

# An Indonesian perspective on terrorism and counter-terrorism

Professor Hasjim Djalal

Long before the 11 September 2001 attacks on the World Trade Centre and the Pentagon, Indonesia had already been dealing with a number of terrorism issues domestically. Since its independence in 1945, Indonesia has been subjected to various kinds of terrorist acts.

The recent spate of terrorist bombings, however, began in 1998 with one incident causing no casualties. This rose to five bombings in 1999 with a total of five casualties, 46 bombings in 2001 causing 46 casualties, and 49 incidents in 2002 (including the wave of Christian church bombings). In most cases, the reasons for this terrorism were separatism or religious radicalism, fuelled by the decline in social and economic conditions resulting from the financial crisis of 1997.

Yet, the most spectacular and devastating terrorist act took place on 12 October 2002 in Bali. According to Police General Made Mangku Pastika, the Chief Investigator of the Bali bombing, and other sources:

The Bali attacks involved three bomb blasts in three locations. As of 9 January 2003, 192 people were killed (187 bodies have been identified, five remain unidentified and there are 142 body parts still under examination. The blasts also damaged 58 buildings, 19 cars and 32 motorcycles. The ensuing investigation involved 400 Indonesian police assisted by 110 foreign police officers drawn from Australia, US, UK, Japan, Germany, France, New Zealand, Sweden, Netherlands, Philippines, Singapore and Malaysia.

The investigation indicated that the bombings were conducted by a group with international support, were well planned and involved suicide bombers. So far, 30 suspects have been apprehended. These include five principal suspects believed to be directly involved in the bombing acts, four suspects believed ready to act as suicide bombers, and 21 facilitating suspects. A further 10 suspects are still being sought.

Investigations also indicate that there were direct relations between the Bali bombing and the Jemaah Islamiyah 'network' in South East Asia. This involved Singapore and Malaysia, and perhaps Thailand, in view of the fact the preparatory meeting for the Bali attack was held in Bangkok in February 2002. It was also revealed that some of the Bali bombers were former volunteers in Afghanistan wars, and had participated in inter-religious conflicts in Ambon and Poso. Some of the documents discovered also indicated that Jemaah Islamiyah sought to establish 'Daulah Islamiyah' and a 'Khilafah' (Islamic State) presumably embracing Indonesia, Malaysia, Singapore, Brunei, the Southern Philippines and perhaps Southern Thailand.

Jemaah Islamiyah (JI) is led by an Amir ('Head of State') and comprises four subordinate political organisations: the Majlis Qiyada (MQ), Markazia (headquarters), Manthiqiyah and Wakalah. The organisational structure consists of a hierarchy of seven levels. The Markaz supervises four Manthiki with each Manthiki supervising a number of Wakalahs. Each Wakalah in turn supervises a number of Khatibahs, which in turn, supervise a number of Qirdas. Each Qirda comprises a number of Fiahs (or cells), which, in turn, consist of a number of Jamaahs (or Islamic congregations or prayer groups).

The investigations also revealed that there was annual reporting of military training. These reports included an inventory of weapons and ammunition, and a list of those trained including their grade within the organisation and their shooting skills. The investigators also found manuals on the assembling of various bombs and toxic materials, as well as audio-visual tapes. The tapes included interviews by Osama bin Laden and the testaments of 'martyrs' from the Washington and New York attacks, together with material on 'Jihad', the riots in Ambon and Poso, and the approval of Abu Bakar Baasyir regarding the implementation of 'Jihad' on Ambon.

The Bali bombing investigation also identified the following specific difficulties with counter-terrorism activities in Indonesia:

- About 500 Jemaah Islamiyah members may be active in South East Asia, while only about 100 have been detained, particularly in Indonesia, Malaysia, Singapore and the Philippines. Some 20–25 alleged JI operators may still be at large in Indonesia and only 10 of that number are identified.
- Within Indonesia there are different perceptions regarding Perpu (Emergency Decree) 1/2002 on counter-terrorism, particularly with regard to cooperation with foreign agencies.
- The intense interest of the mass media and the tendency for some police officers to provide information to them anonymously and not through authorised channels.
- Opposition from some politicians and observers who oppose cooperation with foreign police officers arguing that this somehow undermines Indonesian national sovereignty.

There are also several general problems in combating terrorism in Indonesia:

- Indonesia is a very large and archipelagic country spanning three time zones. It contains thousands of islands having thousands of kilometres of porous international borders and coastlines, not stringently

patrolled, and with many local communities being 'accommodative' to radical and separatist elements. The country is also susceptible to lateral conflicts (ethnic, religious, racial) and vertical conflicts between the central government and provincial and local authorities.

