

Indonesian court implicates intelligence agency in murder of human rights activist

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Pollycarpus Budihari Priyato, a pilot for the Indonesian state airline Garuda, was found guilty on December 20 of the murder of the internationally respected Indonesian human rights activist Munir Said Thalib and sentenced to 14 years imprisonment by the Jakarta Central District Court. The court dropped a political bomb shell, however, when it implicated members of the Indonesian State Intelligence Agency (BIN) in the murder despite neither the prosecution case nor the accused himself making such a claim.

Munir had earned the hatred of the security forces by exposing their crimes during the final years of the Suharto dictatorship and in Aceh and West Papua after the regime's fall in 1998. He was the founder of two of the country's best known human rights groups—the Indonesian Human Rights Monitor (Imparsial) and the Commission for Missing Persons and Victims of Violence (Kontas). On September 7, 2004, he was poisoned with a massive dose of arsenic while travelling from Indonesia to the Netherlands, via Singapore, on Air Garuda flight GA974. Amid widespread suspicions of a state-organised assassination, Pollycarpus was arrested and charged with the crime. The police alleged that he had offered Munir his business class seat and then, with the assistance of two flight attendants, laced the activist's orange juice with the poison.

In their verdict summary, the judges ruled that the Garuda pilot was central to the murder but rejected the prosecution case that only Pollycarpus and the attendants were involved. They declared that there “are other parties that must be found and further investigated by law enforcers”. The judges referred to dozens of phone calls made before and after Munir's death between Pollycarpus and a cell phone owned by the then BIN deputy director and former military general Muchdi Purwopranjono. They stated that they “were of the opinion that an understanding has been reached between the defendant

and the phone caller over the elimination of Munir's life”.

The court's decision provoked an immediate reaction from the administration of President Susilo Bambang Yudhoyono, himself a former top general. Two days after the verdict, presidential spokesman Andi Mallarangeng announced that Yudhoyono had ordered “all government institutions and all government officials” to cooperate with further police inquiries aimed at identifying who was behind the murder.

These instructions, however, were virtually identical to Yudhoyono's order last December for government authorities to fully cooperate with a fact-finding panel into the killing, established after widespread condemnation of the previous lack of action. BIN officials ignored the presidential directive and refused to hand over documents. The police named commission members Rachland Nashidik and Usman Hamid as suspects in a criminal defamation case after they publicly accused former BIN head and Suharto-era general Abdullah Mahmud Hendropriyono of being unhelpful toward their investigation.

Despite the obstructions, the fact-finding panel uncovered evidence linking the assassination to BIN. The report of the inquiry was not released but members of the commission have made public statements about some of its contents. Human rights groups provided various pieces of evidence indicating that Pollycarpus had been a BIN operative over a number of years. The former BIN secretary-general Nurhadi told the *Jakarta Post* that Pollycarpus had been recruited on the orders of Hendropriyono, who was the head of the agency at the time of Munir's murder.

The commission also found evidence that a former BIN operative and special forces colonel, Bambang Irawan, was on flight GA974 but not on the passenger list. In addition, Munir, once he moved into Pollycarpus's

business class seat, was seated next to an Indonesian chemist who consults for an Indonesian firm in Holland. In the most chilling finding, the head of the fact-finding panel, police Brigadier-General Marsudhi Hanafi, publicly stated that the commission had uncovered a document that revealed murder on an aircraft was one of four possible ways that BIN had considered to kill Munir. The agency, he said, had gone as far as establishing hit squads to carry out the assassination when the opportunity arose.

The suppression of the commission's report by the Yudhoyono government gave Polycarpus's trial the character of a whitewash. The prosecution studiously avoided any reference to the evidence against BIN. Instead, it absurdly maintained that Polycarpus was an fervent Indonesian nationalist who made a spur-of-the moment decision to murder Munir because he considered him to be "someone who caused problems in the implementation of his own programs to support the Unitary State of Indonesia".

The prosecution case was contrary to the evidence revealed both by the initial police inquiry and the fact-finding panel. During the trial, prosecutors alleged that Polycarpus, who was on the first leg of Flight 974 supposedly to help repair an aircraft in Singapore, actually administered the arsenic to Munir. The evidence available to the police and the inquiry indicated that Polycarpus was not in position to lace his drink. This was confirmed in the course of the trial by flight attendants Yeti Susmiyarti and Tri Wiryaswadi

The defence case was equally suspect. In court, Polycarpus recanted his previous statement to police and denied recognising Munir or having made calls to his cell phone. He rather implausibly claimed that he had offered Munir his business class seat "out of politeness" after they met in the departure lounge. His attorneys, while insisting that their client was innocent and a scapegoat for others, did not directly accuse BIN officials or seek to use the evidence of the fact-finding commission.

The court verdict is therefore all the more noteworthy. In the end, the judges clearly felt they could not simply rubberstamp the blatant attempt by the prosecution and defence to cover up BIN's involvement in the killing. Munir's murder is being viewed within Indonesia and internationally as an example of how the security forces still operate with contempt for due legal process—seven years after Suharto's fall and the supposed birth of "democracy".

Within Indonesia, human rights groups have followed

the Polycarpus trial closely, denouncing it as a cover-up. One of the placards carried by demonstrators outside the court read: "The police are brave when it comes to terrorists, why are they afraid of Munir's killer?" Munir's widow, Suciwati, told the press following the verdict: "I will continue to fight for justice. I will never stop looking for the mastermind."

Former president Abdurrahman Wahid has called for a presidential commission with the power to investigate BIN, probe the inadequacies of the police inquiry and all the information uncovered by the fact-finding inquiry. Wahid warned Yudhoyono that "the Munir case is not finished and justice has yet to be served".

Yudhoyono is also under pressure from Washington. US State Department spokesmen Sean McCormack noted that the court found that Polycarpus was acting as "part of a larger conspiracy". He called for further investigations and prosecutions and, significantly, called for the release of the fact-finding commission's report. The Bush administration is concerned that the Munir murder may intensify congressional opposition to re-establishing relations between the Pentagon and Jakarta's armed forces and intelligence services. During the trial, 70 members of the Congress signed a letter to Yudhoyono calling for "a clear legal move" to solve the case and for the release of the fact-finding report.

In Indonesian ruling circles, however, the prevailing view is that the Polycarpus verdict should be the end to the matter. Yudhoyono has rejected calls for any special inquiry. Declaring that too many ad hoc commissions cast state institutions in a bad light, he told journalists that it was up to "the police to investigate, the Attorney General's Office to prosecute, the Supreme Court and lower judicial institutions to make the rulings."



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