

Indonesian courts acquit general of killing human rights activist

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The recent acquittal of a top general for the murder of human rights activist Munir Said Thalib has highlighted the manner in which the Indonesian military continues to carry out gross abuses of democratic rights with impunity.

Charges against Major-General Muchdi Purwoprandjono, former deputy head of Indonesia's State Intelligence Agency (BIN), were dismissed on New Year's Eve by the South Jakarta District Court after virtually all the prosecution witnesses failed to appear or retracted their statements and the judges ruled key evidence inadmissible.

The decision was greeted by disbelief and anger by Munir's supporters. About 600 protesters in red T-shirts with the slogan "Justice for Munir, justice for all" chanted "Killer, killer, killer" outside the court after the verdict was announced. Supporters of the general sang the national anthem and provocatively chanted: "Who killed Munir? Muchdi killed Munir."

Usman Hamid, Munir's successor as head of Kontras (Commission for the Disappeared and Victims of Violence), released a statement denouncing the decision as "obscene" and "full of intimidation" and accusing "powerful parties" of pressuring the judges. Munir's widow, Suciwati, described the judges as "corrupted, gutless and weak".

Munir, the founder of two Indonesian human rights organisations— Kontras and Indonesian Human Rights Monitor (Imparsial)—was murdered on September 7, 2004 on an Air Garuda flight from Jakarta to Amsterdam via Singapore. He died an agonising death after drinking orange juice laced with arsenic.

Last January, Air Garuda pilot and BIN operative Pollycarpus Budihari Priyato was found guilty in the Supreme Court of administering the poison to Munir and sentenced to 20 years jail. Former Garuda president Indra Setiawan received one year's imprisonment as an accomplice. Muchdi was accused of ordering the murder.

Munir was well known as an outspoken critic of the military and its abuses. The involvement of Pollycarpus establishes a direct link to BIN and the military, which was notorious under the Suharto dictatorship for silencing its opponents. Records show at least 40 phone calls between Pollycarpus and Muchdi, including one on the day that Munir was murdered. Moreover, a number of witnesses gave statements providing evidence of a BIN plot to kill Munir.

The prosecution case, however, was circumscribed from the outset. By accusing Muchdi of carrying out a personal vendetta against Munir, the prosecutors avoided any wider investigation into a conspiracy that went further up the chain of command. At the time, the head of BIN was A.M. Hendropriyono, who was notorious for atrocities under Suharto.

The prosecution alleged that Muchdi had killed Munir in revenge for a Kontras investigation that exposed his part in the disappearance of 13 activists during the dying days of the Suharto junta in 1997 and 1998. Muchdi lost his position as commander of the notorious Kopassus special forces after just 52 days as a result of the Kontras report, prosecutors claimed.

During the trial, the military closed ranks behind Muchdi. Former military police chief Major General Djasri Marin and retired colonel Mochtar Zein testified that while 11 Kopassus soldiers were convicted over the disappearances, they were members of a special "Rose Team". Muchdi, the officers claimed, was not involved and was not a suspect in the case.

The prosecution tried to introduce a document from the Defence Ministry web site stating that Muchdi had been sacked for failing to control his subordinates. But the judges ruled the document inadmissible without providing clear reasons for their ruling.

While Muchdi may have had a personal motive to kill Munir, it is hardly likely that he acted on his own authority in using a BIN agent for the task. Kontras head Usman Hamid testified last year that a commission established by President Susilo Bambang Yudhoyono to investigate the killing had uncovered

the record of a discussion on how to kill Munir involving BIN head Hendropriyono, two BIN deputy leaders, Garuda chief Setiawan and his corporate secretary.

Yudhoyono has refused to release the commission report and the document was not presented during the trial. Nor was Hendropriyono questioned by police or required to testify at the trial. The meeting took place just six months before Munir was murdered.

The remainder of the prosecution case fell apart as witness after witness failed to testify. Budi Santoso a former member of Muchdi's staff, had told police in evidence entered at the Pollycarpus trial that Muchdi had paid two amounts of money to the BIN agent in connection with the murder plot. Pollycarpus told Budi that Muchdi had ordered him to kill Munir.

Budi failed to answer 14 summonses to appear at Muchdi's trial. He is now serving as an intelligence officer at the Indonesian Embassy in Afghanistan, having been just transferred there from Pakistan. In a letter to the court dated September 13, Budi recanted his previous testimony.

Other BIN agents appear to have been intimidated or bribed. Agent Kawan, who had previously testified that he had seen Pollycarpus visiting the BIN office, retracted his evidence, saying he had never made the statements police had claimed. Agents Zondhy Anwar and Arifin Rahman also retracted their testimony that Pollycarpus had visited the BIN offices.

Former BIN agent Raden M. Padma Anwar told the court he could not remember the evidence he gave at the Pollycarpus trial in August 2007. He had previously testified about a series of BIN actions designed to intimidate Munir. He did admit in the Muchdi trial that a junior BIN operative had asked him to kill Munir but he could not remember details and claimed it was not followed through.

Pollycarpus testified at the Muchdi trial on October 14. But he claimed that he had never met Muchdi and denied any involvement in the murder. He also denied that having handed a letter from BIN to Garuda chief Setiawan to place him on Munir's flight. Pollycarpus refused to answer questions about the phone calls between his mobile phone and one registered to Muchdi.

The court dismissed the phone calls themselves as circumstantial. In summing up, Judge Haswandi declared that in the absence of other evidence there was no proof that Muchdi had made any of the calls. Munir's supporters claimed that prosecutors had recordings of the phone calls but did not present them in court. No details of the conversations have

emerged in the public arena.

Public outrage over the outcome of the trial has created a political dilemma for President Yudhoyono who had attempted to bolster his own democratic credentials by pledging to convict those responsible for Munir's murder. The president came under fire in the *Jakarta Post* for his "inability to exercise his power as president—not to influence the judges on the verdict, but to ensure that the investigation to build the case against Muchdi was conducted thoroughly and transparently".

Yudhoyono reacted to the criticism by ordering Attorney-General Hendarman Supandji and police chief Bambang Hendarso Danuri to show how a strong prosecution case was allowed to collapse. The prosecution announced that it would appeal the decision, leading to a review in the Supreme Court and the presentation of new evidence.

There is no reason to believe that such a review will succeed. A decade after the fall of Suharto, the armed forces continue to wield considerable power in Indonesia. No senior officer has been convicted of the military's blatant human rights abuses in East Timor, West Papua and Aceh or against political opponents.

Yudhoyono is a retired Suharto-era general. In his posturing as a defender of democratic rights, the president undoubtedly has an eye on national parliamentary elections in April and presidential elections later this year. At the same time, however, he would not want to alienate the military hierarchy nor wish investigators to dig too deep. In March 2004, when BIN head Hendropriyono was allegedly discussing how to kill Munir, Yudhoyono was still the country's top security minister, with responsibility for BIN's activities.



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