

“PUNITIVE DAMAGE: A Mother’s Trial ”

SHORT SYNOPSIS

On 13 November 1991, Helen Todd received a phone call every parent dreads. Her 20 year old son, Kamal, had been injured, shot on a small island the world knew little about – East Timor. The nightmare of the next few days intensified, until finally she was informed of his death, then blocked from travel to the island by the Indonesian authorities.

In her grief, Helen Todd became determined to avenge her son’s death. She eventually found a way to fight the Indonesian Government and those responsible in a landmark international court case. As Kamal’s story unfolds, **PUNITIVE DAMAGE** is not only a mother’s tale of sorrow, but also a testimony to the brutal reality of Indonesia’s military occupation of East Timor.

LONG SYNOPSIS

When 20 year old New Zealand-Malaysian student Kamal Bamadhaj travelled to East Timor to assist a human rights investigation, his last words to his mother were “I’ll be careful, Mum”. Three weeks later he was dead, shot at point blank range by the Indonesian military.

Televised images of the massacre at Santa Cruz Cemetery in Dili, East Timor, sent shock waves around the world. Kamal Bamadhaj, was among the estimated 271 unarmed East Timorese killed by the occupying Indonesian military.

Produced and directed by award winning documentary maker Annie Goldson, **PUNITIVE DAMAGE** is the remarkable story of an idealistic young man, and his mother’s determination and courage to ensure that her son did not die in vain.

A student of history and Indonesian politics at New South Wales University in Australia, Kamal made his first journey to East Timor at 19. One of the first foreigners to visit since the Indonesian invasion of 1975, he was shaken by what he saw. His determination

to help an indigenous people on the brink of extermination drew him back there in 1991 on a “secret mission” – but even he could not foresee the dangers that lay ahead.

Helen Todd was devastated by the sudden loss of her son, and by the battle to recover his body. Through her determination to discover the circumstances of his death she learned of the horror that has been East Timor since the Indonesian occupation.

This documentary feature film crosses international and cultural borders in New Zealand, Australia, Indonesia, and Malaysia to end up in the United States High Court, as Helen Todd takes on the Indonesian Government in ground breaking legal action. Helen knew her search for justice would be painful. But that she alone, of all those who lost family members during the Dili massacre, could do something about it.

“At least I could speak out against the military officers and military culture that murdered my son. I could bring a lawsuit. And, perhaps the most painful thing of all, at least I have a grave I can go to... somewhere I can take my flowers,” Helen says.

She took every opportunity to present the Timorese case along with her own, and knew Kamal would have wanted even his death to be used to highlight their plight.

Featuring eyewitness accounts from Timorese exiles, and clandestinely shot footage and photographs, the documentary’s evidence against the Indonesian military is damning. **PUNITIVE DAMAGE** is a story of personal tragedy, and of triumph in exposing the atrocities committed in East Timor. The court case also creates an important precedent in a growing global trend to bring international human rights violators to trial.

Kamal once told his mother that “a just cause is never a lost cause”. The resignation of Indonesian President Suharto in May 1998 in the wake of economic collapse and revelations of corruption and political violence, make Kamal’s words seem prescient. Finally, independence for East Timor appears within reach.

PRODUCTION INFORMATION

Award winning Producer/Director Annie Goldson (*Seeing Red, Framing the Panthers*) says she was drawn to the story on a number of levels.

“I began thinking about making the documentary about Helen, Kamal, and the East Timorese situation in about 1995. I heard a brief clip of an interview with Helen after her court case and was immediately struck by her courage, her clarity, and her refusal to forget the Timorese. I was also pregnant at the time, and perhaps newly sensitive to the bond between parent and child. Her pain at losing a child was clearly evident.

“I have also been interested and involved in human rights issues for some time, and was amazed to learn about East Timor – a situation proportionately outstripping Pol Pot in its atrocity. That it was in the Asia-Pacific region, at a time that New Zealand was embracing the Asia Tigers, seemed to raise important issues about trade and human rights, complex issues the film only touches on.”

