

Indonesian authorities review case of murdered human rights activist

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The Jakarta Central District Court completed its judicial review last week into the killing of Indonesian human rights activist Munir Said Thalib in 2004 and its findings will be presented to the Supreme Court. State prosecutors sought the review in July to reverse a Supreme Court appeal last October that overturned the conviction in December 2005 of Air Garuda pilot Pollycarpus Budi Priyanyo for the murder.

The review of the Munir case has already opened up a can of political worms for President Susilo Bambang Yudhoyono, his government and the military. Munir died of arsenic poisoning while travelling on an Air Garuda flight from Jakarta to Amsterdam via Singapore on September 7, 2004. He was the founder of two human rights groups—the Indonesian Human Rights Monitor (Imparisa) and the Commission for Missing Persons and Victims of Violence (Kontas)—and was widely known for investigating corruption and human rights abuses by the police and military in Aceh, East Timor and Papua.

The original police investigation uncovered evidence suggesting a high-level plot to kill Munir involving the State Intelligence Agency or Badan Intelijen Negara (BIN). However, BIN officials flatly refused to be questioned and the Yudhoyono government took no steps to compel them to do so. While he has attempted to present his regime as “democratic”, Yudhoyono is a former general who served under the Suharto dictatorship and has close ties to the country’s military and intelligence apparatus.

In pushing for the Supreme Court to reinstate the murder conviction against Pollycarpus, state prosecutors have presented further evidence implicating BIN and top government officials. The Supreme Court did not deny there was evidence of a widespread conspiracy to kill Munir and of BIN’s involvement with Pollycarpus. It ruled, however, that the prosecution case was insufficient to convict the pilot.

In particular, there were no witnesses to support the allegation that Pollycarpus administered the huge dose of arsenic that killed Munir on the first leg of the flight. Pollycarpus left the flight in Singapore. Munir died on the

second leg, several hours out from Amsterdam.

On August 23, state prosecutors presented new evidence to support their case. Forensic analysis conducted in the US indicated that the most likely time that the poison was administered was during stopover in Singapore, rather than on the first leg of the flight. While vindicating the Supreme Court’s ruling last October, the new time frame raises questions about the adequacy of the original police investigation.

The prosecution has now produced two witnesses who have said they saw Pollycarpus with Munir at the Coffee Bean café at Singapore’s Changi airport. Asri Utami Putri, an Indonesian studying in Germany, said she witnessed Pollycarpus serve Munir a drink in the café.

The second witness called to support the café connection created uproar in court by changing his testimony on the stand. Raymond JJ Latuihamallo, a pop singer, also known as Ongen, claimed that his original statement to police had been made under duress. He said he had seen Munir with another man at the café, but now could not say if it was Pollycarpus.

The sudden change of testimony led to a verbal clash in the court between Ongen and the police officer in charge of his interrogation, Mathius Salempang, the head of investigations at national police headquarters. It was also denounced by Munir’s supporters, including Munir’s widow Suciwati. Gadjah Mada University legal expert Denny Indrayana told the *Jakarta Post* on August 27 that Ongen could have been pressured by others linked to the case.

The prosecutors also produced a highly incriminating recording of a 21-minute conversation last May between Pollycarpus and Indra Setiawan, Garuda’s former president and chief executive. Setiawan is currently in police custody for supplying the documents that enabled Pollycarpus to be on Munir’s flight. Among the statements made in the course of the conversation were the following:

* Pollycarpus appeared to justify Munir’s murder by saying nationalism was “being hammered again”. It is no

secret that high-level military officers were bitterly opposed to Munir's investigations into their involvement in corruption and repression. He had been repeatedly accused of damaging the nation's reputation and threatened. On one occasion, thugs smashed up his office and denounced him for being unpatriotic because of his criticism of the huge military offensive launched against the separatist movement in Aceh in May 2003.

* Polycarpus attempted to reassure a nervous Setiawan by declaring that the highest judicial officers were on their side and that the whole judicial process was simply to take pressure off Yudhoyono. He seemed to be implying that Supreme Court judge Bagir Manan and Attorney-General Hendarman Supandji were both involved in a cover up. "The chief justice of the Supreme Court and his deputy are our people," Polycarpus bluntly told Setiawan.

* Setiawan told Polycarpus that BIN vice chairman As'ad Said Ali had asked him, in a letter in mid-2004, to post Polycarpus to a Garuda unit that reviews safety procedures. Polycarpus had no qualifications for the job, but it was the pretext for him to join Munir's flight. During the original police investigation, Setiawan claimed that the letter had been stolen from his car on December 31, 2004—a break-in confirmed by a police report at the time.

In addition to the tape, prosecutors presented evidence from an alleged BIN operative, Raden Mohammad Padma Anwar, also known as Ucok. He testified that senior agent Manunggal Maladi had ordered him and another agent Sentot to kill Munir before the 2004 presidential election. The second round of the presidential election took place on September 20, just a fortnight after Munir's murder. BIN issued a statement declaring that neither Anwar nor Sentot were ever BIN employees.

Media reports claimed that Ucok appeared evasive and gave seemingly contradictory evidence. But his testimony is corroborated by earlier evidence unearthed by an inquiry that President Yudhoyono established to quell public outrage over the murder. Inquiry head Brigadier-General Marsudhi Hanafi publicly stated that investigators had uncovered a BIN document that listed four possible ways of killing Munir, one of which was murder on an aircraft.

There is little doubt about Polycarpus's connection to BIN. During the presidential inquiry, former BIN secretary-general Nurhadi Djazuli testified that Polycarpus had been recruited on the orders of then BIN head Abdullah Mahmud Hendropriyono, a notorious Suharto-era general. Polycarpus appears to have carried out BIN assignments in both Aceh and his native Papua. Immediately before and after Munir's murder, Polycarpus is known to have made 26 calls to a mobile phone registered to senior BIN official Muchdi Purwoprajoyo.

BIN has continued to deny any involvement in the murder. On September 14, national police chief Sutanto announced a broadening of the police enquiry into Munir's death, saying he planned to summon As'ad Said Ali and other BIN officials for questioning. The announcement could well be nothing more than posturing. In none of the blatant political murders that have taken place since the fall of Suharto in 1998 has there been a serious police investigation into the participation of top intelligence and military officers, even when evidence pointed in their direction.

However, the very fact that a court review has been held is an indication of continuing public concern over Munir's murder. On September 7, the third anniversary of his death, rallies were held in Jakarta and Surabaya demanding that all the culprits be brought to justice. Among the hundreds protesting in Jakarta was Munir's widow Suciwati. In Surabaya, bus loads of demonstrators drove through the streets with posters demanding "Justice for Munir. Justice for all".

The case also has the potential to damage the Indonesian regime's attempts to posture internationally as "democratic" and reformed. An article in the *Sydney Morning Herald* on September 15 in the aftermath of the Asia-Pacific Economic Co-operation (APEC) summit was full of praise for the "sophisticated Yudhoyono", his "impressive legacy" and his "reforms" that made Indonesia more attractive for foreign business. But it also noted that the failure to resolve the Munir case "still drags down Indonesia's international standing".

In attempting to "resolve" the case, the court review has underscored the fact that, beneath the "democratic" window-dressing, the generals who ran Indonesia under Suharto continue to resort to repression, violence and murder to silence political opposition.



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