

# 2002 Bali terrorist bombing

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The **Bali terrorist bombing** occurred on October 12, 2002 in the town of Kuta on the Indonesian island of Bali, killing 202 people and injuring a further 209, most of whom were foreign tourists. It is considered the deadliest act of terrorism in Indonesian history.

A number of Indonesians were sentenced to death for their parts in the bombings and in October 2002 Abu Bakar Bashir, a leader of the Jemaah Islamiah organisation often accused of being behind the attacks, was charged over his alleged role in the bombing.

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The 2002 Kuta bomb explosion

## The bombing

At 11:05pm (1505 UTC) on 12 October 2002, an electronically triggered bomb ripped through Paddy's Bar, driving the injured out into the street. Approximately ten to fifteen seconds later, a second much more powerful car bomb concealed in a white Mitsubishi van exploded in front of the Sari Club. Windows throughout the town were blown out. Scenes of horror and panic inside and outside the bars followed, with many acts of individual heroism. The local hospital was unable to cope with the number of injured, particularly burn victims. Many of the wounded, of all nationalities, were flown by the Royal Australian Air Force to hospitals in Darwin and other Australian cities.

The final death toll was 202, the majority of them holiday-makers in their 20s and 30s who were in the two bars. Many Balinese working in the bars were also killed. Hundreds more people suffered horrific burns and other injuries. The largest group among those killed were holiday-makers from Australia. The Bali bombing is sometimes called "Australia's September 11" because of the large number of its citizens killed in the attack.

The nationalities of the dead were believed to be:



National flags at Kuta explosion site (October 17, 2002)



The monument, featuring a Balinese tree-like sculpture, a small fountain and the 22 flags of the victims' homelands, stands between the Sari Club and Paddy's Bar where the two bombs exploded.

- Australian 88
- Indonesian 38 (the majority Balinese)
- British 23
- American 7
- German 6
- Swedish 5
- Dutch 4
- French 4
- Danish 3
- New Zealanders 3
- Swiss 3
- Brazilian 2
- Canadian 2
- Japanese 2
- South African 2
- South Korean 2
- Ecuadorian 1
- Greek 1
- Italian 1
- Polish 1
- Portuguese 1
- Taiwanese 1

Three bodies remained unidentified and were cremated at Bali in September 2003.

The bomb was at first believed to be made of C-4 plastic explosive. However, on 21 October investigators at the scene disclosed that the main bomb was made of ammonium nitrate. Ammonium nitrate is a fertilizer agent and easily available in Indonesia, while C-4 is a military grade product and difficult to get. Ammonium nitrate was also the explosive agent used in the Oklahoma City bombing.

## Suspects

The organisation immediately suspected of responsibility for the bombing was Jemaah Islamiyah, an Islamist group linked in many news reports to the al-Qaeda network. The Indonesian chief of police, General Da'i Bachtiar said that the bombing was the "worst act of terror in Indonesia's history". Other Indonesian ministers stated their belief that the blasts were related to al-Qaeda.

Abu Bakar Bashir, an Islamic cleric believed by many to be among the leaders of Jemaah Islamiyah and wanted in Singapore and Malaysia, held a news conference on 12 October to deny any involvement. In a number of statements he denied that the bombing had been perpetrated by Indonesians, and blamed the United States for exploding the bomb, claiming that it was impossible for Indonesians to construct such a sophisticated device.

## Legal proceedings

### Initial charges and trials



In April 2003 Indonesian authorities charged Abu Bakar Bashir with treason. It was alleged that he tried to overthrow the government and set up an Islamic state. The specific charges related to a series of church bombings in 2000, and to a plot to bomb United States interests in Singapore. He was not charged over the Bali attack, although he was frequently accused of being the instigator or inspirer of the attack. On 2 September Bashir was acquitted of treason but convicted of lesser charges and sentenced to four years prison. He said he would appeal.

On 30 April 2003, the first charges related to the Bali bombings were made against Amrozi bin Haji Nurhasyim, known as Amrozi, for allegedly buying the explosives and the van used in the bombings. On 8 August he was found guilty and sentenced to death by shooting. Another participant in the bombing, Imam Samudra, was sentenced to death on 10 September. Amrozi's brother, Ali Imron, who had expressed remorse for his part in the bombing, was sentenced to life imprisonment on 18 September. A fourth accused, Mukhlas, was sentenced to death on 1 October. All those convicted have said they will appeal.

