

INDONESIA – A CASE STUDY THE CHALLENGES OF COUNTERING TERRORISM IN AN EMERGING DEMOCRACY

By Sally Neighbour

**Radcliffe Institute for Advanced Study Seminar
State Responses to Terrorism: A Cross National Comparison
December 7-9 2006**

“I am certain there are no terrorists in Indonesia”.

This was the bold pronouncement of Indonesia’s Vice President Hamzah Haz in May 2002, five months before an al Qaeda funded cell of the terrorist group Jemaah Islamiyah - which had already carried out a string of bombings across Indonesia - blew up two nightclubs in Bali, killing 202 people.

Indonesia’s approach to counter-terrorism has come a long way in the four years since the Vice President’s wishful assessment. About 350 Islamic militants have been arrested and 290 prosecuted. In the process, JI’s infrastructure and organisational capacity have been heavily damaged, though, as we will see, it remains capable of wreaking devastation. Indonesia’s struggle against terrorism since the first Bali bombings has been a long and difficult road. Political denial remains a feature of the country’s counter-terrorism response, which has hampered its effectiveness. This denial is a product of several factors - widespread ambivalence, suspicion and hostility towards the “war on terror”, among both the general public and the political elite; strong grassroots support for the jihadist cause, fuelled by the war in Iraq; and the politically fraught challenge of taking on Islamic militancy in the world’s most populous Muslim nation.

It is also a product of the collision of two key episodes in Indonesia’s history – the emergence of modern Islamist terror, which demands a strong law enforcement response; and Indonesia’s own emergence as a fledgling democracy after three decades of dictatorship, a democracy in which there is strong resistance to any curbs on the people’s new and hard-won democratic rights and freedoms.

JI’s history

The Islamist uprising in Indonesia has a long and unique history, a brief summary of which is needed in order to explain the peculiar features of Indonesia’s struggle with terrorism, which, incidentally, it regards as something quite separate from the US-led “war on terror”.

It was born in the Darul Islam movement of the 1940s, a product of the campaign to have Indonesia made an Islamic state at the time of its independence in 1949. The push for an Islamic state was the most intense debate of this time and a cause with significant public support, reflected in the fact that Islamic parties won nearly 40% of the vote in the country's first elections. The Islamist cause was deeply entwined with nationalism and national identity. The Islamists had fought (alongside the secular nationalists) against Dutch colonialism, in the name of Islam. And having played a major role in winning independence, they believed that securing an Islamic state was a just and legitimate cause.

When their demand was denied by the nationalist president Sukarno, a charismatic rebel commander named Kartosuwiryo, who had fought in a war-time Muslim militia called Hizbullah, renamed his band the Indonesian Islamic Army and established his own Islamic state of Indonesia. Kartosuwiryo's Islamic state survived for 13 years. It had a 12,000-man army and its own police and civil administration. The original revolt in West Java was followed by uprisings across the archipelago, in Aceh, South Sulawesi and South Kalimantan. It was a bloody, though sporadic, civil war which claimed 20,000 lives. The rebels used tactics described as "terrorism" in newspaper accounts of the time, such as bombing cinemas and markets and poisoning water supplies.

The original revolt had a notable ethnic character (which no longer applies to the present-day insurgency), mixed with a strong element of resentment toward Indonesia's Javanese ruling elite. West Java, the birthplace of the rebellion, is populated by ethnic Sundanese, who had long bridled at Javanese political domination. In Aceh and Sulawesi, the rebellion was similarly fuelled by a range of grievances toward the far-off Java-centric national government. In Aceh, one of the first centres of Islam in Indonesia and at one time a powerful sultanate and trading nation in its own right, Islam became closely linked with separatism, the two eventually coalescing into a full-scale campaign for a separate Islamic state.

The Islamist movement in Indonesia was certainly influenced by events in the Middle East - the emergence of the Muslim Brotherhood, the ideas of Sayyid Qutb, al-Banna and Mawdudi and the spread of Wahhabism. There was a strong Yemeni influence, with most Indonesian Arabs descended from the seafaring Hadramaut traders who first brought Islam to Indonesia. (Luminaries such as JI's founders Abdullah Sungkar and Abu Bakar Ba'asyir were both of Yemeni descent.) But at its heart it was an indigenous grassroots movement, driven by the aspiration for an Islamic state in Indonesia.

Kartosuwiryo was eventually captured and killed by the Indonesian army in 1962, his Islamic state dismantled and his Darul Islam movement crushed - or so the authorities thought. In fact it flourished underground, re-energised in the '60s and '70s as effectively a movement of resistance against the repression of Suharto. Darul Islam was alternately co-opted and cultivated by Suharto as a potential bulwark against communism, and cracked down on when it emerged sufficiently to pose a threat to the regime.

The movement took on new life in the 1980s when two key leaders, Abdullah Sungkar and Abu Bakar Ba'asyir, were jailed on charges of attempting to overthrow the government, which earned them the cachet of being categorized as prisoners of conscience by Amnesty International. Facing

a second jail term they fled into exile in Malaysia, where they spent the next thirteen years building up their own network, which they rebadged in the '90s as Jemaah Islamiyah, "Islamic community". It was during this period of exile that they began sending their followers for military training in Afghanistan, where many of them embraced the global jihadist cause espoused by bin Laden. Many of the young men who joined JI saw themselves as following in a long and glorious tradition. Their fathers and grandfathers had fought the Dutch under the banner of Islam. Many of them were from Darul Islam families. The controller of the first Bali bombings, Muklas, recounted to an interviewer from the BBC how his uncle was shot dead by Dutch soldiers, while his father narrowly escaped. "It was these kinds of stories that inspired me and my younger brothers to be mujahideen", Muklas explained. His brother Amrozi added "My father wanted his children to be warriors".

The fall of Suharto and the advent of democracy in 1998 were the catalyst for the JI exiles to return to Indonesia and – paradoxically, if you accept the premise that democracy is a panacea for terrorism - for the launching of their jihad. Sungkar and Ba'asyir declared that democracy was an unacceptable abrogation of God's authority, and that the only choice for Indonesian Muslims was life in an Islamic state or death while striving to achieve it. They found a crucible for JI's jihad – their own little Afghanistan - in the vicious sectarian struggles in the Maluku islands and Sulawesi, where long-running hostility between Muslims and Christians had been unleashed with the toppling of Suharto. JI fomented and fuelled these conflicts, establishing Islamic militia groups and sending weapons, explosives and funding to exploit these local jihads as a breeding, training and recruiting ground and propaganda opportunities for its own looming holy war.

With the crucial sponsorship, training, funding and doctrinal inspiration of al Qaeda, JI evolved in around 2000 into a fully-fledged terrorist organisation in its own right; its cause shifting from the pursuit of an Islamic state in Indonesia, to the creation of a regional Islamic caliphate, and finally to the global jihadist agenda of attacking the 'far enemy' - the US, Australia & others - a shift consummated in Bali in October 2002. For the Indonesians, it was a small leap to add the US and its allies to the long list of Godless oppressors – the Dutch, the Japanese, Sukarno, Suharto - who had sought to deny and subjugate Islam.

