

Dismissal of Suharto case heightens power struggle in Indonesia

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A week after the September 28 Jakarta court ruling that former Indonesian dictator Suharto was “medically unfit” to stand trial, the government of President Abdurrahman Wahid is seeking to have the decision overturned.

Indicted by the Attorney General's office in July, the 79-year-old Suharto was to face charges that he channeled \$US571 million from charities into corporations controlled by his family. On each of three dates subsequently set for the trial, Suharto failed to appear in court. Although Suharto has been seen in public in apparent good health, his lawyers claimed that a series of strokes have left him mentally and physically incapacitated.

The five judges of the South Jakarta District Court used Suharto's third non-appearance last week to throw out the indictment. A panel of court-appointed doctors, who had examined and questioned him for 10 hours the weekend before, reported that he was unwell, depressed and had been reduced to the mental capacity of a child. After only one hour's deliberation, the judges rejected a prosecution motion that Suharto be tried in absentia and ordered the lifting of house arrest restrictions placed upon him.

In their ruling, the judges stressed that Suharto's medical condition was “permanent”. Hailing this aspect of the decision, one of Suharto's lawyers declared that it ruled out any future trial on any charge.

The recriminations were immediate. Reflecting the broader anger among ordinary Indonesians at Suharto's apparent escape from any prosecution, thousands of Jakarta students demonstrated in the streets demanding that the trial proceed. Students clashed repeatedly with riot police outside the court and later near Suharto's Jakarta mansion.

The *Jakarta Post* editorialised last Friday: “The decision has caused untold, irreparable damage to the nation's quest for truth and justice, to the nation's struggle to wipe out corruption, and most of all, to the credibility

and public standing of President Wahid.” The *Republika* insisted: “The Suharto case must not stop here. The people will certainly be angry if all cases involving Suharto are closed. Trying Suharto's cronies and children will also satisfy the people.”

Wahid, who was touring South America when the ruling was brought down, told the media: “Even a thief stealing a chicken can end up in jail. [Suharto] was not locked up in jail, but left at home”. He said the government would appeal against the decision, accused the judges of bias and declared that he would instruct the courts to “look for judges who are clean, strict and can't be bought”.

Wahid's motive in seeking Suharto's prosecution is not a desire for justice. He has repeatedly guaranteed the former military strongman an immediate pardon were he ever to be convicted. There has been no suggestion of putting Suharto on trial for the 1965 US-backed military coup, in which some 500,000 members of the Communist Party of Indonesia, workers and peasants were murdered, or for the numerous other crimes of his dictatorship.

Rather, the trial is an attempt to meet the demands of Western powers and the International Monetary Fund (IMF) that the Indonesian government break the entrenched corporate and financial interests established during Suharto's 32-year regime and open up the economy to foreign investors.

Suharto, his family and close business associates presided over a vast business empire that relied on state-sanctioned monopolies, subsidies and investment restrictions and which also benefited top state officials and sections of the military with their own businesses. Suharto's family alone amassed an estimated fortune of some \$US40 billion through its ownership of various companies and banks. According to the *Jakarta Post*, Kartika Eka Paksi, one of the many military-controlled foundations, still owns 26 companies.

In July, the *Economist* magazine bluntly explained the

relationship between the agenda of international investors in Indonesia and a trial of Suharto: “The powerful still act with impunity and use bribes or muscles to get their way. President Wahid needs rapidly to show that this is going to change, by bringing one of the most notoriously corrupt to court, and thence to prison. Ex-president Suharto would be a fine place to start, but failing that one of his family would do.”

Major transnational banks and corporations operating in the Asian region, as well as aspiring Indonesian business layers, hope to dramatically extend their domination over the rich resources and markets of the Indonesian archipelago at the expense of the Suharto family and the military apparatus.

Wahid is under pressure from the IMF and major powers to act against the military. On October 17, Indonesia will attend an international donor's meeting in Tokyo to seek \$US4.8 billion in new loans to finance the national budget brought down this week. Donor countries such as the United States and Australia have already warned that the money will not be available unless the military disarm Timorese militias. Suharto will no doubt also be discussed.

An editorial in the *Sydney Morning Herald* on September 30 emphasised that Suharto had to be put on trial. “The ruling... [is] a serious blow to the historic attempt to renovate the Indonesian political, economic and judicial systems. Just as it has been symbolically important to see Suharto removed from political office, so, too, is it important to see Suharto face trial for the grave economic crimes alleged against him. That can only now happen if Thursday's ruling is overturned.”

The judges' decision highlights the fact that while Suharto may no longer hold power, the political and military apparatus he presided over still exerts considerable sway. To meet the demands of international capital, Wahid is engaged in a power struggle for control of the Indonesian state.

According to Singapore's *Straits Times*, two of the five judges hearing the Suharto case had been threatened with death if they found him guilty. The day before each scheduled court appearance by the ex-dictator, a bomb constructed with military ordnance exploded in Jakarta. The most devastating was the September 13 blast at the Jakarta Stock Exchange.

When Wahid publicly accused Suharto's youngest son, Hutomo “Tommy” Mandala Putra, of masterminding the bombing campaign and ordered his arrest, the police refused to carry out the instruction. Wahid then sacked the

national police chief and the deputy commander of the armed forces. Police also detained dozens of people from the province of Aceh, where a separatist movement is fighting the military, but have been forced to release some due because they have no evidence linking them to the bombings.

However, on September 26, a pro-Wahid bench on the Supreme Court sentenced “Tommy” to 18 months imprisonment on corruption charges. The decision overturned two previous not-guilty verdicts handed down by lower courts, including the South Jakarta District Court where his father's case was heard.

This week Wahid categorically rejected an appeal for clemency and a presidential pardon for Suharto's son. While various legal wranglings and appeals are underway, the 36-year-old playboy appears likely to be the first member of the ex-ruling family to go to prison.

Leading Timorese militia figure Eurico Guterres was also arrested in Jakarta on Wednesday and is to face charges over last year's militia violence in East Timor. Rumours are now circulating in Jakarta that Wahid is preparing to sack the commander of the armed forces, General Widodo, and the commander in chief of the army, General Tyasno Sudarto.

There are also indications that Suharto will soon face charges again. In a backdown from last week's ruling, Judge Lalu Mariyun, the head judge in the case, declared on Wednesday that the reason the trial had been closed was because the prosecution had failed to produce Suharto in the court, not that he was medically unfit. Mariyun told the *Jakarta Post*: “Whether tomorrow, a week or a month later, if prosecutors want to bring back the case into this court, the case will just get a new number”.

The following day government prosecutors lodged a formal appeal against the ruling. Wahid is no doubt keen to be seen to be acting against Suharto prior to the IMF donors' meeting on October 17.



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