Indonesian court hands Tommy Suharto a light sentence

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7 August 2002

A five-judge panel of the Jakarta District Court pronounced its long-awaited verdict on Hutomo "Tommy" Mandala Putra, the youngest son of the former Indonesian dictator General Suharto, on July 26. The court found him guilty of murdering a judge, illegal possession of weapons and evading imprisonment and sentenced him to 15 years in jail.

The decision was a political one. A not-guilty verdict would have been questioned immediately in international financial circles by those who regard the trial as an important test of the ability of the country's legal system to end the corruption and nepotism of the Suharto era. At the same time, the court was careful not to risk the wrath of the Suharto family, which still wields considerable influence in Indonesian ruling circles.

Tommy Suharto had been widely expected to challenge the decision. However, in what was the first-ever news conference convened by a prisoner inside Jakarta's Cipinang Penitentiary, he told the assembled media that, while he was innocent, his legal team, despite its loud denunciations of the trial, would not appeal the verdict or the sentence. He said his conviction had been for "political reasons" and that in the current climate an appeal was unlikely to succeed.

The *Jakarta Post* pointed to more immediate personal reasons for his decision. The newspaper noted that if a higher court rejected an appeal, the lenient sentence could also be changed and he could face the death penalty for the murder and weapons charges. Even without an appeal, he has other options, including to request a judicial review by the Supreme Court, or to admit his guilt and apply for a presidential pardon.

The leniency of the sentence has already been criticised. In part, it was due to the prosecution, which asked for a 15-year jail term. However, the court gave life sentences to the two hitmen hired by Tommy Suharto to carry out the murder of Supreme Court judge Syafiuddin Kartasamita, even though the prosecution asked for 14 years jail. Under Indonesian law, Suharto, as the instigator of the murder, should have received the harsher sentence.

Kartasamita was the judge who originally sentenced Tommy Suharto to jail over his role in a land scam involving the state-run National Logistics Agency or Bulog. Suharto had been acquitted of the charge in October 1999 but Kartasamita overturned the original decision in September 2000 and sentenced Suharto to 18 months jail. According to Kartasamita's wife, Suharto had attempted to bribe the judge prior to the decision.

In November 2000, after then President Abdurrahman Wahid rejected his clemency appeal, Tommy Suharto went underground. He claimed he had been double-crossed by Wahid's subordinates who, he claimed, had accepted large bribes. Despite a police dragnet, he was able to spend a year "on the run". During the latest trial, he explained that he had spent most of the time in his central Jakarta home, protected by the country's security forces.

After the drive-by shooting of Kartasamita in July 2001, police claimed to have found firearms and explosives linking Suharto to the murder. According to police, the two men charged with the murder claimed they were paid $10,000 by Suharto and supplied with the weapons. Suharto was "found" by police in November 2001, just after the Supreme Court overturned the original Bulog conviction on the flimsiest of grounds.

During Suharto's trial on the murder charge, which began in March this year, the two hired killers abruptly changed their stories, saying that the police had

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engineered their original statements. In May, police detained Suharto's lawyer Elza Syarief for two weeks for allegedly bribing three witnesses. When the verdict was finally announced Suharto did not attend, claiming a stomach upset. His lawyers, who called for a delay in the proceedings, ostentatiously walked out as the court continued and subsequently proclaimed to the media that there were numerous grounds for appeal.

Tommy Suharto is the only member of the powerful Suharto family to have been found guilty and jailed for any offence. The government and courts have sidestepped demands for the former dictator Suharto to be put on trial for his looting of the Indonesian economy and the many brutal crimes carried out by the military during his 32-year rule. Attempts to try the elder Suharto on limited charges of corruption collapsed when the court decided he was too infirm to face trial.

The reluctance to prosecute the Suhartos is not surprising. Suharto family members still control the bulk of estimated $US45 billion in assets they built up over three decades and have close connections to the top echelons of the military and state bureaucracy. Suharto's old ruling party, Golkar, is part of the ruling coalition that brought President Megawati Sukarnoputri to power. Any serious investigation of the Suharto family would also expose the involvement of current ministers, parliamentarians, judges, generals and police chiefs in the dictatorship and its crimes.

Tommy Suharto was initially put on trial over a relatively minor corruption charge over the Bulog deal as part of an attempt to convince both the Indonesian public and foreign investors that Jakarta was putting an end to the Suharto era. The IMF and World Bank have been insisting on court reforms to end the corrupt and arbitrary nature of legal decisions that make it difficult for international investors to conduct business with any confidence.

Suharto's subsequent murder trial, along with the corruption trial of Golkar leader and parliamentary speaker Akbar Tandjung, have been widely viewed in international financial circles as test cases. Tandjung's trial is also about to conclude in Jakarta. If Tandjung is convicted as well as Suharto, the result is unlikely to do a great deal to boost Indonesia's economic fortunes. But there may be a sigh of relief in Jakarta that even if investment is not flooding into the country, at least it is not flooding out.

As for Tommy Suharto, he is making himself as comfortable as possible in Cipinang Penitentiary for what will in all likelihood be a relatively short stay. Despite a public outcry, he has a well-equipped three room cell to himself, is being protected by his own bodyguards and a personal secretary runs errands for him. His wife, family and friends come and go as they please.

None of these proceedings have anything to do with justice for the millions of Indonesians who suffered at the hands of the Suharto regime. No one has seriously raised the necessity of an investigation into, let alone prosecutions over, the deaths of an estimated half a million people who were murdered in the wake of the CIA-backed military coup that brought Suharto to power in 1965-66 or any of the subsequent atrocities carried out by the dictatorship.

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