The initial response

Right up until the 2002 Bali bombings the official response to terrorism in Indonesia was to deny that it existed, despite the mounting evidence to the contrary. An al Qaeda training camp had been uncovered in Sulawesi in 2001. Later that year a cell of JI terrorists was arrested in Singapore over an al Qaeda sponsored plot to bomb the US, Israeli, Australian and other embassies there. Some of them named Abu Bakar Ba'asyir as their leader. Omar al Faruq, the Kuwaiti al Qaeda operative sent to South East Asia to open a new front for bin Laden, had also been captured, and had implicated Ba'asyir in plans for a string of bombings. Faruq's revelations prompted the US to issue a worldwide orange alert on the first anniversary of September 11. By mid 2002, there was rising pressure from neighbouring countries like Singapore and Australia and for Ba'asyir's arrest - which was met with blanket denial. Ba'asyir's defender, the Vice President and Chairman of the United Development Party, Hamzah Haz, responded: "you'll have to arrest me first". The then US ambassador Bob Gelbard was publicly pilloried for criticizing Indonesia's inaction.

The domestic political context in which this debate unfolded goes a long way toward explaining the mood of obdurate denial. The Bali bombings occurred thirteen months after September 11 2001. The US counter-attack on Afghanistan had provoked outrage in Indonesia, as in the rest of the Muslim world. With their bitter memories of Western colonial occupation and their instinctive tendency to blame the West, many Indonesians were willing to believe that the US was at war against Muslims. Their scepticism was compounded by the fact that, at the time, the existence of JI was unknown, except for the first sketchy evidence beginning to emerge out of Singapore. While JI had been bombing Christian churches, shopping malls and other targets like the Philippines ambassador in Jakarta since 2000, its role in these unsolved crimes had not yet been uncovered. Bombings and other atrocities were commonplace in Indonesia, and the fact that the usual suspects were the Indonesian security forces helped to obscure the emergence of a genuine terrorist threat in the form of JI.

The publicizing of Omar al Faruq's sensational revelations only turned up the volume on the shrill denials. The leaking of the CIA summary of Faruq's confession to Time magazine - apparently to put pressure on the Indonesian government - backfired. Islamic groups condemned the CIA report as "black propaganda", harking back to the CIA's well-documented role in destabilizing Sukarno decades before, and making political capital of the widespread anger at what many Indonesians saw as foreign interference in their affairs. In a land where conspiracy theorising is a national pastime, Ba'asyir's claim that the CIA had orchestrated the Bali bombings to discredit Muslims gained popular currency, and not just among the extremist fringe. The country's former intelligence chief, ZA Maulani, a man of strident religious beliefs, announced publicly that only the US or Israel could have carried out such an attack. The Vice President openly accused the CIA. You will still hear this view expressed in Indonesia today. Even after the arrest of the Bali bombers and their proud confessions, the claim would persist that the CIA must have built the bomb for them.

The anti-terrorism laws

Despite the denials, the bombings compelled the Indonesian government into action. Its first act was to rush through new emergency regulations, Government Regulation No. 1/2002 on the Eradication of Criminal Acts of Terrorism, and No. 2/2002 on the Eradication of Criminal Acts of Terrorism in Relation to the Bomb Explosion Incident in Bali, 12 October 2002. The next time the legislature (the DPR) sat, the emergency regulations were given the status of law. Unfortunately their hasty drafting and passage resulted in legislation so flawed and legally precarious that the convictions of the Bali bombers are currently at risk of being overturned. The background to these laws and the debate around their passage provides a good illustration of how this fledgling democracy has struggled with the complex legal and political demands of counter-terrorism.

First, consider the extraordinary progress Indonesia has made in just eight years – emerging from three decades of dictatorship, propped up by a brutal military and a corrupt, incompetent judiciary, into one of the most robust and stable democracies in the region, which takes its new-found human rights and the rule of law very seriously indeed. Having finally won their long-denied civil liberties, Indonesians weren't about to give them up easily, and certainly not for the sake of a so-called 'war on terror' that many regarded as simply a war on Islam.

At the time of the Bali bombings the Indonesian parliament, elected only three years before in the first free elections in almost half a century, was swept up in the wave of “reformasi”. The parliament had just added a sweeping Bill of Rights to the Indonesian Constitution, which effectively copied and pasted the Universal Declaration of Human Rights, almost word for word, into Indonesian law. The parliament had also been debating a new anti-terrorism bill for several months, with little progress; there was far less public appetite for this bill, which went against the spirit of the times. It was a highly contentious debate, with human rights activists and reformists opposing the granting of new powers to the hated and now discredited security forces. So-called emergency laws had been used and abused by Suharto to give the armed forces virtual impunity, and the reform lobby was loath to see them revived.

The October 2002 bombings provided the impetus to get the controversial anti-terrorism bill through. It provided a range of new powers to the police – such as detention of suspected terrorists for up to six months before trial; the power to tap telephones for up to one year; the use of intelligence reports as legal evidence; and the power to block bank accounts of suspected terrorist operators or financiers. Despite concerns that these powers could easily be exploited, they were deemed justified to counter the terrorism threat that most people now believed to be genuine. The new powers were modest compared with those in neighbouring countries like Singapore and Malaysia, where a much more draconian Internal Security Act allows for indefinite detention without trial. And public concern was ameliorated by the introduction of new protections against abuse, such as strengthening of the laws of evidence and the presumption of innocence, which had existed in the law under Suharto but been routinely ignored.

In practice, the most problematic feature of the new anti-terrorism laws has been the fact that they were specifically worded to allow the retrospective prosecution of the Bali bombers. Hence the legal challenges that are currently afoot. The clause allowing their retroactive application conflicted directly with the new Bill of Rights incorporated into the Constitution, taken from the Universal Declaration of Human Rights, which states: “the right not to be prosecuted on the basis of a retroactive law (is a) human right that cannot be diminished under any circumstances”.

The constitutional ban on retrospectivity, while well grounded in international law, was in itself another flawed product of Indonesia’s rush to democratic reform. It was also highly controversial at the time of its introduction. While its advocates argued that it safeguarded an important human right, critics including Amnesty International complained that it would create a major obstacle to the prosecution of past human rights abuses under Suharto. There were suspicions that the clause had been promoted by the military lobby, which still held great sway post-Suharto by dint of the 38 seats reserved for the military and police in the parliament. What is clear is that the bill was rushed through after only twelve days of debate, enshrining the hastily conceived ban on retrospective prosecution in the constitution.

The anti-terrorism laws were contested by the defence from day one of the Bali bombing trials, with Amrozi’s lawyers arguing that the prosecution was “illegal” on constitutional grounds. However the panel of five judges presiding over his trial rejected this argument, announcing that “the application of retrospectivity can be justified, so there’s no legal dispute” - without specifying on what grounds they deemed it to be so or by what legal authority they had made such a ruling. This was typical of the legally tenuous rulings favored by the Indonesian judiciary. And so the

trials proceeded and the bombers were convicted, three of them– Amrozi, Muklas and Samudra - sentenced to death.

A year later, by which time 33 defendants had been convicted under the laws, Indonesia's new Constitutional Court – another product of the age of “reformasi”– ruled that the laws were indeed unconstitutional. The ruling was a landmark in the short history of the Constitutional Court, established in August 2003, whose rulings have been “notable for their high quality and for their concern for human rights”, in the assessment of Professor Tim Lindsey of the Asian Law Centre at Melbourne University. The ruling threw all of those convictions into doubt. The effect of it was driven home a month later when one of the key Bali bombers, Joni Hendrawan (most commonly known as Idris), appeared in court to hear the verdict against him. Idris had admitted freely to having played a central role in the bombings, attending all of the planning meetings, helping Amrozi to buy the van and pack the explosives, briefing the suicide driver and detonating one of the devices himself, the small “calling card” bomb left outside the US consulate in Denpasar. But against the weight of evidence, the charge against Idris was dismissed, the judge explaining apologetically that in the wake of the Constitutional Court finding there was no option but acquittal. Loath to release him, however, the court conveniently found him guilty of a minor role in the later Marriott Hotel bombing and sentenced him to ten years.

