

Bali bombing trials leave key questions unanswered

John Roberts
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Highly publicised trials of three of the suspects in the Bali bombings last October have been underway in an Indonesian courtroom for two months. Despite the claims of Indonesian prosecutors, the evidence presented has been far from conclusive. Moreover, the basic question remains unanswered: given the sophisticated planning and technical expertise required to coordinate three simultaneous bomb blasts, what organisation or organisations were responsible for perpetrating the atrocity that claimed the lives of 202 innocent people?

Even before the arrest of the suspects, the international media focused exclusive attention on an Islamic fundamentalist grouping, Jemaah Islamiyah (JI), which was said to have links to the Al Qaeda terrorist network. The allegations fitted neatly with the requirements of the Indonesian government to defend its support for the US “global war on terrorism” and to deflect suspicions from the military. The Australian government likewise seized on the claims of an international terrorist conspiracy to justify its support for the US invasion of Iraq and to make inroads into democratic rights at home.

Nine months after the terrorist attack in Bali, nothing has emerged that sheds any further light on the nature of Jemaah Islamiyah. Its alleged spiritual leader Abu Bakar Bashir, who is being tried in separate proceedings in Jakarta unrelated to the Bali bombing, denies belonging to JI or that the organisation even exists. The claims about JI all rest on the unsubstantiated allegations of Western intelligence agencies, primarily the CIA, and the confessions of detainees held without trial, who have been subjected to intimidation and in some cases torture in Afghanistan, Singapore and Malaysia.

In all, 35 people have been detained over the Bali bombings—including 13 who were formally charged by police two weeks ago, on July 10. Only three—Amrozi bin Nurahsyim, his brother Ali Ghufron, known as Mukhlas, and Abdul Aziz alias Imam Samudra—have been brought before the special court in Denpasar, the provincial capital of Bali. Each has been charged retrospectively with offences under Indonesia’s anti-terrorism legislation, enacted by presidential decree after the Bali attack, and each faces the death penalty.

Amrozi, a 40-year-old mechanic from a Javanese village, was the first to face court in mid-May. Police have linked him to the purchase of the Mitsubishi L-300 van containing the explosives

that destroyed the Sari night club, and to the purchase of 600 kilograms of potassium chlorate allegedly used to manufacture the bomb. Amrozi has admitted in open court to making the purchases, but has denied any role in planning the attack.

Amrozi adheres to a form of Islamic extremism and his statements to the court include confused and reactionary denunciations of Westerners and their morality. But he has denied being a JI member, saying: “As far as I know, none (of his co-accused) are members of any organisation ... to my knowledge ... there was no one giving them orders.” He said he had never heard of JI until told of the organisation by police. He repudiated his confession, saying he was “forced to” make admissions under intense police interrogation.

In its submission, Amrozi’s defence team insisted that while he may have supplied the van and explosives he was not the “mastermind” as claimed by the prosecution. Lawyers Wirawan Adnan and Ahmad Mihdan argued that of 58 witnesses only four had direct links to Amrozi and none had said that he was involved in making the bomb or in planning and executing the attack.

Adnan also questioned whether the second of the two blasts in Bali—the one that destroyed the Sari Club—could have been caused by the materials bought by Amrozi. He said that the power of the blast was more consistent with the use of RDX or C-4 explosive and that the bomb required sophisticated manufacturing techniques not available in Indonesia. In the immediate aftermath of the attack last October, police and military intelligence officials issued different reports as to the type of explosives used. Their conflicting claims have never been clarified publicly.

The prosecution has dismissed the defence arguments and demanded the death penalty for Amrozi. It alleges that two of the bombers were killed in the attacks and that the use of suicide bombers indicates a well-oiled terrorist organisation was at work. At the same time, however, the prosecution has been cautious about linking Amrozi to JI. Six weeks into Amrozi’s trial, prosecutor Urip Tri Gunawan told the court that there was “a strong indication” that some of the accused were JI members, but stopped short of claiming that Amrozi belonged to JI.