- The capacity of the Indonesian police and other law-enforcement agencies are limited because they are under-equipped and under-funded, while the challenges to national unity and stability are enormous.
- Indonesia is occasionally distracted by external factors, such as the difficult and sometimes abrasive political relations with Australia.
- Some Muslims in Indonesia are still nervous about their place in the world. Some of them believe in numerous 'conspiracy theories', including that the Bali bombing was the work of the CIA or Mossad.
- The conditions placed on some assistance from foreign donors complicates counter-terrorism efforts in some cases, such as the restrictions on US aid to the Indonesian police and armed forces.
- The Indonesian economy itself has not yet fully recovered since the financial crisis in 1997. Indonesia has thus not fully developed really effective defence and law enforcement capabilities commensurate with its needs.
- A number of internationally active non-governmental organisations (NGOs), primarily those assisted by Western countries, are mostly interested in promoting democratisation processes, the protection of human rights and the freedom of the press. They are less enthusiastic in their support for, and assistance to, counter-terrorism and law-enforcement activities.

Defining 'terrorism' itself is still problematic in the sense that whether the definition should be limited only to non-State actors or whether they should also include State actors. This is especially so in the case of Israel vis-à-vis the Palestinians, which is the main concern of Muslims around the world including in Indonesia.

Addressing the root causes of terrorism is essential and crucial, both domestically and internationally. These aspects are generally neglected in combating terrorism. Therefore, it is essential to take social and economic measures by increasing educational opportunities and job creation, to support moderate Muslim intellectuals to counter 'hate messages' vis-à-vis non-Muslims, particularly Jews and Christians. We also need to address the political causes of Muslim discontent throughout the world, particularly the fate of Palestinians in the Middle East.

There are, however, some immediate strategic lessons that can be learned from the Bali bombings.

- Terrorism has become even more 'borderless' and motivated by group interests ready and willing to sacrifice human lives and human values. They strike at unlikely places and times, and do not belong to any particular nationality or religion.
- The Bali bombers were non-State actors who based their attack on certain beliefs and convictions, sometimes seemingly irrational, but having a wide network of support. A 're-education' process for Indonesian society

is therefore essential.

- Mutual cooperation among countries, particularly in the region, to counter terrorist activities is even more essential.
- Investigations of terrorist activities should be carried out by experts that are professional, supported by high technology, modern equipment and sufficient funds.
- In combating terrorism, a strong legal foundation and effective and efficient law enforcement activities are required.

A number of issues that need to be further investigated include:

- The extent of the relationship between the Al-Qa'eda networks and Jamaah Islamiyah. The role of the elusive Mr 'Hambali' in this regard may be very significant. It appears that Al Qa'eda is very interested in South East Asia and seems to have been using JI as its regional arm to target US and other Western interests in the region.
- The links between Jamaah Islamiyah and the Rabithatul Mujahidien (RM) in Malaysia also need to be further investigated, since both Hambali and Abu Bakar Baasyir seem to be also the spiritual leaders of the RM.
- The introduction of 'suicide bombers' to South East Asia could have far-reaching implications, particularly to Singapore and Indonesia since the two countries are sensitive to these kind of attacks if directed at shipping at sea or in port.
- The shift from 'hard' to 'soft' targets in South East Asia due to increasing alertness and cooperative relations between law enforcement agencies in the region.

The Bali bombings have had several significant impacts on Indonesia:

- Indonesia now realises that terrorism is a clear and present danger to Indonesia itself. This realisation has also reduced the debates before the Bali bombing whether or not Indonesia was a haven for terrorists.
- The voice of the moderates in Indonesia is becoming more confident while the voice of the religious radicals has become more defensive. Indonesia has in fact supported the inclusion of Jamaah Islamiyah as a terrorist organisation in the UN list, and some radical organisations like the FPI (Islamic Defenders Front) and the Laskar Jihad have now been officially disbanded.
- There is now an increasing acknowledgement, nationally and regionally, that the Indonesian police are now doing a good job in investigating terrorist networks in Indonesia.
- The enactment of Perpu 1/2002 and 2/2002 (Perpu 2 applies Perpu 1 to the Bali attack retrospectively) on counter-terrorism. These decrees authorise the Indonesian authorities to detain a terrorist suspect (based on an intelligence report) for seven days without a court order. This is in some aspects progress, although nowhere as draconian as the Internal Security Acts applying in Malaysia and Singapore.

Prior to 1998, previous governments in Indonesia could deal with terrorism by employing various measures,

such as open and secret military operations, covered intelligence operations, negotiations, and even a combination of all these measures. But since 'Reformasi' in 1998 the measures that can be used are now limited.