Unfortunately for the other Bali bombers and for Indonesia's fragile rule of law - though fortunately for the cause of counter-terrorism – Indonesian justice has proved to be not yet sufficiently steadfast for the Constitutional Court's landmark ruling to have been comprehensively applied. In a victory for personal fiat over legal logic, the Chief Justice and the Justice Minister announced that the court's decision would apply only to future cases. No judge has yet been game enough to contradict them.

The next test for Indonesia's anti-terrorism laws will come when the courts hear a new appeal lodged recently by Amrozi, Muklas and Samudra against their convictions, based on the constitutional ban on retrospectivity. Announcing the appeal, a defence lawyer remarked “We've been telling the court all along that they can't use this retroactive legislation but no-one has listened to us.” The bombers have a reasonable prospect of having their convictions overturned, though it would be a brave judge who would do so. A strong argument will be mounted by the prosecution that in fact the Bali bombers *can* be tried retrospectively because their crime was “extraordinary” and/or because it constituted a crime against humanity. The most likely result of a successful appeal – apart from prompting dozens more such appeals and throwing the court system into legal gridlock - would not be the release of the bombers, but their re-trial under the Criminal code for offences such as murder and arson, which is how their crimes would have been more effectively dealt with in the first place.

The trials and tribulations of Abu Bakar Ba'asyir

Another illustration of the legal pitfalls of countering terrorism in Indonesia is the case of Abu Bakar Ba'asyir. The saga of Ba'asyir's successive trials, acquittals and convictions demonstrates the arbitrary and unpredictable nature of the Indonesian justice system, which has been largely unreformed, and its ongoing struggle to master the complex demands of bringing terrorists to justice.

Ba'asyir was arrested shortly after the Bali bombings. But in the absence of any evidence linking him with that atrocity, he was sent to trial under Indonesia's arcane colonial-era treason laws, for the offence of *makar*, meaning physical assault (against the government). The charge was over his role in the Christmas 2000 church bombings and a plot to kill Megawati Sukarnoputri when she was Vice-President. There was compelling evidence that Ba'asyir had approved both of these plots, in the form of the comprehensive confession of JI's former treasurer Abu Bakar Bafana, arrested in Singapore in December 2001, which corroborated the CIA account of Omar al Faruq's interrogation.

The first obstacle facing the prosecution was the United States' refusal to provide Faruq as a witness against Ba'asyir. Whatever good security reasons the US may have had for this decision, given Indonesia's co-operation in having Faruq rendered to Bagram in Afghanistan after his arrest in Indonesia, this refusal to return the favor became a sore point which you can guarantee will be raised every time the US implicitly or explicitly criticizes Indonesia's counter-terrorism efforts. The star witness Bafana appeared via video-link from Singapore. His evidence of Ba'asyir's complicity in planning terrorist attacks was damning, but it was discounted by the Jakarta court because he could not be effectively cross-examined.

Ba'asyir was found guilty and sentenced to four years jail. But, in what was hailed by his supporters as an important vindication, he was cleared of the principal accusation of being a terrorist leader, when the court ruled that it had "not been legally proven" that he was the leader of JI. The fact that his conviction was secured under a law principally used against separatists in Aceh and Papua only cemented the view of his supporters, and many of the Indonesian public, that Bashir was a political prisoner being persecuted for his beliefs; a "prisoner of conscience", as Amnesty International had put it, just as he had been when convicted on a similar charge under Suharto.

Ba'asyir's trial coincided with the US-led invasion of Iraq, an event that compounded the popular hostility in Indonesia to the "war on terror" and inspired new support for the militant Islamist cause. Against this backdrop, Ba'asyir's exoneration of being a terrorist leader and conviction on a politically-charged treason offence, provided new ammunition to Ba'asyir's backers and America's antagonists. Vice President Hamzah Haz declared: "They have accused us of aiding terrorists. We are being cornered and Islam is being scrutinized. Who is the real terrorist? It is the United States for they have attacked Iraq. In fact they are the king of terrorists."

An appeal court later overturned Ba'asyir's *makar* conviction, ruling that while he had clearly given his blessing to bombings including the Christmas 2000 church attacks, these crimes did not constitute an attempt to overthrow the government as the targets were not symbols of the state. In another example of the often confused reasoning of the Indonesian judiciary, the same court noted as an aside that Ba'asyir had also approved the Bali bombings in 2002 - even though at this stage he had not been charged over them and no evidence was led of his involvement. At the end of the appeal process Ba'asyir was found guilty only on minor immigration offences, for having falsified his residency documents and left and re-entered Indonesia illegally. His sentence was reduced to 18 months.

Ba'asyir's prison term ended in April 2004. But on the day he emerged victorious from Jakarta's Salemba prison, to be greeted by thousands of supporters, he was promptly hustled into a police van and taken away to police headquarters to face new charges. Predictably, there was a riot. When he next appeared in court, Ba'asyir's supporters turned out in t-shirts emblazoned with the slogan "Free the emir from tyranny". Ba'asyir declared "Everyone knows – schoolchildren know – it's Bush and his slave, John Howard. This trial is happening at the request of Howard". And there was demonstrably some truth to his claim; the US and Australia had lobbied vigorously against his release and there was no substantial new evidence to link him to terrorism.

Once again Ba'asyir enjoyed an enormous propaganda boost thanks to events in Iraq. The first pictures from inside Abu Ghraib prison had been released, showing Iraqi prisoners naked, hooded, shit-smearing and terrorized by snarling attack dogs. Ba'asyir thundered from his jail cell that the United States had become "a barbarous nation which continuously desires to colonize and terrorize other nations. Their wealth and technological advances have been made the means by which to pressure, terrorize and make war on small, weak nations. We are now seeing how arrogant the American government is, using the power it possesses to act like a policeman who rearranges the world as it wishes... Such arrogant actions by America will clearly lead to resistance by those who have been oppressed and such a situation will lead the world into a clash of civilizations between nations and religions and will trigger all-out war." I am sure a majority of Indonesians would have agreed with him.

Ba'asyir's second trial was as shambolic as his first. He was accused of planning, motivating or ordering his subordinates to carry out acts of terror, namely the Bali and Marriott Hotel bombings. The charges over the Marriott were laid under the anti-terrorism laws, while the charges over Bali were hastily amended at the last minute and re-laid under the criminal code as a result of the Constitutional Court's ruling on retrospectivity. The case against Ba'asyir was flimsy, to say the least. There was no evidence at all linking him to the Marriott blast, a charge that his lawyers justifiably ridiculed, given that he had been in prison for nine months when the bombing took place. The charge was based on the tenuous premise that Ba'asyir had delivered a lecture in 1999 to JI militants in Mindanao, some of whom had been taken part in the Marriott attack, therefore Ba'asyir must have incited them to violence. As for Bali, there was just one skerrick of evidence that linked Ba'asyir to the nightclub bombings. This was an account supposedly provided to the police by one of the bombers, Mubarok, claiming that he and Amrozi had gone to see Ba'asyir before the bombings and Amrozi had asked "What if me and my friends hold an event in Bali?", to which Ba'asyir supposedly replied, "It's up to you, you're the ones who know the situation in the field."

While we may never know precisely what happened, this account certainly rings true. At the time of the Bali bombings, Ba'asyir had relinquished the role of operations chief in JI to Hambali and was being kept out of the loop on operations. It is likely his followers would have sought his imprimatur without involving him in the detail. But when it came time to testify, Mubarok refused to do so, standing mute in the witness box in defiant loyalty to his emir. Both Mubarok and Amrozi later denied the conversation had taken place and claimed they had been tortured to implicate Ba'asyir, though there was no evidence to support this. In the absence of Mubarok's testimony, the court accepted his untested police statement into evidence, prompting a walkout by Ba'asyir's

lawyers who insisted that this was illegal. Given that Indonesian law requires at least two forms of valid evidence to secure a conviction, it appears that they were correct.

