

Indonesian president proposes to drop charges against Suharto

John Roberts
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Nearly four years after Indonesia's General Suharto was forced to resign in May 1998, he has not been put on trial for any of his regime's brutal crimes or for the systematic corruption that enabled his family to amass huge fortunes during his 32 years in office.

Just prior to Christmas, President Megawati Sukarnoputri, who came to office with the backing of the Suharto-era ruling party, Golkar, and the military, floated the idea that outstanding charges against the former dictator be formally dropped.

Justice Minister Yusril Ihza Mahendra announced that Megawati was considering dropping the charges on compassionate grounds because of Suharto's age and poor health. Suharto, now 80, had just been discharged from hospital after recovering from a bout of pneumonia.

Suharto's trial was aborted in September 2000 when the judges ruled that he was not medically fit to stand trial. But the two charges of embezzling \$US571 million in public funds still stand. Any decision to drop the charges altogether would not only set a precedent but would also ensure that others who were implicated in Suharto's corrupt practices could be less likely to face prosecution.

The announcement provoked criticism in the press and from various human rights organisations for two reasons.

Firstly, there continues to be widespread anger over Suharto's corrupt and brutal rule and his ability thus far to evade prosecution for any of his many crimes. Indicating the administration's sensitivity to public opinion, Yusril referred to a recent telephone poll published in *Kompas* that purported to show that a majority wanted the charges against Suharto dropped. Even if that were the case, it is an indictment of Megawati, and her predecessor Wahid, that a

significant layer of people may see Suharto in a better light as a result of their experiences under subsequent administrations.

Secondly, the dropping of charges would be a further setback to attempts to convince international financial institutions such as the IMF that the Megawati administration is reforming the country's legal system. International investors are not concerned over the impact of Suharto's regime on the Indonesian masses—many major companies quite happily did business in Indonesia during his rule. But as economic operations became increasingly globalised, their primary concern was to end the previous crony relations and create a "level playing field" for all capital, whether local or foreign.

Megawati's own Indonesian Democratic Party-Struggle (PDI-P) has reacted nervously to the suggestion that the charges would be dropped. PDIP secretary-general Sutjipto called on the president not to close her eyes to public aspirations for justice. "Taking Suharto to court would show that the government stands by its commitment to combat corruption," he added.

The PDI-P's deputy parliamentary leader, Pramono Anung, told the media that the party would not back the abolition of charges before a "legal decision" to do so. He appeared to be looking for a face-saving device indicating that the "decision" did not have to involve Suharto standing trial but could simply be made by the attorney general's office or the courts. Speaking after meeting with Megawati, Anung said she had stressed that the country "must respect its leaders," including Suharto.

In the face of the criticisms, Megawati attempted to distance herself somewhat from the plan. Her cabinet secretary, Bambang Kesowo, issued a statement

claiming that the proposal had not originated with Megawati but with Yusril. Only then did Megawati order “that the matter first be studied in good faith, and considered from all aspects”.

Kesowo’s claim is at odds with other accounts, including that of Coordinating Minister for Political and Security Affairs Susilo Bambang Yudhoyono, who said Megawati had asked himself and Yusril for their opinions on how best to deal with Suharto. Regardless of who made the suggestion, Megawati as president is the only person who has the power to make such a decision.

The fact that Megawati is even considering such a plan indicates the degree to which she has forged alliances with the very political forces she claimed in the past to have opposed. A whole layer of army generals, top officials, Golkar figures and prominent business leaders will breathe a collective sigh of relief if the attempts to bring Suharto to trial are ended permanently.

The two corruption charges against Suharto only touched aspects of the \$45 billion he and his family is estimated to have amassed during his three decades in power. Moreover, there have never been any moves to bring him to trial for the US-backed military coup of 1965-66, during which at least 500,000 Indonesians were murdered by army-inspired hit squads, nor the brutal repression and systematic violation of democratic and human rights that followed.

Other Suharto family members and close business associates also appear to be receiving lenient treatment at the hands of the administration and the courts.

Last year the Supreme Court overturned the conviction of Suharto’s youngest son, Hutomo “Tommy” Mandala Putra, on fraud charges. Tommy Suharto was sentenced to 18 months jail but went on the run for months rather than serve any time in jail. Police “caught” him after the court dismissed the conviction. He is currently under police questioning over the murder of the judge who initially jailed him. The two men allege that Tommy Suharto hired them to carry out the killing.

Tommy Suharto does not seem overly concerned that he will be prosecuted for murder. His main preoccupation is a legal battle he has launched to recover \$2 million he claims to have paid to two men in order to bribe former president Wahid into granting a

pardon. Wahid did not grant the pardon so Suharto is aiming to get his money back and to politically damage Wahid at the same time.

The only close Suharto associate currently in jail is Muhammad “Bob” Hasan—a business crony and golfing partner of the former military strongman. He is serving time after being found guilty of fraud. No doubt sensing which way the wind is blowing, Hasan has called for the Supreme Court to review his case, claiming inconsistencies in the verdict. The appeal was launched just weeks after Tommy Suharto’s conviction was squashed.

Last week, Attorney General M.A. Rachman announced that Akbar Tandjung, parliamentary speaker and Golkar party chairman, has been officially declared a suspect in a fraud case involving the removal of \$4 million from the State Logistics Agency (Bulog) to the Golkar party treasury.

Why such a high profile figure is to be questioned is not yet clear. It may be bound up with the sharp political tensions within the Megawati administration and parliament, and the feeling in sections of the ruling elite that some action needs to be taken to create confidence among foreign investors. Megawati may have seized the opportunity to kill two birds with one stone—bolster her sagging credentials as a “reformer” and do in a political rival at the same time.

Whatever the immediate reasons, it appears unlikely that Tandjung will be convicted and jailed—if the record of the courts in dealing with the Suharto clan is any measure.



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