Indonesian prosecutors attempt to link Muslim cleric to terror network

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Late last month, prosecutors in the trial of Muslim fundamentalist cleric Abu Bakar Bashir placed four men, all accused of the participating in the terrorist attack in Bali on October 12, on the stand as witnesses in the Jakarta trial.

As the four prosecution witnesses gave their evidence, the government's aim in the very public transportation of the four from Denpassar to the Jakarta courtroom became clear: to associate Bashir with the Islamic terrorist network that the government claims he heads—the Jemaah Islamiah (JI)— which is accused of being behind the Bali atrocity. In remarks made the weekend before the Bali witnesses appeared, the senior police officer involved in the Bali investigation, I. Made Mangku Pastika, said he hoped the evidence of the four would implicate Bashir in the Bali bombings.

Bashir, whose trial began on April 23, is charged with treason over alleged plans to topple the government and assassinate the then Vice President Megawati Sukarnoputri. He is also charged with authorising attacks on 38 churches across Indonesia in 2000 that resulted in the death of 19 people and with immigration offenses and making false statements to police. He has not been charged with involvement in the Bali attack, which claimed 202 lives.

By any objective measure the calling of the Bali four served to underline the weakness of the evidence publicly revealed so far in the criminal case against Bashir and the essentially political character of the trial that is taking place.

The four witnesses were Ali Imron, Ali Ghufron (also known as Mukhlas), Hutomo Pamungkas (also known as Mubarok) and Iman Sumudra. Imron and Mukhlas are brothers of Amrozi Nurhasyim, the first of the Bali suspects to go on trial. Mukhlas claims to be the operations officer in South East Asia of JI. Sumudra is accused of being in direct charge of the Bali operation on behalf of JI.

The evidence of the four was confused and contradictory. Both Imron and Mubarok suggested that Bashir was the leader of JI. But when pressed, Imron told the court that he had only heard from others that Bashir took over the running of JI after the death, in 1999, of its alleged founder, Abdullah Sunkar. "As far as I know his (Sunkar's) replacement was Abu Bakar Bashir," he said. But at another point in his evidence Imron said he was unsure who led JI.

When the judges asked Bashir to reply to Imron's evidence he replied that he had met Imron two or three times "but this 'feeling' that I am the head of Jemaah is not true."

Ghufron claimed to have met Bashir while he was exiled in Malaysia. Ghufron also claimed to be well acquainted with Osama bin Laden, leader of the Al Qaeda network, but denied that Al Qaeda was involved in financing the Bali bombing. Ghufron did not support the claim that Bashir headed JI.

In reply, Bashir denied having ever met Ghufron or that he had ever met, as Ghufron claimed he had, Faiz Abu Bakar Bafana, who is detained in Singapore and is claimed by authorities to have key evidence against Bashir.

Sumudra testified bluntly that Bashir had no part in the Bali attack or any other bombings. All four witnesses denied that Bashir was connected to the Bali attack.

Media reports of the proceedings made reference to the muddled testimony of the four and their playing up to the press and camera crews. One report in Singapore's *Straits Times* on May 30, a report hostile to both Bashir and the Bali witnesses, questioned the evidence in general being extracted from the Bali suspects, suggesting that "some suspects impart impossible-to-prove links to terror chieftains such as Al Qaeda's Osama bin Laden, in assertions that may have more to do with bogus bravado

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than concrete ties".

Since all four men had been under interrogation for months, the police and prosecutors must have known that no hard evidence against Bashir was going to emerge from their evidence. However the authorities may well consider that the affair was a success in laying the basis for guilt by association—alleged Bali bombers with Bashir, both with JI. The bin Laden connection was included for good measure—an association that would serve a political purpose, if not a juridical one.

The prosecution of Bashir has been a political event from the start, with two main areas of concern—international and domestic—for the government of Megawati Sukarnoputri.

Intense foreign pressure to arrest Bashir developed in 2002, well before the incident in Bali. After Indonesian authorities handed over alleged Al Qaeda operative, Omar al-Faruq, to the CIA in June 2002, he was said to have broken down after three months interrogation in Afghanistan. According to the Americans, Faruq implicated Bashir as leader of JI, as having connections with Al Qaeda and in various terrorist plots.

Washington joined with Malaysia and Singapore in demanding Bashir's arrest. Both Asian states claimed that some of the dozens of men arrested in late 2001 and early 2002 for alleged terrorist activities, most under notorious Internal Security Acts, had pointed to Bashir as their emir.

The evidence of these prisoners is claimed to be critical to the prosecution's case against Bashir but none of them have been brought before a court or seen in public since their arrests.

Before the Bali attack, Indonesian police interviewed the detainees but apart from some detainees' sympathy for Bashir's Islamic fundamentalist preaching and his call for an Islamic state in the region, they could find no evidence linking Bashir to any specific terrorist plot.

After the Bali bombing, the pressure on the Megawati regime for Bashir's arrest increased. Before the first forensic investigator had arrived at the scene of the crime, the Australian government joined the chorus implicating JI and Bashir.

Megawati was pressured to issue an anti-terrorist decree that returned powers to the police, including detention without trial for six months, lost with the fall of Suharto dictatorship. On October 20, one day after the decree was issued, Bashir was detained, and the current charges were laid on April 14.

The Bashir case is seen both in Washington and Jakarta as a test case. The Bush administration has been anxious to re-establish ties with the Indonesian armed forces (TNI) and security apparatus with which the US enjoyed close links during the three decades of the Suharto dictatorship.

The Bashir prosecution will measure the ability and willingness of the Indonesian security forces and the Megawati regime to suppress the development of an Islamic fundamentalist movement. Washington sees such a development as a threat to its interests in the economically and politically unstable archipelago, which constitutes the world's largest Muslim state, and in the broader region. The regime's economic and political dependence on the US makes it vital for it to be seen as a determined participant in the "war on terror", despite the domestic problems that its compliance creates.

The local ruling elites also regard Bashir as a threat. The economic position of the great mass of the population has only worsened since the fall of the dictatorship in 1998. Jakarta's economic and political tops have no answers for the problems of society. The danger for them is that the Islamic fundamentalists will be able to exploit the situation and undermine the influence of the establishment parties, including the conservative Muslim-based parties. For them, Bashir's crime is not his possible involvement in acts of terror but that his reactionary program of an Islamic state may become a rallying point for opposition to the ruling elite.

It is these political considerations that make the question of evidence in the criminal proceedings against Bashir a secondary question. On the basis of the evidence made public so far, it is not possible to determine whether Bashir has been involved in planning terrorist attacks. What is certain is the highly political character of the judicial proceedings in Jakarta.

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