As the trial progressed, Ba'asyir's assertion that the case against him had been cooked up by the US and its allies was bolstered by the appearance of a star witness, former US State Department translator, Frederick Burks. He testified that at a meeting in Jakarta an envoy sent by President Bush had tried to persuade the then President Megawati to arrest Ba'asyir and render him to the US. It was another propaganda gem for Ba'asyir. One key potential witness who *didn't* make an appearance was JI's operations chief, Hambali, who had been arrested in Thailand in August 2003 and handed over to the United States. Despite repeated requests, the US refused to provide Hambali as a witness, a decision that deeply annoyed the Indonesians, who believed that his testimony may have been enough to lock Ba'asyir up for good. (Although, as a senior Australian CT official recently pointed out to me, his appearance could have badly backfired had he taken the stand to allege systematic torture at the hands of his US captors for the past three years.)

At the end of the trial, seven of the eight charges against Ba'asyir were dismissed. He was convicted on a single charge of having engaged in an "evil conspiracy" that led to the Bali bombings. His conviction rested on the uncorroborated police account of Mubarak's statement. It would never have stood up in an Australian court, or presumably an American one. Ba'asyir was sentenced to two and a half years in jail, just enough to infuriate both the foreign governments lobbying to have him incarcerated forever and his growing legion of supporters, now convinced afresh that he was being unjustly persecuted. The US and Australia railed against the short sentence, Australia's Foreign Minister Alexander Downer claiming that Ba'asyir had "the blood of those 200 people killed in Bali on his hands", which he didn't. The condemnation from abroad infuriated Indonesians, who felt that it smacked of double standards. Ba'asyir had been tried, convicted and sentenced under Indonesian law, however flawed the process had been. They felt it was hypocritical for foreign government to preach at them about the rule of law, then condemn them when it didn't produce the verdict they wanted.

Ba'asyir was released in June this year, to a hero's welcome from his supporters. He returned to his Ngruki boarding school in Solo, Central Java, where enrolments reportedly doubled in the week after his release. One of his first public outings was to open a two-day conference of his public lobby group, the Indonesian Mujahideen Council (MMI), whose campaign for Islamic law has been re-energized by his return. Ba'asyir has been feted by mainstream politicians and community leaders since winning his freedom. He has been offered positions in the national leadership of two political parties, Hamzah Haz's United Development Party (PPP) and the Crescent Star Party (PBB), offers he has graciously declined. Ba'asyir was recently visited by a delegation of Christian peace activists from the European Union who met him to discuss such lofty aims as a brotherhood of man and world peace. His prestige has been further enhanced by the involvement MMI in disaster relief efforts in tsunami-ravaged Aceh and earthquake-stricken Central Java

For Indonesians, "Ba'asyir has come to embody the ambivalence they feel towards the war on terror", in the words of Indonesia specialist Dr Greg Fealy of the Australian National University. They may not agree with his strident politics, but they are sceptical of his conviction, and believe that he is not a terrorist but a victim of political persecution and foreign interference in Indonesia's affairs. The legal bungling and ham-fisted political pressure evident in his trials has probably only

set back the cause of counter-terrorism in Indonesia, by undermining the public trust and support so crucial to its success.

Intelligence gathering

In contrast to the Ba'asyir saga, the trials of the Bali bombers have been a resounding legal success, aside from the unfortunate complication of the ban on retrospectivity. This is because, while Ba'asyir's cases is rightly viewed as being largely politically driven, the bombers' trials were achieved through good intelligence gathering, expert police work and thorough legal preparation. The task of tackling Islamist terrorism has required a dramatic re-casting of the role of the security and intelligence forces, whose infamy as the instruments of Suharto's brutal authoritarian state is well documented. The job of counter-terrorism investigation, enforcement and intelligence-gathering is largely shared between the Indonesian National Police (INP) and the state intelligence agency, Badan Intelijen Negara, known by its acronym, BIN. The police force, in its current form, was created only seven years ago, when the broom of reform swept through the armed forces (TNI) which was blamed for the worst excesses under Suharto. As part of the reform process, the police were separated from the army in 1999. The INP's new counter-terrorism division has emerged as a competent, skilled and relatively professional force, an achievement worth noting. Unfortunately the same cannot be said of BIN.

BIN has a deeply murky history. In the Suharto years its focus was on tracking communists, dissidents and anyone else who threatened the power of the state, a mission it has remained faithful to even since the advent of democracy. A case in point is the poisoning murder of the renowned human rights activist Munir Said Thalib, during a Garuda flight from Jakarta to Amsterdam in September 2004. A Garuda pilot and BIN agent named Pollycarpus was convicted of his murder in December last year and sentenced to 14 years in prison. An independent inquiry found that a meeting had taken place at BIN headquarters to discuss methods of killing Munir and that 41 phone calls had been made just before and after his murder between Pollycarpus's phone and a cellphone belonging to a BIN deputy director, Muchdi Purwopranjono. "In those conversations, the two discussed the killing of Munir as he continued to sharply criticize the government and the military," the presiding judge stated. The independent inquiry urged an investigation into the role of the then BIN chief, Hendropriyono, who many suspect of having ordered the murder. However Hendropriyono has refused to testify. BIN remains mired in this ugly saga.

Keeping tabs on Muslim extremists was also a part of BIN's brief. Historically it did so by cultivating and controlling them as paid contacts and informers, creating a tangled web of connections. BIN kept key figures in the Darul Islam movement on its payroll, providing them with cars and houses and capital for their businesses. In Aceh, BIN forged links with Darul Islam and JI, in order to manipulate them against the rival Free Aceh Movement (GAM), whose ideology was at odds with JI's own. (GAM favored a separate Muslim state in Aceh, whereas JI believed that all of Indonesia should be an Islamic state.) These links were in evidence in the Christmas 2000 church bombings, when one of the eleven cells of bombers was found to be linked with military intelligence. While this link was clearly an isolated instance rather than evidence of a systemic relationship, it bolstered the popular conspiracy theory (especially among some Western academics and journalists) that the Indonesian military was behind the bombings, which helped deflect attention from JI in its early years.

After Suharto, while the police and army were undergoing “reformasi”, BIN was left to wither, neglected and unfunded, so that by the time of the Bali bombings it was “woefully short of equipment and funds”, according to the Jakarta-based intelligence analyst and author Ken Conboy. Today’s BIN is characterized by poor intelligence-gathering, convoluted analysis, dysfunctional management and a chronic mutual mistrust of its fellow agencies in Indonesia. Its technical capacity is outdated, with only rudimentary phone tapping and signals surveillance capability, leaving it heavily reliant on a flow of human intelligence that has historically been contaminated by its own political agenda. In an unkind play on its acronym, some foreign analysts refer to it by the nickname “garbage”.

Like all of its regional counterparts across South East Asia (and Australia), BIN remained oblivious to JI’s existence until 2001 when its plot in Singapore was exposed. While BIN subsequently made some headway in tracking and identifying key JI figures such as Hambali and Samudra (after they were named in relation to the Christmas 2000 church bombings), its intelligence on JI was minimal, and proved virtually useless in the aftermath of the Bali bombings. According to one account, BIN gave the Australian police a list of about 16 names, only one of which proved to be linked to JI. Defensive of its turf and reputation, BIN then proceeded to stymie the Australian Federal Police in their establishment of a joint police taskforce to investigate the bombings, by, for example, seeking to limit the number of Australian officers allowed into Indonesia. BIN’s reluctance to accept foreign assistance was echoed by some of its political masters, including the Justice Minister of the time. It was only through the intervention of SB Yudhoyono, then Security Minister, that the joint investigation got up and running.