Goldson says that while the context is political, **PUNITIVE DAMAGE** is a very human story. “In terms of film-making, it was a way of exploring a regional political issue through a personal story, one with New Zealanders at the centre. Because of this I hoped it would combat the belief that such grievous violations occur elsewhere – and are nothing to do with us.”

Helen Todd says she agreed to be part of the documentary because she believed her son Kamal’s story could be told in a way that accurately portrayed him as a young man with a political agenda.

“I took part in this film because I trusted Annie Goldson to show Kamal, not as an innocent caught in the crossfire, but as he was – a political activist. Whether his parents approved of this or not is immaterial now. That struggle was his life in his last two years, and this film honours that. Independence for East Timor seemed a long shot when Kamal was killed for it – but it is not now. A just cause can never be a lost cause; Kamal taught me that.”

Throughout the documentary, interviews with Kamal's family and friends create a vivid portrait of the young man's life. His diary, letters and phone calls in the days leading up to his death, are a poignant testimony to conditions in East Timor.

Timorese witnesses, now in exile, risk their own safety to come forward in the film, and their evidence sheds a sinister light on Kamal's death.

Also featured are the foreign journalists who jeopardised their lives to get the story out to the world.

Included in the documentary is the shocking footage of the Dili massacre secretly filmed by British cameraman Max Stahl. Stahl risked his life to record the events that day and bury the footage in the Santa Cruz Cemetery, returning under the cover of darkness to retrieve it. Not only was the film a tragic record of the massacre, but also helped bring events in East Timor to the attention of the world in a way that was hard to ignore.

Alan Nairn, a journalist for the New York Times and The Nation, and a specialist on East Timor – Indonesian affairs suffered a fractured skull during the Dili massacre. Nairn is a key witness in the trial, along with Helen Todd, and Constancio Pinto an exiled Timorese activist.

Goldson says presenting the court case, for which they only had an audiotape, was one of the major challenges to filming. The expertise of director of photography Leon Narbey, and executive producer Gaylene Preston were crucial. "Gaylene with her experience in drama, was key in helping me work through the problems that this represented, and Leon, in true Kiwi fashion, manufactured a complex camera set up with glass and mirrors to resolve some of the problems we faced."

Goldson spent two years developing and scripting the documentary. "I had decided the subject matter would lend itself to cinema, and with that in mind I travelled extensively doing intensive interviews and research.

"When you're shooting interviews on film you can't afford to talk to someone for three hours on camera, which is why I spent so much time in pre-production."

Filming around the world made the shoot challenging. “It was a gruelling schedule. We travelled through five different countries from the heart of New York City to the Malaysian rain forest, and mailed the undeveloped negative back to New Zealand which was nerve racking.”

She praises line producer Catherine Madigan whose incredible efficiency and knowledge of filming overseas kept the shoot on track.

Goldson says the elements of Kamal’s story; love, death, passion, commitment and courage, were key in shaping the feature film documentary.

John Gilbert (*The Frighteners, Via Satellite*), one of New Zealand’s most experienced drama and documentary editors agrees. He says the story leant itself naturally to a strong narrative structure.

“It was never going to be a dry political documentary. It is a big emotional story with dramatic possibilities arising out of factual material. Kamal’s very specific story parallels the horror of events in East Timor over the past 20 years,” he says.

Executive Producer Gaylene Preston (*War Stories Our Mothers Never Told Us*) says she came on board because it was a story that needed to be told.

“I was really surprised that a young man had been killed, and it appeared to have been treated as an unfortunate accident. His mother had been involved in a major court case and yet five years later New Zealanders, including myself, hardly knew about it. The story is powerful and emotional, and it has always felt like cinema to me.

“I knew that Annie was a collaborative film maker and I could work well with her. I felt it a privilege to be able to help. I think most people who worked on the project feel the same way.”

