

Jakarta's justice on trial

Tim Lindsey and Jemma Parsons

IN a tiny courtroom in south Jakarta, Indonesian democracy is on trial. In the dock is Muchdi Purwopranjono, the former commander of Indonesia's special forces (Kopassus) and deputy head of BIN, the state intelligence agency.

The charges are that he ordered the murder by poisoning on a Garuda airlines flight in September 2004 of prominent human rights lawyer and activist Munir Said Thalib. The evidence so far seems damning, but the big question is no longer whether or not he did it.

Instead, the real issue as the trial moves into its second month is whether the judiciary has the nerve to convict a military and intelligence heavy such as Muchdi.

He is the first high-ranking intelligence official brought to trial in Indonesia. If convicted, he will be the first senior member of the powerful military and intelligence apparatus to face the consequences of the violent abuses of human rights that have been its stock-in-trade for almost half a century.

Before the fall of former president Suharto in 1998, military and government officials enjoyed an informal but very effective immunity that put them above the law and allowed the government to routinely use murder, violence and abduction as political tools.

Now, a decade into Indonesia's post-Suharto democratic overhaul, the legal system faces a crucial test.

As far as most Indonesians are concerned, a death sentence or even a jail term for Muchdi would be a pass result and a clean bill of health for the rule of law. Acquittal would be a fail, and confirmation that Suharto's system is still alive and well, despite 10 years of dramatic democratic reform.

Evidence regarding the events that led to Munir's agonising death on his flight from Jakarta to Amsterdam in 2004 has been unearthed in hard-won, incremental fragments, but the signs point to BIN in general, and Muchdi in particular, as the masterminds.

And the motive? In 1998, Munir, a highly regarded human rights defender, uncovered evidence that Muchdi was involved in the disappearance between 1997 and 1998 of 13 activists critical of the government. This led to Muchdi's humiliating dismissal as Kopassus commander after only 52 days in that position.

The prosecution says Muchdi's next position as BIN deputy head conveniently gave him the means to exact his revenge.

Munir's actual killer was former Garuda pilot and BIN "corporate security officer" Pollycarpus Priyanto, now serving a 20-year jail term for administering the fatal dose of arsenic in a glass of orange juice.

Records of 41 calls between Muchdi's mobile phone and Pollycarpus tie the two together, along with official statements by two witnesses who saw Pollycarpus at Muchdi's office before Munir's death (although the statements were revoked when these witnesses were asked to testify recently).

Usman Hamid, a former member of the government fact-finding team assigned to investigate the murder, has gone further still. He testified recently to the court about a four-page document dated six months before the murder that sets out four options for killing Munir: shooting, beating, poisoning and black magic.

This, Hamid claims, was prepared at a meeting of the plotters, attended by Muchdi and the head of BIN, A.M. Hendropriyono. Also present, Hamid says, was former Garuda Indonesia president director Indra Setiawan, who assigned Pollycarpus as a security crew member for Munir's flight at BIN's written request. He has served a one-year prison sentence for his role in the assassination.

Even Muchdi and his lawyers seem to acknowledge that BIN was behind the murder, with Muchdi seeking to pin the blame on a former colleague, BIN agent Budi Santoso. This is presumably because Santoso previously claimed it was Muchdi who ordered Munir's murder and that Pollycarpus had confirmed this.

Whoever is telling the truth, one thing is now clear to most Indonesians: all roads in this protracted murder investigation lead to BIN, a state agency charged with national security and responsible to the president and the legislature. Although this in itself is deeply troubling, what matters most is what happens next. The verdict, whichever way it goes, will send a powerful message to the international community about Indonesia's readiness to assume the status of a full-fledged democracy and shed the transitional prefix.

It will also send a powerful message to the Indonesian people and state officials about the nature of the post-Suharto Indonesian state, just as the nation gears up for general elections early next year. We can only hope the message reads: "Welcome to the new era of transparent, democratic accountability."

Tim Lindsey is director of the Asian Law Centre at the University of Melbourne, where Jemma Parsons is a principal researcher.