There have been attempts to reform BIN, which are ongoing. The departure of its former head, Hendropriyono, after the last election was an important step. Hendropriyono, who was implicated in the Munir murder and arranged the deportation of the ICG’s Sidney Jones from Indonesia, among his other achievements, was synonymous with the BIN of old. He remains a powerful figure in Indonesia, who still pulls strings in BIN and has extensive business interests with his military connections. The current BIN chief, Sjamsir Siregar, is a retired general, former head of military intelligence and member of President Yudhuyono’s Success Team, apparently appointed as a reward for his political support rather than any reformist credentials. However he has made some moves toward professionalizing the agency, such as hiring more foreign language speakers as analysts, and appointing more civilians and career intelligence officers and fewer military veterans to senior roles.

In a bid to secure some credentials as a modern world-class intelligence agency, BIN recently established its own international college of intelligence on Batam island in Indonesia. Run in conjunction with the University of Indonesia in Jakarta and with assistance from the Australian National University in Canberra, the plan was to train intelligence operatives from around the region, with instruction in English. However the college was short-lived, failing to attract foreign funding or confidence. As one observer remarked, BIN’s own reputation would have been “enough to sink it”.

BIN is still widely viewed as an unreconstructed relic of the Suharto era. An anecdote recounted by a former intelligence analyst demonstrates the point. A few month ago, a group of foreign analysts

attended a meeting at BIN headquarters in Jakarta to be briefed on the security situation around the archipelago. The BIN officers conducting the briefing produced a chart that showed all the current “threats” to the Indonesian government according to their assessment. In the province of Papua, the organizations listed as “threats” included the Papuan People’s Council (MRP), the representative body established when the government granted the province autonomy in 2001.

Sjamsir Siregar is due to step down, so BIN is currently in the midst of a de-stabilizing succession contest, to which Western governments are paying close attention. No fewer than three former heads of military intelligence have reportedly thrown their hats in the ring; the appointment of any one of them would herald more of the same. The contender favored by foreign observers is Siregar’s deputy Asad Said, an Arabic-speaking civil servant and career intelligence officer who spent eight years posted in the Middle East. Regarded as “clean” and, importantly, not linked to the Munir assassination, Asad has had carriage of Siregar’s reforms. His appointment might improve the prospects of BIN being reformed into a competent, modern intelligence agency.

The role of the police

In contrast to BIN, the police CT division is generally regarded as professional, skilled and disciplined, which has been an essential factor in the high number of arrests and prosecutions. The Indonesian police have not always been so well regarded. Bribery and corruption have been, and remain, endemic. A junior police officer earns as little as 700,000 rupiah (US\$75) per month, as part of a low-wage structure which relies on police being able to supplement their salaries through extortion and bribes. It’s a “trickle up” system, whereby a low-level street cop who receives a payoff passes the money up the chain as far as the general in charge; then when the junior cop marries, the general – who has reaped the proceeds of many such payoffs - buys him a house, for example, to reward him. Police compete for promotion to posts where they can supplement their salaries through extortion; they’re known as “wet” positions, as opposed to “dry” ones. Conveniently, conventional corruption is not an issue in counter-terrorism because the terrorists don’t have money to throw around among the police.

The professionalization and upskilling of the CT police is due in part to the dedication and talent of Indonesia’s chief CT investigator, the respected (Catholic) Brigadier-General Gories Mere and his hand-picked team of investigators in the crack CT taskforce known as Special Detachment 88. It is also due to extensive foreign assistance from countries like Australia and the US. Special Detachment 88 is funded and equipped by the US State Department, while the investigations into JI’s four major bombings - Bali one and two, the Marriott and the Australian embassy - have been guided closely by the Australian Federal Police, though the AFP has taken great pains to give all public credit to the INP.

Traditionally the Indonesian police relied on two key tools in criminal investigations. The first was an extensive network of informers. This network has been extremely useful in the recent CT investigations, in which the police would send an informant into a village, posing for example as a prawn cracker salesman, to surveil suspects and gather information. The second tool was the art of “persuasion”, employed to secure the confessions that, until recently, formed the basis for most criminal trials. The “persuasion” method frequently included the use of violence and torture.

Starting with the 2002 Bali bombings, the AFP and counterparts like the FBI trained and skilled the Indonesians in an entirely new field of inquiry - the gathering and use of forensic, physical, documentary and electronic evidence. This has revolutionized Indonesian criminal investigation, although it is unclear how widely it has spread beyond the CT field. As one observer pointed out, now the Indonesian police gather the evidence first – and *then* persuade the suspect to confess. The Bali trials exemplify this, relying as they did on watertight physical evidence combined with confessions, which proved surprisingly easy to extract, due in part to the bombers' eagerness to boast of their accomplishments. The AFP, while deeply involved behind the scenes in all aspects of the investigations, took care to absent themselves from the interrogations where the confessions were obtained, in order not to be a party to whatever methods the INP used to obtain them. There is ample evidence that the use of violence and torture during interrogations remains a feature of the police armory. There are documented cases of suspects being severely beaten or subject to electric shocks, and one case where a detainee had his nipples pinched with pliers until they bled. This is despite a new police code of conduct combined with strengthened civil liberties protections, without which such abuses would, presumably, be even more commonplace.

Notwithstanding these abuses, the trials themselves have for the most part been conducted in accordance with the rule of law, such as it is in Indonesia. Importantly, the Indonesian public has seen that the bombers have been subject to due legal process, as a result of which they appear to enjoy less public sympathy than their leader, Ba'asyir, who was seen to be subjected to a political process. Of course a downside of due legal process is that convicted terrorists and their supporters who have served their time in prison get released. Several dozen former JI detainees are now free again, having served their sentences. They include the Afghan veteran Thoriqudin, aka Abu Rusdan, who was appointed JI's acting emir after Ba'asyir's arrest in 2002 and was recently freed on a good behaviour bond after three and a half years in jail. Another freed detainee is founding JI member and Ba'asyir lieutenant Fikirrudin, aka Abu Jibril, released by the Malaysian government after several years' detention under its ISA. Both these men have been designated as terrorists by the US Treasury.

The INP and counter-terrorism generally in Indonesia continues to benefit from a highly successful and mutually beneficial relationship with foreign policing agencies such as the AFP. This has resulted in the establishment of the Jakarta Centre for Law Enforcement Co-operation at Semarang, funded to the tune of \$36.4m by the Australian government, which has trained 1400 students in a range of disciplines. The AFP and AUSAID have also funded the Transnational Crime Centre in Jakarta and a new Bomb Data Centre, which will specialize in examining trends, techniques and technology in bomb-making and mapping the signature of particular bombers. The low-key fashion in which this aid has been delivered and the concerted effort to give all public credit to the Indonesians has been crucial to Indonesia's acceptance of this assistance.

International relations

Indonesia's need for foreign assistance has propelled it into the role of reluctant partner in the "war on terror", despite its grave misgivings about the US and coalition strategy. Apart from the sometimes strident public posturing for domestic political consumption, generally the Indonesians have been helpful when required, such as in the rendering of Omar al Faruq, though they prefer to keep their assistance to the US low-key to avoid a public backlash. The Indonesian enthusiasm for

international co-operation is tempered by their belief that it tends to be a one-way street, as in the US refusal to provide Faruq or Hambali as witnesses .