Much of the music for **PUNITIVE DAMAGE** is performed by Timorese exiles in Sydney, Australia, in a choir conducted by New Zealander Stephen Taberner. Goldson says the subtle vocals are a fitting accompaniment to the emotion of the film.

The music of the Timorese resistance also features in the documentary in the songs of protestors, captured on film, the night before the Dili massacre. The music is all the more haunting as sadly many of the young people on camera died, along with Kamal, the following day.

Goldson says many things moved her during the making of the film, but most of all Kamal, whom she never knew.

“His striking looks, his evident popularity and talent could have taken Kamal anywhere he chose, but he never wavered from his commitment. He wrote a diary in the last two weeks of his life in which his political maturity was evident. He said, ‘Whether total genocide occurs in East Timor or not depends not only on the remarkably powerful will of the East Timorese people but on the will of humanity, of us all’.

“Kamal reminded me that all of us are involved in East Timor, and that the governments representing us - the United States, British, Australian and New Zealand Governments - have been complicit in supporting the Indonesian regime’s brutality.”

The documentary was made with funding from the New Zealand Film Commission, New Zealand on Air, The Soros Documentary Fund in New York City, The University of Auckland, Kodak, Television New Zealand, and the Willi Fels Memorial Trust.

ABOUT THE PARTICIPANTS

HELEN TODD – Kamal’s Mother

Helen Todd grew up in Gisborne, New Zealand. In 1963, while studying History at Victoria University in Wellington, she met her future husband, a handsome young Malaysian commerce student, whom she followed back to Malaysia and married.

The couple had three children: Kamal, and daughters Nadiah, and Haanim. Helen became a journalist for Malaysia’s leading daily paper The New Straits Times and won the prestigious young journalist of the year award.

The couple separated in 1978 when Kamal was seven years old, and Helen took over responsibility for raising the family in Malaysia.

In the 1980s she remarried Professor David Gibbons, a Canadian teaching at Penang University. David and Helen now work for AIM (Amanah Ikhtiar Malaysia), a programme that has been successful in fighting extreme poverty in developing nations, by providing small business loans to rural women. The programme has seen Helen travel to Bangladesh, India, and Papua New Guinea as well as working in Malaysia where they live.

Helen continues to write and has recently published a book “Women at the Centre”, about her experiences in Bangladesh and India.

Kamal’s sister Nadiah, a graduate of Christchurch’s Ilam Art School, now lives in Kuala Lumpur where she works as an artist and writer, and recently published a book “Aski Write” based on Kamal’s writings. Kamal’s youngest sister Haanim is at film school in Canada.

CONSTANCIO PINTO – Resistance Leader

Constancio Pinto, a Timorese resistance leader in exile in the United States, is one of the key trial witnesses

When the Indonesian forces invaded in 1975, he and his 10 brothers and sisters escaped from Dili into the hills. Three years later he was arrested and interned in a concentration camp where he was brutally tortured. After his release he became an underground leader and organised the first open protests in Dili, among them the Santa Cruz Cemetery protest.

Pinto managed to escape to the United States shortly after the massacre, while his wife Gabriella gave birth to their son in his absence. She later managed to join him in New York, where he is currently completing an MA in International Relations at Columbia University.

ALAN NAIRN - Journalist

The second trial witness, Alan Nairn, is an urbane Ivy League educated journalist with a profound commitment to human rights. As a journalist he has worked in El Salvador, Guatemala, Haiti and East Timor. Like Kamal, he first visited East Timor in 1990, one of the first Westerners to do so.

Since the Dili massacre he has become an expert on the history and politics of Indonesia, and East Timor, and regularly writes for the Washington Post, New York Times, The Nation and the New Yorker. He also appears before the United States Congress as an expert on East Timor.

CENTER FOR CONSTITUTIONAL RIGHTS

The Center for Constitutional Rights is a progressive New York law firm, established by the late William Kuntzler, a leading civil rights lawyer.