The 'Reformasi' process was introduced quickly and not always with adequate transitional preparations. The old anti-subversion law that enabled anti-terrorism activities was abolished in 1999 without it being replaced by a new law. The existing criminal law has not been sufficient to deal with terrorism matters, especially in dealing with preventative actions. The criminal law basically only covers repressive actions after offences have been committed.

Albeit too late, the emergency decrees (namely Government Regulations in Lieu of Law), Perpu Numbers 1/2002 and 2/2002 (the latter enacted on 18 October 2002 after the Bali bombing), were therefore designed to enhance the legal capacity of governmental institutions, particularly the intelligence agencies, police, military, judicial system and immigration authorities to cope with terrorist crimes.

Perpu 1/2002 includes the following features:

- The regulation covers persons committing terrorist acts in Indonesia, in foreign countries, toward foreign countries from Indonesia, and against Indonesia from foreign countries.
- The penalties for terrorist offences are severe and include death, imprisonment for life or a fine of one trillion rupiah. In some cases, a minimum sentence of four years imprisonment applies.

Some of the terrorist offences covered by the regulation include:

- acts against aircraft or the safety of aviation;
- importing or exporting firearms, ammunition, explosives and other dangerous goods;
- the use of chemical, biological and radiological weapons, micro-organisms and radioactive materials;
- collecting funds for terrorist crimes or to buy materials for use in such crimes;
- helping or facilitating terrorist acts; and
- planning or encouraging terrorist acts.

Some of the counter-terrorist measures covered by the regulation include:

- detaining terrorist suspects for up to six months;
- arresting terrorist suspects and detaining them for up to seven days without a court order;
- blocking bank accounts of terrorist suspects and authorising the provision of financial information on the suspect by the bank concerned;
- opening and examining mail, and intercepting telephone conversations and other communications of the suspects;
- protecting witnesses, investigators, prosecutors and the relevant judges and their families from threats;
- confiscating the property of terrorists if they die before the courts come to a decision as to their guilt; and

- compensating the victims of terrorist acts and their rightful descendants if the judge so decides.

According to the Indonesian Constitution, emergency decrees (Perpu) must be subsequently approved by the Indonesian Parliament before becoming full laws. The draft law on terrorism currently being considered by the Indonesian Parliament to replace the Perpu includes several changes, including:

- a clearer definition of 'terrorism';
- some penalties are reduced from those instituted by Perpu 1/2002, although the death penalty is still maintained;
- the power of investigating authorities to detain a suspect for up to six months is abolished, but the result of the investigation must be read in the court openly by the presiding judge;
- the power of investigating authorities to arrest and detain a suspect for investigation is reduced from seven to three days;
- the power of investigating authorities to open mail and intercept private telephone conversations and other communications is reduced from one year to 60 days at a time; and
- the Indonesian President is authorised to establish an ad hoc task force in certain circumstances to implement the proposed law against terrorism.

Continuing Indonesian efforts to fight terrorism are being carried out on four fronts. On the national front, there are steps to promote institutional capacity building and the strengthening of legal infrastructure as discussed above. At the same time, the Government is also intensifying efforts to promote and improve social and economic conditions of the people, as well as, hopefully, better managing governance by promoting decentralisation processes, democratisation and the protection of human rights.

On the bilateral front, Indonesia is establishing formal cooperation with neighbouring countries such as the conclusion of an MOU with Australia in February 2002, and in securing bilateral assistance for institutional capacity building. The MOU with Australia promotes cooperation on intelligence and information sharing, further enhancing cooperation between the law-enforcement agencies of the two countries. The MOU also strengthens capacity building and capabilities through networking; programs of training and education; exchange visits by high-level officials, analysts and field operators; seminars and conferences; and joint operations, as appropriate.

On the regional front, there is enhanced cooperation among ASEAN members and between ASEAN and its dialogue partners:

- In May 2002 Indonesia, Malaysia and the Philippines concluded a trilateral agreement to combat terrorism and this was later joined by Thailand and Cambodia. Laos and Myanmar have now expressed a desire to accede to the agreement. Some of the agreement's features include:

cooperation against terrorism, money laundering, smuggling of goods and persons, piracy and robbery at sea, hijacking, intrusion (including by insurgent elements), illegal entry, drug trafficking, theft of marine resources, marine pollution, and illicit traffic in arms.