Post-Suharto Indonesia prides itself on being an independent and respected member of the international community in its own right, citing its ratification in February this year of the International Covenant on Civil and Political Rights and the Covenant on Economic, Social & Cultural Rights. Their new-found commitment to democracy and civil liberties combined with the disaster in Iraq have placed the Indonesian in the unaccustomed but comfortable position of occupying the moral high ground. An Indonesian diplomat pointed out to me recently “*Our* war on terrorism is based on Indonesian values, *not* US values”. He explained that “Indonesian values” are rooted in the rule of law and respect for human rights, whereas “US values” are exemplified by the treatment of prisoners in Abu Ghraib and Guantanamo Bay – “no human rights, no respect for the supremacy of law”, and I quote.

(It may seem like a cheap shot, coming from the Indonesians, but in fact the United States’ extra-legal approach to counter-terrorism has created a profound quandary for its allies. A senior Australian CT officer recently told me: “Since the Americans have abandoned the legal-judicial model of counter-terrorism, there is no sensible interface that we can have with them. In the past when there was a terrorist attack, eg after the 1993 WTC bombings, the US would set up a task force. Now their approach is predator drones, renditions, holding people incommunicado, and so on. They have deliberately abandoned the legal-judicial model. It leaves a country like Australia with nowhere to go.” He cited as an example the case of the Australian David Hicks, currently in his fifth year in Guantanamo Bay.)

Indonesia’s suspicion of the US – and Australia – was revealed in a recent survey by Australia’s Lowy Institute. It revealed not that Indonesians want the US “out”, but that they want it to have as much influence in Asia as other powers such as the European Union or China. However they don’t trust the US to act responsibly in their region. Only 32% of respondents stated that they trusted the US “a great deal” or “somewhat”, while 64% trusted it “not much” or “not at all”. Indonesians were also asked the (somewhat loaded) question of whether the US has the “responsibility to play the role of world policeman – that is, to fight violations of international law and aggression wherever they occur”. 69% of respondents stated that it does not. (Incidentally, Australia is regarded even more poorly than the US, largely due to its greater proximity, a long history of tetchy relations and Australia’s support for the separation of predominantly Catholic East Timor in 1999.)

The explanation for Indonesians’ suspicion is partly cultural, based on the US’s (and Australia’s) perceived lack of understanding of “Asian values”; and partly political, a product of the US-led coalition’s aggressive global CT efforts and perceived “war on Islam”. Any discussion on this subject with an Indonesian invariably leads to debate about what actually constitutes terrorism and then on to the concept of “international terrorism”, as Indonesians call it, by which they mean the policies of the US and Israel (which they tend not to distinguish) in Iraq, Afghanistan, Lebanon and the Palestinian territories. An Indonesian diplomat told me recently, “Indonesian people believe the US & Israel have conducted state terrorism”. This view was echoed in the banners and chants of protestors who took to the streets during George Bush’s brief visit to Jakarta last month. Notwithstanding those protests, the Bush visit can only bolster US-Indonesian relations and public support for the undoubted CT commitment of President Yudhoyono, who is the best ally the West

could hope for in an Indonesian leader. As Australians know well from decades of experience, giving face is a crucial element of diplomacy with Indonesia.

In the interests of giving face and giving due credit, the AFP points out that the Indonesians should also be applauded for their pro-active regional approach to counter-terrorism in Southeast Asia. JI being a pan-Asian organization - covering Indonesia, Singapore, Malaysia and the Philippines - a pan-Asian response is crucial to tackling it, and the Indonesians have recognized and embraced this reality. They were instrumental along with the AFP in the creation of a Multi-National Operations Support team, with an office and staff in Jakarta, involving police from at least six countries.

Politics

In strictly law enforcement terms, Indonesia's CT approach has been robust and effective. In addition to the pursuit of the JI bombers, this is also evidenced in the authorities' current handling of the ongoing conflict in Poso, Sulawesi. Where previously communal tensions were allowed to fester and then explode into sectarian warfare, now the government is taking a far tougher approach, evidenced by a bolstering of the military and police presence and a recent visit to the region by the police chief General Sutanto.

On the political front however, the government's policy remains somewhat schizophrenic, which is best illustrated by its prevarication on the question of the existence of JI. The Indonesian government, right up to President Yudhoyono, continues to maintain the fiction that JI "does not exist" as an organization, despite the fact that its own operational manual, PUPJI, outlines in intricate detail its leadership hierarchy, branch structure and system of shura/councils. While its impact on actual CT efforts is debatable, the refusal to acknowledge JI's existence undoubtedly hampers the crucial cause of public diplomacy and perpetuates the view in the public mind that JI is a creation of foreign governments bent on interfering in Indonesian affairs. It also means that while the police have vigorously pursued the cells of bombers responsible for the four attacks, the larger membership base and grass roots community support network crucial to JI's ability to proselytize, fund-raise and recruit remains largely intact.

The perplexing exercise in denial by the otherwise highly regarded Yudhoyono reflects a number of political realities. One is the domestic political imperative of pandering to the small but influential extreme Islamist lobby and the significant community support for militant Islam. Another is the extreme sensitivity, bordering on paranoia, among Indonesia's political elite and public to being "lectured" to by foreigners. An Indonesian diplomat told me recently that one reason why the authorities won't ban JI is that the US and Australia keep telling them they should. And then there is the genuine (albeit politically convenient) dilemma of outlawing a group whose name (cleverly chosen) means, simply, "Islamic community". How does the government of the world's most populous Muslim nation prohibit an "Islamic community"? Public support for Indonesia's CT efforts is tenuous enough when it comes to arresting people accused over terrorist attacks. That support would erode very sharply if the police started arresting people for simply belonging to an organization with such a banal moniker as JI.

The new JI

By some measures, Indonesia's CT efforts have been extremely successful. Some 350 arrests and 260 convictions; the apprehension of almost all of the cell-members involved in the four JI bombings plus a number of senior operatives and lieutenants who have exposed the structure and modus operandi of the organization; the effective dismantling of JI's infrastructure and the severing of its former chain of command; and the death of its "bomb-master" Dr Azhari Husin, killed in a police raid in November last year .

However the high "body count" of arrests includes many low-level supporters and helpers who provided shelter or money or acted as messengers, and is as much a reflection of Indonesia's large population (245 million) and the seriousness of its terrorism problem, as of its successful CT efforts. JI's wider support base remains largely untouched by the police crackdown. The size of this base is difficult to pinpoint, but in an internal document in 1998/9, JI itself quantified its numerical strength at 2,000 members and 5,000 trainees. By this measure, a tiny fraction of them have been apprehended. A number of highly skilled and dangerous JI operatives remain at large. Chief among these is the Malaysian Noor Din Mohammed Top, a former masters student from the science faculty of the University of Technology Malaysia, who was the planner and recruiter behind the second Bali bombings in October 2005. Others at large include JI's long-time military chief, Zulkarnaen, an eight-year veteran of Afghanistan; and Bali bombers Dulmatin and Umar Patek, who remain on the run in the southern Philippines, despite the US having posted rewards for their capture of US\$10m and \$1m respectively. Their wider network of sympathisers – though presumably deterred by the hefty penalties being imposed - has proven sufficiently loyal to continue to provide shelter, food, funding, logistical support and a pool of willing suicide-bombers for Noor Din Top and his colleagues to continue their operations.

Like al Qaeda and the rest of the global jihadist movement, JI has proven remarkably resilient and adaptable. Just as al Qaeda did after the destruction of its infrastructure in Afghanistan, JI has responded to the dismantling of its organization by de-centralizing and transforming itself from a highly structured, hierarchical organization into groupings of like-minded individuals and cells working autonomously and calling on support and assistance from other sympathetic jihadist organizations, of which there have proved to be many. This has been well documented by the ICG's Sidney Jones in her more recent reports on JI.