Lawyers at the Center have represented many activists, prisoners, and human rights workers. In addition, they have pioneered international human rights legal action in cases such as Helen Todd's. The groundbreaking work done at the Center has become a model for the international move to bring human rights violators to task.

Michael Ratner and Beth Stephens are both attorneys affiliated with the Center.

ABOUT THE FILM-MAKERS

ANNIE GOLDSON –Producer/Director

Annie Goldson is an accomplished film and television producer/director, with more than 10 years experience in the United States and New Zealand. Her films have received at least 15 international awards, the most recent being the prestigious New Zealand Documentary Fellowship with which she made “Seeing Red”, the story of the ‘red scare’ scandal of 1949.

Also among her work is the seminal film on the American Black Panther movement “Framing the Panthers”, which tells the story of former Black Panther Party leader, Dhoruba Bin Wahad, and the 1990 documentary “Counterterror: The North of Ireland”, a half hour documentary on the British shoot-to-kill policy in Northern Ireland.

A senior lecturer in Film, Television and Media Studies at the University of Auckland, Goldson is currently completing her PhD. Prior to taking up her appointment in 1993, she taught at Brown University in Providence Rhode Island for five years.

She has been the recipient of video fellowships from New York State, New England, Rhode Island, and the New Zealand Arts Council, and while in the US was nominated for the Rockefeller Foundation Fellowship. Goldson is also widely published in books and journals internationally. Her work has appeared in *Screen, Global Television, and Social Text* among others.

Awards and screenings include: Framing the Panthers in Black and White : Best Film, International Cinema Festival. Berlin, Germany, 1992. Best Social Documentary, The New England Film and Video Festival, Boston, MA, 1991. Silver Star in Documentary, The Sacramento Film Festival, Sacramento, CA, 1991. Red Ribbon in Politics and Government, The American Film and Video Festival. Philadelphia, PA, 1991. Peoples' Choices Award, The Global Africa Festival, Oakland, Ca, 1991. Finalist, The Australia Video Festival. 1991. Honorable Mention, The San Francisco Film Festival, San Francisco, CA, 1991. Special Merit, The Earthpeace International Film Festival, Burlington, Vermont, 1991. Special Jurors' Award, The Black Maria Film and

Video Festival. East Orange, NJ, 1991. Jurors' Award, Hallwalls Festival of New Journalism. Buffalo, NY, 1991. **Counterterror: The North of Ireland**: Silver Apple, The National Educational Film and Video Festival Oakland, CA, 1991. Best Documentary, Atlanta Film and Video Festival, Atlanta, GA, 1991. Invitational Premier, New England Film and Video Festival, Boston, MA, 1990. Finalist, Australian Film and Video Festival, Australia, 1991.

GAYLENE PRESTON – Executive Producer

Gaylene Preston has directed and produced some of New Zealand's finest cinema and television. Her feature film credits include "Mr Wrong", "Ruby and Rata", "Bread and Roses" and the feature documentary "War Stories Our Mothers Never Told Us". She has also directed numerous broadcast documentaries, dramas, experimental films, telefeatures, mini series and commercials. Her films have been selected for most major festivals in the world including Venice, Sundance, Toronto, London, Sydney, and Melbourne. She has also been the recipient of 10 New Zealand Film Awards, and many international accolades, the most recent being a Silver Cilo, for commercial direction.

LEON NARBHEY – Director of Photography

One of New Zealand's top cinematographers, Narbey has shot feature films, television drama, documentaries and commercials during his 25-year professional career. And has won major international accolades in New Zealand, Europe and Hawaii. He is also a film director in his own right. Among his credits are the feature films "Illustrious Energy", the "Footstep Man" and many documentary productions.

JOHN GILBERT – Editor

One of New Zealand's most respected film and television editors John Gilbert has more than 20 years experience in the industry. His numerous documentary credits include "Jean Batten" for which he won the coveted New Zealand Film and Television Best Editor Award in 1989. Among his feature film credits are "Crush", "Via Satellite", and Peter Jackson's "The Frighteners".