Indonesian cleric faces trial again over Marriot and Bali bombings

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Islamic fundamentalist cleric Abu Bakar Bashir has been brought to trial on new charges of involvement in two terrorist attacks: the bombing of the JW Marriott Hotel in Jakarta on August 5, 2003, in which 12 people died, and the Bali bombings on October 12, 2002, which killed 202 people. Bashir is claiming that the charges have been laid because of pressure on the new government of President Susilo Bambang Yudhoyono by the United States and Australia.

The 65-page indictment, read at the opening trial session on October 28, alleges that the 66-year-old Bashir incited the Marriott bombing. The charge is laid under draconian anti-terrorist laws decreed by former Indonesian President Megawati Sukarnoputri immediately following Bali. Bashir could be sentenced to death if he is found guilty.

The second charge accuses Bashir of approving the Bali bombings. This charge has been laid under the Indonesian criminal code, as the Constitutional Court blocked attempts by the government to use the 2002 anti-terror laws retrospectively. The prosecution alleges that convicted bomber Amrozi bin Nurhasyim approached Bashir for his blessing for an attack in Bali. Bashir supposedly told Amrozi: "It's up to you because you know the situation in the field."

The indictment claims that Bashir attended a terrorist training camp in the Philippines in 2002, where he passed on Osama bin Laden's call for Muslims to kill Americans and their allies. The prosecutors claim that Bashir told the gathering: "Their blood is halal (legal), let alone their wealth." The targets of both the Marriott and Bali attacks were foreign tourists from Australia, Britain and other western countries.

Although the charges relating to the Marriott and Bali attacks are new, both are based on Bashir's alleged role as the leader of Jemaah Islamiah (JI), an organisation which is generally referred to in the western media as being linked to bin Laden's Al Qaeda. Both Washington and Canberra insist JI is behind much of the terrorist activity in South East Asia.

In September 2003, a five judge trial panel threw out charges that Bashir was involved in a series of bombings of Christian churches across Indonesia in December 2000, and in a plot to assassinate then Vice President Megawati, due to a lack of evidence. Instead, the court convicted Bashir on treason and immigration charges and sentenced him to four years jail.

Bashir was released after serving 18 months, but was then immediately re-arrested on the new charges. He told the court at the first session that he was innocent of any involvement in terrorist acts and denied that JI exists.

Bashir responded to the prosecution's reading of the charges with an accusation that the charges were brought against him because of pressure from the American and Australian governments. He told the court: "Everyone knows, schoolchildren know, it's [US president] Bush and his slave, John Howard [the Australian prime minister)".

Bashir cited several incidents as proof of Washington and Canberra's pressure on Jakarta. He alleged that the US consul in Medan had issued a complaint when a suspected terrorist was freed by a court in the city. He also alleged that both American and Australian diplomats had complained to prosecutors when Islamic fundamentalist Abu Jibril was acquitted of immigration charges.

When the trial resumed on November 4, Bashir continued his allegations that the US and Australian governments were behind the trial. The cleric pointed out that he was in prison at the time of the Marriott bombing and mockingly told the court it might as well charge him with other outstanding terrorist bombings.

There is little doubt that US and Australian pressure is a factor in the decision to retry Bashir. Immediately after the Bali bombings, and before any individual suspects had been identified, both Washington and Canberra were pointing the finger at Bashir and JI, with Australian foreign minister Alexander Downer being particularly strident.

The US Congressional Commission report into of the September 11, 2001 terrorist attacks on New York and Washington released earlier this year cited statements made under US interrogation by alleged JI operations chief Riduan Isamuddin, also known as Hambali, that he acted under the orders of Bashir.

Immediately after the dismissal of Bashir's terrorist charges last year, Australian prime minister Howard declared: "Because many of us here in Australia believe that he was at least spiritual leader of Jemaah Islamiah and therefore at least knew about the attacks in Bali, we are disappointed he wasn't convicted on that and didn't get a longer sentence." Howard

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visited Jakarta for Yudhoyono's inauguration on October 20 and would almost certainly have raised the question again.

