

Trial of Islamic cleric accused of terrorism begins in Jakarta

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24 April 2003

The trial of Islamic fundamentalist cleric Abu Bakar Bashir, who has been charged with treason, opened in Jakarta yesterday. The 90-minute hearing was held at a special courtroom in the Meteorological and Geophysics Agency, which was ringed by 500 armed police backed by water cannon. Everyone entering the court was searched.

Inside, a team of prosecutors read out the 25-page indictment, which alleged that Bashir was the mastermind behind a treasonable conspiracy aimed at toppling the government and establishing an Islamic state. He is accused of approving terrorist attacks on 38 churches across Indonesia in December 2000, resulting in 19 deaths.

Bashir is also charged with having endorsed plans to attack the US embassy in Singapore, immigration violations and giving false statements to police. The latter charges refer to technical irregularities relating to his 13-year-exile in Malaysia, where he fled after being released from jail under the Suharto dictatorship, and declarations made on his return to Indonesia in 1998.

Significantly, however, Bashir was not charged with involvement in the Bali bombing last October 12, which claimed more than 200 lives and was the original reason for his arrest.

Prior to the brutal terrorist attack, the Indonesian government had been under sustained pressure from the US, backed by Singapore and Malaysia, to arrest Bashir, who allegedly headed Jemaah Islamiyah (JI), which is said to have links to Al Qaeda. Indonesian police initially questioned the cleric and examined evidence from Malaysia and Singapore but insisted that there was no basis for charging him.

Immediately after Bali bombing, Indonesian President Megawati Sukarnoputri came under even more intense pressure from Australia and the US to

detain Bashir and implement tough new measures to detain terrorist suspects without charge. A lurid campaign in the American, Australian and international media portrayed Bashir and JI as part of an extensive terrorist network in South East Asia that was responsible for the bombing.

On October 19, a week after the Bali attack, Megawati issued a presidential security decree restoring anti-democratic powers to the police, which they had lost after the fall of Suharto in 1998. Under the decree, police are permitted to detain people for three days and then hold them for a further six months—all without charge—if a judge approves.

The following day, Bashir was arrested for questioning. He was formally detained on November 1 and held by police for more than four months before finally being charged on April 14. Yet despite his police interrogation, and the arrest and alleged confession of more than 20 people over the Bali bombing, Bashir has not been charged with that crime. The whole process underscores the flimsy character of the accusations made against him last year and the political character of the trial underway.

Bashir publicly advocates the reactionary program of establishing an Islamic state but has repeatedly denied any connection to terrorist organisations. He and his supporters insist that he is being persecuted on Washington's orders. As he left the court yesterday, he declared: "I don't accept these charges, these are lies from America."

Bashir is represented by a substantial team of lawyers. Adnan Buyung Nasution, head of the defence team and also Indonesia's Legal Aid Foundation, told the media yesterday that the prosecution would fail. "The whole case is absurd. It is an engineered, constructed case in order to support allegations by

America, Britain and Australia,” he said.

Despite thousands of pages of evidence that prosecutors have reportedly handed to the judicial authorities, no evidence has been made public to substantiate the charges. Much of the case against Bashir is based on evidence from alleged Al Qaeda suspects who have been detained in custody, in some cases for over 12 months, without charge, trial or public appearances.

The most important is Omar al-Faruq, who was arrested by Indonesian authorities in June 2002 and secretly handed over to the CIA. After three months of interrogation in Afghanistan, Faruq allegedly broke down and provided detailed information about Al Qaeda and JI operations in South East Asia. According to details leaked to the press by the CIA, Faruq implicated Bashir as leader of JI and in various terrorist plots.

However, neither Faruq, nor another key witness Faiz Abu Bakar Bafana, in jail in Singapore, will appear in court. As a result their claims will not be subject to defence cross-examination. Bafar is alleged to be a senior JI leader who was connected to a plot to bomb US facilities in Singapore. He, along with others purportedly involved in the failed plan, has been held without trial under Singapore’s notorious Internal Security Act (ISA), which provides for indefinite detention without trial.

Most of the Singapore suspects have not been seen in public since their arrest in late 2001 and early 2002 but the Singapore government alleges that they acknowledge Bashir as their “emir”. Singapore authorities have made available documents and videotapes in an effort to substantiate the arrests but their authenticity has not yet been tested in any court or public arena.

Similarly, Malaysian detainees—allegedly members of the Kumpulan Mujahdin Malaysia (KMM)—are being held without trial under that country’s own Internal Security Act. Some commentators have even questioned KMM’s existence as an organisation. When Indonesian police originally interviewed the detainees, they concluded that their statements showed that Bashir preached Islamic fundamentalism but not that he had any direct terrorist involvement.

The testimony of the Malaysian and Singapore detainees appears to be central to the prosecution case.

Indonesian police say that some of the detainees will give evidence via video link. However their long periods of confinement and police interrogation raise serious doubts about the credibility of their evidence.

It is not possible to conclude on the basis of evidence available so far if Bashir has been involved in planning terrorist attacks. But there is no doubt that his detention and trial have been orchestrated by the Megawati administration to convince Washington that Jakarta is playing its part in the Bush administration’s “global war on terrorism”. Over the past week, Indonesian police have rounded up another 18 “terrorist” suspects—three of whom are allegedly connected to the Bali bombing.

As far as the US is concerned, the crackdown on Islamic extremism serves a broader purpose. Washington has been keen to cement closer ties with the Indonesian military and intelligence apparatus as a guarantee against growing social tensions and political instability. For the past two years, the Bush administration has been seeking to overturn a Congressional ban on US-Indonesian military contacts.

Since the September 11 terrorist attacks on the US, and particularly since the Bali bombing, Washington has been able to renew relations with the police, intelligence and military apparatus, on which the US relied for three decades before the fall of the Suharto junta.

For the Megawati administration a great deal is at stake in the Bashir trial. A conviction will be regarded in Washington as an important test of Jakarta’s dependability, with political and economic ramifications for Indonesia. The trial, which will involve at least 50 prosecution witnesses, is due to resume next week and is predicted to take at least three months.



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