A new JI training manual reported recently by the respected Indonesian news magazine Tempo illustrates JI's abandoning of its old vertical hierarchy in favor of a more horizontal cell-based structure. The new structure is said to have been the initiative of Noor Din Top, who was reportedly shocked at how easily JI's entire structure was exposed as individual members were persuaded to confess. The document instructs JI members in how to organize themselves in cells, detailing methods for recruiting cell-members, fundraising, assigning tasks, training and organizing meetings. It describes how each candidate must be thoroughly vetted, ideally between the ages of 12 to 18 years, the "character forming" age. It outlines a series of courses they must then pass including proselytizing, intelligence gathering, identifying security systems and using computers and the Internet. Those with an engineering background can reportedly apply to study bomb-making.

JI's operational guidelines, PUPJI, envisage three alternative methods of organization: centralization, controlled de-centralization and uncontrolled de-centralization. One high-value JI

detainee, Mohammed Nasir bin Abas, formerly head of its Philippines branch Mantiqi 3, has told the Indonesian police that he believes that JI has now reverted to the third model, uncontrolled de-centralization, though it is not entirely clear that this is a system as such, rather than simply a label for no system at all.

The modus operandi for last year's second Bali bombings certainly suggests that Noor Din Top is running a de-centralized operation and reaching out beyond JI to other sympathetic groups outside its own network. Only two of the Bali 2 bombers were from JI while the rest were from separate jihadist groups sympathetic to JI's ideology and aims. Top has recently re-branded his own outfit as *Tanzim Qoidatul Jihad*, overtly moving closer to al Qaeda, at least in name. There is much speculation over whether Top has split off from JI, and the extent to which JI itself is split over the use of terrorism as a political tactic. The ICG's Sidney Jones, who has studied JI more closely than anyone, believes the terrorists in JI are a minority faction and that the mainstream JI organization has reverted to its old agenda of building up its military strength to pursue an Islamic state, though it's unclear exactly how it hopes to achieve this. It is certainly beyond doubt that there are divisions within JI, a moderate rump always having opposed the use of violence. However Australian intelligence analysts dispute the notion of a "split", which they argue has been promoted by the Indonesian authorities to give the impression that JI as a terrorist threat has been contained. Some Australian analysts advance the view that JI is pursuing a deliberate dual-track strategy, similar to that used by other militant groups such as Hezbollah or the IRA, combining the use of direct action, ie terrorist attacks, with an overt political agenda.

JI clearly remains capable of the kind of lower-level attack it has carried out annually for the past four years, such as the bombing of the Marriott hotel in August 2003 (which killed 11 people), the Australian embassy in September 2004 (which killed ten) and the second Bali bombings in October 2005 (which killed 22 and injured 102). It remains to be seen whether it is still capable of a 'spectacular' like Bali 2002. Currently JI is running behind schedule in its pattern of yearly bombings. If there is no bombing this year, it will be tempting to conclude that JI's operational capacity has been severely dented and that it is struggling to maintain its momentum.

This is at odds with the assessment in the April 2006 US National Intelligence Estimate, which named Jemaah Islamiyah among a number of groups that "unless countered, are likely to expand their reach and become more capable of multiple and/or mass casualty attacks outside their traditional areas of operation". This assessment is not supported by the information currently available on JI. Thus far JI has attacked exclusively within Indonesia, although it did plan attacks in Singapore in 2001. Currently, its only other significant theatre is the Philippines where JI has worked for several years with its allies in the Moro Islamic Liberation Front (MILF) and Abu Sayyaf group to conduct attacks against Philippines targets. In these operations JI has acted in a support and advisory role. There is no current evidence, to my knowledge, of JI seeking to expand its reach outside its traditional areas of operation. On the contrary, its surviving bombers led by Top (and, until his recent death, Azhari) have deliberately stayed within Indonesia for their campaign of attacks, while Dulmatin and Umar Patek escaped to the Philippines where they have taken part in joint military training and operations with the Philippines groups. JI faces a big enough challenge maintaining its operational capability (and has enough available targets within Indonesia) to preclude any likelihood of its attempting attacks abroad.

However the lull in attacks on Western targets has coincided with an extremely disturbing trend – the resort to vicious, small-scale killings. The most horrific of these was the beheading of three Christian schoolgirls, ambushed on their way home from school, their decapitated bodies left lying by a roadside in Poso in October 2005. Evidence produced in the trial of one of the perpetrators has revealed that the killers were members of JI, and that the murders were a deliberate act of provocation aimed at reviving the communal hatred that previously bolstered JI's cause.

Influencing attitudes

Regardless of the number of arrests and the damage done to JI's organizational capacity, Islamist violence and terrorism will remain an issue for as long as the cause of violent jihad enjoys a strong groundswell of public support and/or tolerance. In Indonesia, with its 60-year history of violent struggle in the name of Islam and its deep aversion to perceived foreign aggressors, this is extremely difficult to combat. And combating it is probably impossible as long as the US and its allies continue to be seen as attacking Muslims in theatres like Iraq and Afghanistan.

The level of public support for the jihadist movement is reflected in opinion polls conducted by the Indonesian Survey Institute. One question recently asked was: Do you know of and agree with the struggle of the following Islamic groups? The groups listed were JI, Ba'asyir's MMI and Hizbut Tahrir. 17.4% of respondents stated that they supported JI's struggle. (Support for the other two groups was 16.1% and 7.2% respectively.) Allowance must be made in reading these figures for some likely confusion over the meaning of the term "jemaah islamiyah", particularly in view of the government's insistence that JI as an organization doesn't exist. If we accept the figure of 17.4%, it means that 42 million Indonesians support JI. If we, say, halve it to allow for confusion over the question, it still leaves more than 20 million potential sympathizers.

Another question was this: Bombings like Imam Samudra's bombing in Bali are jihad to defend Islam – do you agree? 9% of respondents agreed. Again the wording leaves the response open to interpretation. The respondents may have been stating that this was how Samudra viewed his bombings, without necessarily agreeing with him. However the figure echoes the result of an earlier survey in which 11% of respondents stated that they believed that suicide attacks on civilian targets are sometimes justified, while 8% expressed support for Noor Din Mohammed Top. This is not to say that support for Islamic extremism and/or the use of violence is rising across the board, as was feared at the time of the 2002 Bali bombings, which coincided with a surge in radical activity such as the trashing of nightclubs by the Islamic Defenders' Front (FPI). If anything, the reverse is true; the polls show fewer Indonesians support bin Laden than they did in 2001. Most observers now believe that the level of militancy in mainstream society has remained roughly steady for the half century since the advent of the Darul Islam movement. However the inspirational effects of the war in Iraq certainly ensure it is not waning. Indonesians make a significant distinction: Not many of them support Muslim activists blowing up Western targets in Indonesia; a much higher proportion would approve of blowing up Western targets in Iraq.

What has occurred across the mainstream is a notable rise in Islamic observance and piety, as evidenced by rising mosque attendance and more women wearing the hijab, or veil. As elsewhere, Islam is increasingly an important emblem of personal and national identity. There is a concomitant trend toward religious conservatism. The LA Times recently reported a campaign to punish

“deviant thinkers” in the form of a series of fatwabs issued by the Council of Ulama, which resulted in a high school religious teacher being jailed after a relative heard him whistling while he prayed, and a pesantren imam being convicted of “spreading hatred” after his insistence on conducting prayers in Indonesian as well as Arabic caused a riot in his village. This conservatism has been embraced by the government, which has drawn up a new penal code introducing two year prison terms for unmarried couples who live together and ten years for kissing in public. While religious conservatism can not be equated with violent extremism, it does help to create the “complicit society” (to use Louise Richardson’s term) in which terrorism is able to survive and flourish.

