

Three men convicted over 2002 Bali bombings set to be executed

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Three men convicted over the October 12, 2002 bombings on the Indonesian island of Bali—Amrozi Nurhasyim, Ali Ghufron (alias Mukhlas), and Imam Samudra—are about to be executed. The imposition of the death penalty by the Indonesian government and judicial system is an act of state-sponsored murder that serves to promote backwardness and confusion and to obscure the real political issues involved in the Bali bombings.

Amrozi, Mukhlas, and Samudra were sentenced to death five years ago for their role in the suicide bombing attack that killed 202 people—38 Indonesians and 164 foreign nationals, including 88 Australians—in the popular Balinese tourist district of Kuta.

There are significant outstanding legal questions regarding their cases. Among these is the retrospective character of their sentencing. Draconian "anti-terror" legislation passed by the Indonesian parliament in 2003 was used for the conviction and sentencing of defendants whose crime was committed a year earlier. In 2004, Indonesia's Constitutional Court ruled that this was unconstitutional, a decision denounced by former Australian foreign minister Alexander Downer as being based on "technicalities of Indonesian law". Indonesia's Supreme Court subsequently overruled the Constitutional Court's judgement, thereby enshrining the legitimacy of retrospective prosecutions, a hallmark of authoritarian regimes and arbitrary rule.

The Indonesian judicial system also dismissed an appeal based on the claim that execution by firing squad was cruel and degrading.

An October 30 article in Sydney's *Daily Telegraph*, "How the executioners for the Bali bombers are chosen", shed some light on the horrifying preparations that have been made for the executions. Twelve members of the Brigadier Mobile paramilitary police brigade will be chosen to carry out the killings. "When it comes to choosing firing squad members, the commander prefers to choose single men with no children to lessen potential psychological problems and potential dramas for those who might be uneasy about taking the life of a fellow human being," the *Telegraph* reported.

The assigned police choose from twelve powerful SS1 rifles

laid on the ground—three have live 5.5 millimetre bullets, while nine have blanks to ensure none of the executioners will know who was ultimately responsible. The firing squad aims at a target placed over the prisoner's heart. If death does not immediately follow, the unit commander has a responsibility to inflict an "amnesty shot" to the prisoner's head at point-blank range with a revolver.

In at least two Indonesian executions, the commander was apparently unprepared to do this. Catholic priest Father Charlie Burrows told an Indonesian court hearing the Bali bombers' appeal that he witnessed two Nigerian men found guilty of trafficking heroin—Samuel Iwuchukwu Okoye and Hansen Antonious Nwaolise—"moan and gurgle" as they took seven minutes to die after being shot last year.

In response to the imminent execution of Amrozi, Mukhlas and Samudra, Australian Prime Minister Kevin Rudd has effectively junked Canberra's nominal opposition to the death penalty. "They deserve the justice that we delivered to them," he declared on October 2. "They are murderers, they are mass murderers and they are also cowards."

Rudd later said the government still upheld the principle of opposition to the death penalty, but made crystal clear the selective character of this "general policy". The day after his outburst, cited above, the prime minister explained: "I went on to say that they deserve the justice that they will get, by which I mean, consistent with the Indonesian judicial system. How that pans out in the end is a matter for the Indonesians."

Rudd and Attorney-General Robert McClelland also confirmed it is now government policy that no diplomatic entreaties against the death penalty will ever be made unless the potential victim happens to be an Australian national. This issue first emerged during last year's election campaign, when the *Australian* manufactured a story falsely claiming the Labor Party was launching a drive to spare the Bali bombers' lives and attacking its "opposition" to their execution. (See "Anatomy of a political diversion: The Australian Labor Party, the Bali bombings, and the death penalty") Rather than challenging the Murdoch newspaper's fabricated diversion, Rudd immediately complied, disavowing any commitment to the abolition of capital punishment in Asia. He went on to declare his full agreement with the Howard government's position that no

effort be made to encourage the commutation of the Bali bombers' death sentences.

Rudd's latest comments have been widely condemned.