Also in May 2002, the ASEAN Special Ministerial Meeting on Terrorism was held in Kuala Lumpur. This meeting adopted the Work Program to implement the ASEAN Plan of Action to Combat TransNational Crimes with emphasis on the program's terrorism component. The Special Meeting was followed by a workshop on terrorism in Jakarta in January 2003. The ASEAN Work Program on TransNational Crimes covers eight areas: trafficking of persons, illicit drugs trafficking, money laundering, sea piracy, terrorism, smuggling of small arms, cyber crime and commercial crime. The thrusts of the Work Program involve the exchange of information, legal cooperation, law enforcement cooperation, training programs, institutional capacity building, and collaboration with ASEAN dialogue partners and other like-minded organisations and countries from outside the region.

ASEAN has also promoted extra-regional cooperation, such as the ASEAN-US Joint Declaration for Co-operation to Combat International Terrorism signed in Bandar Seri Begawan in August 2002. Among other aspects, this emphasises the need to strengthen capacity building efforts and assistance on border and immigration controls. In January 2003 this was supplemented by the similar ASEAN-EU Joint Declaration on Co-operation to Combat Terrorism. ASEAN has also promoted regional cooperation on specific issues, such as money laundering and terrorist financing. Coordinated by the ASEAN Secretariat, Singapore and Malaysia will soon be organising programs of training on post-blast investigations, psy-war and psy-ops techniques. Singapore will also organise a training program for ASEAN police forces on aviation security.

On the global and international front, ASEAN has taken an active interest in global action against terrorism through the UN and involving all civilisations and all religions, while at the same time addressing the root causes of terrorism. Indonesia is committed to fight transnational crime and especially terrorism. Within Indonesia a range of measures have been taken. To improve the exchange of information, both nationally and internationally, Indonesia has established a special anti-terrorist desk within the Office of the Co-ordinating Minister for Political and Security Affairs, in order to coordinate intelligence gathering between relevant departments and agencies, and to formulate anti-terrorism policies and strategies. MOU on the exchange of information have been concluded with Malaysia, Singapore, the Philippines, Thailand, Australia and others.

On legal matters, as well as the Perpu discussed above, Indonesia has also participated, signed or ratified nine international conventions concerned with combating terrorism. These cover preventing attacks on various modes of air transport, suppressing the financing of terrorism, protecting nuclear materials, prohibiting the

stockpiling of chemical and biological weapons, and suppressing people trafficking and people smuggling. Indonesia is yet to become a party to a further six relevant conventions. These include matters such as the punishment of crimes against internationally protected persons, the prohibition of hostage taking, the safety of maritime navigation and fixed sea platforms, the marking of plastic explosives during manufacture and use, and the suppression of terrorist bombings.

In law-enforcement matters, Indonesia has conducted various preventative and early warning measures to prevent further terrorist activities. The government has increased alertness in protecting and checking public facilities, airports, seaports, tourist spots, international conference venues, religious centres and establishments. Indonesian police have undergone anti-terrorist training, assisted in some cases by the US, Germany and Australia.

In terms of institutional capacity building, Indonesia has established a Special Anti-Terrorism Task Force within the Indonesian National Police. Indonesia is considering the formation of a national authority to deal with chemical as well as biological and toxin weapons. Indonesia is also aiming at the establishment of an ASEAN Joint Task Force on Post-Terrorist Attack, on the establishment of ASEAN-wide mapping of the region's terrorist networks, and on establishing an ASEAN extradition treaty as stipulated in the Bali Concord of 1976.

Finally, more intensive public discussions of terrorist issues have taken place. The Indonesian government has called on prominent Muslim leaders and politicians to prevent their followers from being influenced by terrorist and religious radical elements and 'idealism'. For instance, a meeting of all Sumatran Muslim leaders was held in Padang in December 2002. It was attended by leaders of Islamic organisations and Islamic Universities, Muslim scholars, society leaders, governmental leaders, representatives from Muslim student and youth organisations from all over Indonesia, as well as by leaders of the armed forces and police. The meeting issued a statement:

'Islam is a religion which deeply loves peace, based on love for all humanity and nature at large. Therefore, Muslims do not condone all anarchical and sarcastic actions as well as all forms of terrorism.

Terrorist acts taking place in various places have clearly destroyed the principle of good behaviour. Islam therefore proclaims war on all forms of terrorism. Besides, Islam assures the establishment of Islamic friendship, love for country and humanity.'

*Professor Doctor Hasjim Djalal MA, is a former Ambassador and currently teaches international law and international relations at Padjadjaran University in Bandung. He is also a member of the Indonesian Maritime Council, Special Advisor to the Minister for Maritime Affairs and Fisheries, and Special Advisor to the Chief of Staff of the Indonesian Navy.*