For Washington and Canberra, pursuing Bashir and JI serves two political purposes. It serves as a test of the Indonesian government's preparedness to use the claims of terrorist cells to suppress anti-imperialist sentiment in the world's largest Muslim nation. It also plays a valuable propaganda function, enabling the US and Australian governments to whip up hysteria and fear at home about the existence of global networks of Islamic extremists.

Yudhoyono's government has its own reasons for dealing with Bashir. It is anxious to improve relations with Washington and re-establish ties between the armed forces (TNI) and the Pentagon. More fundamentally, Yudhoyono's election was an expression of the disillusionment among wide sections of the population with the political establishment. The Indonesian ruling class fears that Islamic fundamentalists like Bashir may become a pole of attraction for future discontent and so it is carrying out a preemptive crackdown. Yudhoyono's Justice Minister Hamid Awaluddin has told the media that the new government will probably proceed with plans drawn up by its predecessors to toughen the 2002 anti-terrorist laws. These include a Suharto-era type provision that will allow a suspect to be held for 30 days without even being informed of any charges.

Nevertheless, Yudhoyono is proceeding cautiously, out of concerns that the crackdown may provoke a backlash. In an interview with *Time* magazine, Yudhoyono stated: "If there are explanations and proof that JI as an organisation does exist in Indonesia, and if it is legally proven that its members are involved in terrorist activities, then it will be declared a banned organisation."

Behind the caution is the fact that Bashir and JI articulate the attitudes of significant sections of the Indonesian corporate elite, military and state apparatus that are hostile to the continual interference by the major powers in the country's affairs. The resentment over the imposition of economic restructuring by the International Monetary Fund (IMF) in 1998 was heightened by the deployment of a UN force, led by Australian troops, into East Timor in 1999.

Among the majority of Indonesians, while there is little sympathy for bombings and other terrorist attacks, it is well understood that the increased terrorist activity in the region over recent years is a reaction against US foreign policy. Millions of Indonesians are deeply opposed to the invasion and occupation of Afghanistan and Iraq, and the US support for the oppression of the Palestinians.

There is also widespread skepticism in Indonesia in the veracity of the evidence being presented against Bashir. Most of the case against the cleric is based on statements by Hambali and another man in American custody, Omar al Faruq. Hambali has been held without charge or trial in an unknown location since August 2003. Faruq has been interrogated in secret since June 2002, when he was handed over to US by the Indonesian government. Washington refuses to allow Indonesian authorities to interview these men, let alone have them testify in an open trial.

According to a *New York Times* article in October, the decision not to make Hambali available for Bashir's trial was made in the White House. The reasons for this are obvious. His appearance at a public trial would raise the question of the right of American authorities to incarcerate an Indonesian citizen indefinitely, without charge, trial or even a perfunctory court appearance. It would also enable Bashir's defense to cross-examine Hambali and cast doubts on his statements and confessions made during months of secret confinement and interrogation. The decision also makes clear that Washington is demanding Bashir's conviction regardless of the strength of the case presented in court.

In Bashir's 2003 trial, convicted Bali bombers were paraded as witnesses. Ali Ghufron (Mukhlas) and Ali Imron—the brothers of Amrozi who was sentenced to death and is apparently the source of the new evidence against Bashir—and Hutomo Pamungkas (Mubarok) testified, but gave confused and contradictory evidence which fell apart under cross examination.

The court, by its verdict, rejected evidence from other alleged JI members as unreliable. The men had been held without charge or trial in Malaysia and Singapore—most since 2001—and are still being held. Their testimony was presented by video conferencing and not subjected to cross-examination.

The prosecutors in the first trial would have known in advance how weak their case was, but it served the political purpose of linking Bashir to the acts of terrorism. Thus far, though, no evidence has been produced to prove that the extremists influenced by Jemaah Islamiah carried out terrorist attacks directly on the orders of Bashir. JI is a loose organisation with no apparent central command. Whether the new trial will produce anything substantial to tie the cleric to the Bali and Marriott atrocities remains to be seen.

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