonesian-Chinese resident in Makassar, Rendi, said he prayed for a harmonious relationship with indigenous residents.

“We hope there will be no more incidents that create violence between us, so we can live in peace and harmony, because we are part of the Makassar community,” said Rendi, who was born and raised in the city.

In Semarang , Central Java, the auspicious day was greeted with heavy rains Wednesday night when only a few followers from the Tri Dharma (Confucianism, Taoism and Buddhism) were found praying in temples (‘Chinese-Indonesians celebrate Imlek throughout the country’ 2008, *Jakarta Post*, 8 February – Attachment 19).

An article dated 20 January 2008 discusses “Indonesia’s fragile harmony of faiths” and notes that the “much praised religious harmony is being undermined by a growing group of Muslim conservatives and militants” (Asmarani, D. 2008, ‘Indonesia’s fragile harmony of faiths’, *The Straits Times*, 20 January – Attachment 20).

An article dated 11 December 2007 provides details of the sectarian violence in Kalimantan which had been triggered by a “petty dispute”. The entire article follows:

A fight involving an ethnic Chinese man in the Indonesian province of West Kalimantan has triggered 24 hours of sectarian violence.

Indonesia’s Metro TV reported yesterday that in retribution for the initial dispute, an angry mob targeted a Buddhist temple in the city of Pontianak on Friday.

The report said that several houses, motorcycles and cars were also damaged.

Further violence erupted after a separate, but related, argument took place in a cafe nearby.

Police were forced to call in reinforcements to restore calm, with special attention placed on temples.

According to local media, three people were still being held by the police, who were trying to establish what exactly sparked the violence.

West Kalimantan police spokesman Suhadi Siswo Wibowo called on people not to be provoked by rumours or to take the law into their own hands.

The general secretary of the Chinese Customary Cultural Council in West Kalimantan province, Andreas Acui Simanjaya, expressed concern and urged residents to help maintain the peace. Pontianak is known as a relatively harmonious community with a large ethnic Chinese population.

Jakarta-based risk assessment firm Concord Review said the racial tension there was disturbing and tight control needed to be imposed to prevent it spreading to other areas.

But it said the tensions in Pontianak were “not a good indicator” of the overall state of inter-ethnic relations in Indonesia.

Until recently, local politicians often used ethnic Chinese as scapegoats for problems besetting the country.

Chinese-Indonesians suffered severe discrimination during the Suharto regime and it was only under the current president, Susilo Bambang Yudhoyono, that parliament last year approved a law that finally erased ethnic discrimination from the constitution.

Previously, the constitution separated Indonesians along ethnic lines into “indigenous” and “non-indigenous” groups.

Ethnic Chinese were classified as non-indigenous and relegated to de facto second-class citizenship (Scarpello, F. 2007, ‘Petty dispute sparks wave of sectarian violence on Borneo’, *South China Morning Post*, 11 December – Attachment 5).

A May 2007 *BBC News* article reports on the increase in local sharia laws in Indonesia, enforcement of these laws by “civilian police” and the effects on Indonesia’s Muslim and non-Muslim population (Williamson, L. 2007, ‘Islamic law by the back door’, *BBC News*, 11 May <http://news.bbc.co.uk/2/hi/asia-pacific/6632239.stm> – Accessed 28 March 2008 – Attachment 21).

## **2. Please provide any other relevant information.**

A *Newsweek* article, dated 10 March 2008, may be of some interest. The article reports on the increasingly assertive Buddhist movement in Asia generally, and states: “Throughout Asia, Buddhism is growing fast, playing an increasingly political – and, in some spots, militant – role” (Caryl, C., Mazumdar, S., Adams, J. & Zhenru, W. 2008, ‘Armies Of The Enlightened’. *Newsweek International*, vol 151, no. 10, 10 March – Attachment 22).

An August 2007 article on recent information released by the UN regarding the Committee on the Elimination of Racial Discrimination and its consideration of the “reports of Indonesia on its implementation of the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination” has also been included as an attachment in this response (‘Committee On Elimination Of Racial Discrimination Considers Report Of Indonesia’ 2007, *States News Service*, 9 August – Attachment 23).



## List of Sources Consulted

### Internet Sources:

Google search engine <http://www.google.com.au/>

### Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## List of Attachments

1. US Department of State 2007, *International Religious Freedom Report for 2007 – Indonesia*, September.
2. US Department of State 2008, *Country Reports on Human Rights Practices 2007 – Indonesia*, March.
3. Sidel, J. 2007, 'Indonesia: Minorities, Migrant Workers, Refugees, and the New Citizenship Law', United Nations High Commissioner for Refugees, Status Determination and Protection Information Section, March  
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16. Scarpello, F. 2008, 'Religious leaders fear conflict over sharia edicts', *South China Morning Post*, 27 February.
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18. Nurhayati, D. 2008, 'No more discrimination against Chinese-Indonesians: President', *Jakarta Post*, 18 February.
19. 'Chinese-Indonesians celebrate Imlek throughout the country' 2008, *Jakarta Post*, 8 February.
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