The Indonesian government is taking its own range of steps to moderate public attitudes and minimize support for extremism. Under a program it calls “Empowering the moderates”, the government has sought to embrace and promote the country’s two largest Muslim groups, the Nahdlatul Ulama and Muhammadiyah, which between them claim up to 80 million members. The results have been seen both domestically and internationally. Muhammadiyah hosted an inter-faith dialogue between Australia and Indonesia in Jogjakarta in 2004, which was to be followed by another in the Philippines this year. While initiatives like this are unlikely to have any impact on the radical fringe, they may help to promote a more moderate public debate.

The government has also set up a political taskforce called the Combatting Terrorism Team (TPT), to promote public discussion of the need for tolerance and moderation. This was an initiative of the current Vice President Jusuf Kalla, whose support for the CT cause has been somewhat more enthusiastic than his predecessor Hamzah Haz. Like many Indonesians, Kalla was shocked out of his complacency by footage of the three suicide bombers from the second Bali attacks, whose videotaped pledges to die for Islam were widely broadcast. While the TPT was a laudable initiative, in practice it has been passive and low profile, and its composition has ensured its public efforts have been trouble-prone. Its members include a number of religious and political extremists like Muhammad Al Khaththath, chairman of Hizbut Tahrir Indonesia, who is among those who blamed the CIA for the Bali bombings. Another member is Kholil Ridwan, a leader of the Council of Ulama, who believed that the Bali bomb was a thermo-nuclear device and who stated after the US bombing of Afghanistan that he was looking for sources in Muslim law to allow the spilling of American blood. The appointment of these individuals to a government taskforce designed to promote moderation demonstrates just how acceptable and normal their “extreme” views are in Indonesia, and the uphill battle Jakarta faces in the area of public diplomacy.

More promising is Jakarta’s backing for an NU program to reform and modernize its Islamic schools, which number in the many thousands. The program pioneered by NU’s leader Hasyim Musadi includes introducing computers, sending teachers for higher degrees in Jakarta and overseas universities and a student exchange program with Britain to promote understanding of the West and religious tolerance.

The issue of combating the spread of radicalism in Indonesia’s 17,000 Islamic schools is a vexed one (and the NU schools are not the ones from which the militants have sprung). A small number of pesantren – chiefly Abu Bakar Ba’asyir’s own Ngruki school in Solo – have acted as “crucibles for the formation of cadres of mujihadeen” to “nurture a zeal for jihad and love of martyrdom”, the objective that Ba’asyir himself identified for them in a speech on Islamic education in 2000. Ba’asyir’s school has produced more than two dozen convicted terrorists. Related schools such as

the Darul Syahada (house of martyrs) and Al Muttaqien pesantren, both in Central Java, have also acted as breeding grounds for JI. These schools are no doubt being closely watched. However there are no grounds to close them down. And interfering in the Islamic education system, which for decades has filled a vacuum created by the central government's own neglect of education, would be extremely unpopular politically.

The Indonesian police have adopted their own program of "de-redicalization", featuring their star recruit, the detained former Mantiqi 3 leader, Mohammed Nasir bin Abas, who is now on the INP payroll, having rolled over to inform on his former colleagues. Abas was always among the moderates who opposed the resort to terrorism. He is now sent in to Indonesian prisons to "de-program" JI inmates, by persuading them that their use of violence is not justified under religious law. The police have claimed some success in this approach, though they are unable to quantify it and they admit that it can only work on those for whom religion is the actual motivation, rather than a rationalization for their actions.

The task of changing attitudes is the toughest challenge facing counter-terrorism in Indonesia. JI has proven remarkably resilient thanks to its stable bedrock of support, a product of its historical longevity, the enduring resonance of its philosophy and its origins as a grassroots community-based network. As long as they can find new inspiration in the plight of Muslims in far-off Iraq, Afghanistan and Palestine, JI's leaders will be able to persuade new initiates to strap on back-packs filled with explosives and detonate them in public places frequented by infidel foreigners. So far JI has been able to recruit more young suicide-bombers than it has been able to use. One recruit, a young man named Solchanudin, told a Jakarta court how he was promised that the first drop of his blood would erase all of his sins and open the gates of heaven to 70 members of his family. It must have seemed an altruistic act. Interestingly, Solchanudin changed his mind and backed out after seeking a second opinion from his local ustad, who told him that dakwah was the best way of fighting infidels rather than violence. And therein lies a glimmer of hope. If only the views of the moderates can be made to drown out those of the fanatics, then one day – though perhaps not in our lifetimes - the terrorist attacks might cease.

References

- "In the Shadow of Swords: On the trail of terrorism from Afghanistan to Australia", Sally Neighbour, Harper Collins, 2003.
- "Darul Islam and Jemaah Islamiyah: An historical and ideological comparison", Greg Fealy, ANU, 2004.
- "The Political Consequences of Military Operations in Indonesia, 1945-99", PhD thesis by David J Kilcullun, UNSW, 2000.
- Sidney Jones, International Crisis Group. "Indonesia Backgrounder: How the Jemaah Islamiyah Terrorist Network Operates", 11 December 2002; "Jemaah Islamiyah in South East Asia: Damaged but still Dangerous", 26 August 2003; "Recycling Militants in Indonesia: Darul Islam and the Australian Embassy Bombing", 22 February 2005; "Terrorism in Indonesia: Noor Din's Networks", 5 May 2006.
- "The Second Front: Inside Asia's Most Dangerous Terrorist Network", Ken Conboy, Equinox Publishing, 2003.

- “Indonesia’s New Anti-Terrorism Law: Damned if you Do, Damned if you Don’t”, Tim Lindsey, *Asian Law*, January 1998.
- “Retrospectivity and the Constitutional Validity of the Bali Bombing and East Timor Trials”, Ross Clarke, *Asian Law*, 2003.
- “Jakarta’s Bashir dilemma”, Tim Lindsey, *The Age*, 8 March 2005.
- “Work in Progress: Review is not a release”, Tim Lindsey, Simon Butt and Ross Clarke, *The Australian*, 27 July 2004.
- “Independence of the Judiciary at Stake, not the Bali bombers’ fate”, Tim Lindsey and Simon Butt, *Sydney Morning Herald*, 30 July 2004.
- “Australia, Indonesia and the World: Public Opinion and Foreign Policy”, the Lowy Institute Poll 2006.
- Indonesian Survey Institute, 2006 poll.
- “This is no way to win the war on terrorism: Bashing Bashir harms the fight against Islamists in our region”. Greg Fealy, *The Australian*, June 29 2006.
- “Selecting a new head of intelligence”, Ken Conboy, *Jakarta Post*, November 6 2006.
- “Selecting the next chief of intelligence”, Ken Conboy, *Jakarta Post*, November 19 2004.
- “Indonesia’s Victims of Faith”, Richard Paddock, *LA Times*, March 24 2006.
- “Munir’s murder: Assassin down, masterminds to go?” Asian Centre for Human Rights, 21 December 2005.
- “Munir Update”, David O’Shea, SBS, *Dateline*, 17 August 2005.
- “The New Handbook on Terrorism”, *Tempo magazine*, Sept 12-18 2006
- “A Four-Cell Network”, *Tempo magazine*, Sept 12-18 2006
- “Indonesia plans new morality laws”, *BBC News*, February 6, 2005.
- Background briefings with Australian police and intelligence analysts and Indonesian diplomats in October/November 2006.
- Proof-reading and corrections courtesy of Sidney Jones and Ken Ward.