The trials of Mukhlas and Samudra are not complete.

Mukhlas, a 43-year-old religious teacher, is accused of being overall commander of the Bali operation and JI operation chief. His indictment alleges that he met others, including two Malaysian nationals, Wan Min Wan Mat and the alleged bomb-maker Azahari, in Bangkok in February 2002 to plan the attacks.

The prosecution cites Mukhlas's previous association with Bashir at an Islamic school between 1982 and 1987, and Mukhlas's confession to police, which included a claim to have met Osama bin Laden in Afghanistan in 1987. But at his first opportunity in court, Mukhlas retracted all statements made to police claiming these had been extracted under torture.

The other evidence against Mukhlas is a written statement from Wan Mat presented in the trial of co-accused Imam Samudra. According to the statement, Wan Mat claimed to have given Mukhlas \$US35,000 at the Bangkok meeting for unspecified bombings against American and Australian targets. He also alleged that Hambali, said by Western intelligence to be a top JI leader, was present.

Wan Mat is currently being held under indefinite detention without trial in Malaysia and is thus highly vulnerable to police intimidation and threats. Malaysian authorities have refused to allow him to appear in person in the Bali trials and have offered only to present him via a carefully-controlled video link. The Indonesian judges have overruled the objections of Mukhlas's defence lawyers to allow a procedure that cuts across the basic right of an accused to confront his accusers in the courtroom.

On July 9, in a somewhat bizarre session, Mukhlas's brothers, Amrozi and Ali Imron, were called by the prosecution to give evidence. Amrozi refused to testify, but Imron admitted to his role in the Bali bombing claiming the idea had come from Mukhlas and Samudra. Mukhlas replied that at the meeting where the Bali clubs were supposedly discussed as targets Imron was continually falling asleep and leaving to go to the toilet. He said Imron habitually made false claims and "likes to think he is Superman".

The third accused, Samudra, is alleged to have directed the Bali attack. But he has denied any major role in the bombing. At one point in the proceedings on July 16, Samudra indicated that he knew generally about the plan but denied that he was directly involved as alleged by the prosecution. He has accused the Australian Federal Police of planting evidence on his laptop implicating him in the bombings. Samudra admitted meeting Osama bin Laden in 1990 but denied knowing Bashir well. He said that he had only learned of JI's existence after his arrest.

The only trial to have concluded is that of Amrozi. There is no jury, and the judges have announced that they will bring down their verdict on August 7.

The proceedings leave a number of questions unanswered.

The prosecution case relies almost exclusively on confessions that have been extracted under duress. At the very least, the Indonesian police, who were notorious for the use of torture under the Suharto dictatorship, have exploited the threat of the

death penalty to force some of the defendants to plead guilty in the hope of receiving lesser sentences.

Even if the confessions are true, the speed with which they were extracted—in some cases within days—calls into question the prosecution claims that the accused are trained and hardened operatives of a highly-organised terrorist organisation.

It is particularly noteworthy that no investigation has taken place into the Indonesian military (TNI), which has the expertise and is well-known for its past involvement in violent provocations. Moreover, sections of the armed forces have close associations with Islamic extremist militia that have been involved in communal fighting in various parts of Indonesia.

In the immediate aftermath of the Bali bombings, a number of commentators pointed the finger at the TNI. Wimar Witoelar, for instance, a spokesman for former President Abdurrahman Wahid said the blast was probably the work of "hard-line military rogues" attempting to destabilise the Megawati government.

Initial reports indicated that police had detained ex-TNI Lieutenant-Colonel Dedy Masrukhin, an explosives expert, for questioning but he was released without explanation. The Brussels-based International Crisis Group issued a report earlier this year noting links between the military and JI in Aceh.

None of these issues has been pursued. Any serious investigation would necessitate an independent inquiry into the military, the police and state intelligence services—but this would cut directly across the current political agendas being implemented in Jakarta, Canberra and Washington.



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