The Australian government expressed its satisfaction with the speed and efficiency with which the Indonesian police and courts dealt with the Bali bombing. All Australian jurisdictions abolished the death penalty more than 30 years ago, but a poll showed that 55% of Australians approved of the death sentences in the Bali cases. The Australian government said it would not ask Indonesia to refrain from using the death penalty.

On 15 August Riduan Isamuddin, generally known as Hambali, described as the operational chief of Jemaah Islamiyah and as al-Qaeda's "point man" in south-east Asia, was arrested in Bangkok. He is believed to be in American custody and has not been charged in relation to the Bali bombing. It was reported that the United States is reluctant to hand Hambali over to Indonesian authorities in light of the lenient sentence given to Abu Bakar Bashir.

## Constitutional appeals

On July 23 2004, one of the convicted bombers, Maskur Abdul Kadir, successfully appealed against his conviction. He had been tried under retrospective laws which were introduced after the Bali Bombing and which were employed to aid the prosecution of those involved in the attack. These laws were used by the prosecution instead of existing criminal laws as they allowed the death penalty to be imposed and lowered certain evidentiary restrictions. The highest court in the country, the Constitutional Court, found by a margin of 5:4 that trying the terrorist suspects under these retrospective laws violated Article 28I(1) of the constitution [1] (<http://www.ilo.org/public/english/employment/gems/eeo/download/consi.pdf>). The minority judges argued that international human rights documents such as the International Covenant on Civil and Political Rights allowed an exception to not applying retrospective legislation in the prosecution of crimes against humanity. The majority found that this argument was inconsistent with the text of Article 28I(1) which states that the rights listed there "cannot be limited under any circumstances." Following this decision, charges related to the Bali bombings against Idris (who openly confessed to participating in the attacks to the police and court) were dismissed.

Perhaps due to diplomatic pressure from Australia the significance of these legal decisions has been downplayed by members of the Indonesian government and judiciary. Both the chief of the Constitutional Court (in extra-judicial comments) and the Indonesian Justice Minister, Yusril Mahendra, claimed that the decision has no effect on the status of the 32 other convictions attained before the Constitutional Court's ruling. It is unknown if this interpretation will have legal effect as it is difficult to see how an appeal by any of those 32 prisoners could be unsuccessful.

The legal status of Kadir, Idris and others who might have their convictions quashed following the ruling on the retrospective law is unclear. There has been some suggestion that principles of double jeopardy might preclude prosecuting the bombers under pre-existing criminal laws, though this is by no means certain. Conventional western common law legal opinion would suggest that double jeopardy would not preclude prosecution for murder, arson, conspiracy and so on because the accused were never tried under a valid law and thus were not in 'jeopardy'. The situation would be similar to a person mistakenly tried in the wrong jurisdiction. However the relative newness of the Indonesian legal system means such questions are still open.



Sari Club

The decision by the Constitutional Court has been seen as an important demonstration of its independence from the Indonesian government. It is a relatively new body, created after the fall of Soeharto, and this decision has demonstrated that it is able to make a politically unpopular decision which overruled the constitutionality of the government's application of a law. In this respect, the effect of the decision may be as important to the Indonesian legal system as *Marbury v. Madison* was in the US.

## External links

- Remember Bali: Indonesian commemorative website (<http://www.indo.com/bali121002/>)
- Australian Broadcasting Corporation Bali bombing website (<http://abc.net.au/news/indepth/bali/default.htm>)
- The ABC current affairs program *Four Corners* Bali website ([http://www.abc.net.au/4corners/content/2003/20030210\\_bali\\_confessions/default.htm](http://www.abc.net.au/4corners/content/2003/20030210_bali_confessions/default.htm))
- Photographs and writings pertaining to the Bali tragedy (<http://NickBurgoyne.com>)
- A weblogger writes (and friends and family gather online) as his friend is caught in the bombing, is hospitalized, and later dies from his wounds ([http://www.emptybottle.org/glass/cat\\_emergency.php](http://www.emptybottle.org/glass/cat_emergency.php))
- "Bali Bomb Verdicts Start To Unravel" *Sydney Morning Herald* (<http://www.smh.com.au/articles/2004/08/24/1093246536043.html>)
- Melbourne University legal analysis of the Constitutional Court's decision ([http://www.law.unimelb.edu.au/alc/wip/review\\_not\\_release.html](http://www.law.unimelb.edu.au/alc/wip/review_not_release.html))

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Categories: Terrorist incidents

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