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BALI BOMBERS' PRE-EXECUTION STATEMENT: How much Islamic weight?

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The Bali bombers will be executed anytime soon. In pre-execution statements, purportedly by the bombers and their sympathisers, they have condemned the death sentences and urged Muslims to avenge them. Do these statements carry any Islamic weight?

A STATEMENT, now circulating on the Internet, has been purportedly issued by the Bali bombers Abdul Aziz a.k.a. Imam Samudra, the operational leader of the first Bali bombing, Ali Gufron a.k.a. Mukhlas and Amrozi. All three are awaiting execution, which can take place anytime now.

The three were convicted for the bombing of Bali nightspots in October 2002 which killed 202 people including 88 Australians. They were sentenced to death by the Indonesian court in different trials between August and September of 2003. However, the executions have been delayed for five years due to religious concerns, legal challenges and a series of unsuccessful appeals.

Only recently, on 24 October 2008, did the authorities issue a statement stating that there will be no more delay and the executions will be carried out anytime between 1 November and 20 November this year. According to the previous practices, the exact date of execution will only be conveyed to the convicts, their lawyers and their next of kin three days in advance. Given the high possibility of a backlash from some jihadist quarters, there is every likelihood that the executions of the Bali trio will eventually be carried out unannounced.

The pre-execution statement

The pre-execution statement in Bahasa Indonesia, the Indonesian language, contains eight points. It states, among other things, that the judgment of the court is invalid as it is based on tyrannical law. The three Bali bombers however accept the execution as a fate from God. They call upon Muslims, especially Indonesian co-jihadists, and their leaders in jihad, Osama bin Laden and Ayman Al-Zawahiri, to avenge their deaths by declaring war and killing all those responsible for the executions. The people identified for revenge are the Indonesian President and his deputy, the prosecutors, the judges and the execution team as well as Hasyim Muzadi, a prominent scholar of the Nahdhatul

Ulama, and others who support the judgment. The statement ends with a prayer that God will accept their deaths as martyrdom.

In a video interview posted on muslimdaily.net, an Indonesian Muslim news Internet site, Ali Gufron and Amrozi vehemently denied that they had requested a delay of their executions. They had denied ever arguing that death by firing squad was not Islamic, and wanted to be beheaded instead. They alleged that such reports attributed to them were lies cooked by the media.

Four days after the pre-execution statement was posted online, in an almost similar fashion, Abu Bakar Bashir, the former spiritual head of Jemaah Islamiyah (JI) and the emir of the newly-formed *Jamaah Ansharut Tauhid* (JAT), held a press conference condemning the coming executions. He deemed them as oppressive, a violation of God's law, and not based on facts.

He asserted that the number of Muslims killed in Ambon and Poso, among others, was larger than the numbers killed in Bali and yet no proportionate action was taken by the government. He further declared that the bombers are not terrorists, but performers of jihad in the name of Islam. Bashir strongly believed that even if the three bombers had planned and admitted to the crime, the CIA was behind the plot as the bombers did not have the capability of causing such massive destruction.

The International Muslim community's view

In a related development, the son of Imam Samudra, Umar Bin Abdul Aziz, was claimed to have also issued a statement, via email. Notably, it echoes the same spirit of the messages of the three bombers and JAT with slightly different wordings, emphasizing that the prayer of the oppressed, sooner or later, will eventually be answered.

Although the bombers claim, as JAT does, that they acted in the name of Islam and jihad, the international Muslim community is totally against such criminals and their perverted actions. Scholars and organizations revered by Muslims from all Islamic schools of thought have issued *fatwas* (religious verdicts) condemning terrorist acts including, in this case, the Bali bombings. These include three great scholars, namely the Grand Shaykh of al-Azhar Muhammad Sayyid Tantawi, the Grand Ayatollah Seyyid Ali al-Sistani and Sheikh Yusuf al-Qardawi, as well as organizations from all the eight legal schools of Islam.

The historic Amman Message in 2004, which witnessed the consensus of the great scholars mentioned above and all the legal schools of Islam, pronounced that it condemned all kinds of terrorism, wherever it comes from and however it is practised. It further affirmed that the act of *takfir* (charge of unbelief) is not the right of individuals -- especially the ignorant and unqualified self-taught fanatics -- but the right of authorities based on established principles outlined by the major schools of thought in Islam.

The Amman Message is crucial as the violent jihadists tend to easily declare others, when they need to, as apostates in order to justify their campaigns against them. In so doing, the violent jihadists disregard the authorities and experts who have, in consensus, declared that the act of *takfir* and the issuing of *fatwas* need to follow substantive criteria as formulated collectively by all the established legal schools of Islam.

Thus, the overwhelming international majority of Muslims are deemed to be against the Bali bombers, further highlighting the bombers' lack of popular and expert support. Indeed, the Prophet himself has stated clearly in a tradition: "If you see divergence, you must follow the greater mass or larger group [of experts or authorities]." (Narrated by Ibn Majah).

In addition, even the key ideologues of Egyptian jihadist movements, who were once key associates of the chiefs of Al-Qaeda, have now gone against them. They have recanted their ideas which are deemed

violent and have since totally condemned acts of terror such as that of Bali. The ideologues include the key leaders of the Egyptian Gama'a Islamiyya, and Sayyid Imam Al-Sharif (a.k.a. Abdul Qader Abdul Aziz and Dr. Fadl), an influential ideologue of the Egyptian Islamic Jihad.

The guilt of the Bali bombers

Importantly, the three bombers themselves have confessed to having committed the treacherous crime. Since the time of the Prophet, confession (*iqrar*) in Islam is considered conclusive evidence (*hujjah qat'iyah*) in establishing a crime. In line with this, the bombers are therefore deemed guilty. And their confessions are regarded as binding, as this case involves the rights of others.

Accordingly, the crimes confessed to are punishable, through consensus in Islam, by death. Whether the punishment is through beheading, hanging, or shooting is of secondary importance. In fact, execution by shooting is a non-issue to the jihadists as they themselves have executed many by shooting, or even worse, by slaughtering. Moreover, execution by shooting was common for the Taliban during their rule in Afghanistan, which did not attract any negative remark from the jihadists.

The above deliberations clearly point to a few conclusions. Firstly, the Bali bombing is forbidden in Islam. Secondly, the three bombers are guilty by their own admission, which, in Islam, is binding on them. Thirdly, in Islam, punishment for acts such as murder can include death. The culmination of the three points implies that all the three statements issued by the bombers, JAT and Imam Samudra's son are actually not as Islamic as claimed.

The death of the three by execution, therefore, does not render them martyrs either. Accordingly, avenging their death as instigated in the statement is a forbidden crime that should be prevented, and must not be construed as jihad in the cause of fellow Muslims.

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