Former Adelaide magistrate Brian Deegan, whose 22-year-old son Josh was killed in the 2002 terrorist attacks, said: "Sometimes there is a necessity for absolute leadership. I am not barracking for the murderers of my son... However, I would prefer to see a true and proper lawful punishment that fits more with civilised society. And that will not occur if they are put to death."

Robert Stary, solicitor for two of the "Bali nine" Australians facing execution on drug trafficking charges, rightly noted that the government was endangering his clients' lives. "When Mr Rudd says he will lose no sleep over the execution of the Bali bombers, in fact he puts in jeopardy the three members of the Bali nine who are subject to the death penalty. He devalues his so-called opposition ... by saying on the one hand it's OK for Indonesian people on death row, but it's not OK for Australians."

Barrister Julian McMahon, who represented Australian Van Nguyen before he was hanged in Singapore in 2005, after the Australian government made no serious attempt to have the young man's life spared, also spoke out. "It will dignify the memory of those who were murdered if we call for punishment which is both humane and in accordance with our legal obligations and stated policy," he said. "True justice is not vengeance. It is not an eye for an eye, but is firm and humane... Wherever we are not consistent [on the death penalty], the Asian press accuses us of being hypocritical. They ask why should there be one rule for Australians and a different rule for non-Australians?"

The 2002 Bali bombings were seized upon, both by the former Howard government and the Labor opposition, as well as every section of the Australian media, to promote the so-called "war on terror". No effort was spared to use the terrible loss of life in Bali in their attempts to justify the government's assault on basic democratic rights and legal norms at home, and its partnership with the Bush administration's militarist agenda abroad.

An essential component of this campaign was the insistence that the bombings were simply the result of "evil" or of "medieval fundamentalism", and that any attempt at a rational, historical explanation for the atrocity was tantamount to justifying it.

However, the rise of contemporary Islamic fundamentalism, in Indonesia as elsewhere, has been bound up with the eruption of US militarism, beginning with the 1990-91 Gulf War and culminating in the occupations of Afghanistan and Iraq. Also significant was US imperialism's support for fundamentalist forces during the Cold War. In the course of the 1965 Indonesian military coup, Islamist groups carried out many of the mass murder operations that were based on lists of names of alleged communists supplied by the Central Intelligence

Agency. In the 1980s, Indonesian militants were among those armed and financed by the CIA as they participated in the anti-Soviet guerrilla war in Afghanistan.

Washington's crimes in the Middle East—supplemented by Canberra as its "deputy sheriff", advancing its own predatory interests in East Timor and the South Pacific—have generated immense opposition in Indonesia. But in the absence of any perceived progressive alternative, Islamist groupings have received a hearing, particularly among those most deeply affected by economic insecurity and deprivation. (See "The Australian media on the origins of terrorism")

It is these complex factors that were ultimately responsible for the reactionary and murderous attacks in Bali in October 2002. Any consideration of such issues, however, is routinely excluded by the official political and media establishment—as it will be, once again, following the bombers' execution-- in favour of the most lurid and sensationalist coverage possible.

Meanwhile, the three convicted men will be delivered the "martyrdom" they say they desire. "This will reinvigorate the jihadist groups in the country and bring them together," Noor Huda Ismail, managing director of Securindo Global Consultancy, told the *New Straits Times*. "It is a great moment for the militants to draw sympathy and support for their cause, recruit new members and infuse new blood into the movement. The Bali bombers' execution will create a 'Heroes Day' for Indonesian militants to gather and perhaps to commemorate annually."

The execution of Amrozi, Mukhlas, and Samudra will also have other consequences. It will almost certainly ensure that a full and accurate account of exactly how the terrorist attacks were prepared and carried out is never established. As in the case of the September 11, 2001 terror bombings in the United States, there remain many outstanding questions—not least whether a section of the Indonesian military was involved. It also remains unclear why the Australian government and intelligence agencies failed to make public the terror warnings they reportedly received prior to the bombings. This particular question has been entirely dropped by every section of the Australian media.



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