

Impunity

Thirteen Years On, Mastermind Behind the Murder of Rights Activist Munir Remains Unknown to Public

Jakarta Globe, 06-09-2017

Jakarta. Almost 13 years to the day since human rights activist Munir Said Thalib was poisoned with arsenic aboard a Garuda Indonesia flight bound for Amsterdam, his fellow activists are urging President Joko "Jokowi" Widodo to publish a report originally produced in 2005 by a fact-finding team that they believe will reveal the mastermind of the mysterious murder.



A former Garuda Indonesia pilot, Pollycarpus Budihari Priyanto, was sentenced to 14 years in prison for premeditated murder in the case. In court, Pollycarpus was shown to have

spiked fried noodles that Munir ate during his flight with arsenic. He was released on parole in 2014.

Muchdi, a deputy head at the National Intelligence Agency (BIN) at the time of Munir's murder on Sept. 7, 2004, was also charged with conspiracy to murder in the case but was declared not guilty by a Jakarta court in 2009.

Even before then though, Munir's family, led by his wife Suciwati, and rights activists have been demanding that the government find the real mastermind behind the murder.

In October 2016, the Central Information Commission (KIP) demanded the government publish the report by the fact-finding team on Munir's murder, reviving hopes the mastermind will finally be unveiled.

Following KIP's recommendation, former president Susilo Bambang Yudhoyono (SBY) submitted the report to Jokowi's administration in late October last year. Almost a year on, Jokowi has apparently not yet read the report.

Suciwati said she has little hope the Jokowi administration will publish the report or try to find the mastermind behind Munir's murder. "I am pessimistic about President Jokowi. However, we will keep pushing him. It's his duty as president to settle this case," she said in a public discussion in Jakarta on Tuesday (05/09). Suciwati said she had met with government officials many times when SBY was still in power to try to persuade them to release the report, but to no avail. "[Meeting government officials] only turned me into a political commodity. I don't need to meet them again. I just want this case to be solved," she said.

Suciwati said Jokowi should make it a priority of his remaining two years in his first term as president to release the report.

Meanwhile, former fact-finding member Usman Hamid said Munir's murder will not be solved until the report is opened and made public. "Munir's murder is still unsolved because the main actor is still out there. Without our investigation, we would not even know Munir was killed," he added.

Weekly Update Human Rights in Indonesia – 11-09-2017

Freedom of Expression

Journalist Reported for Likening Megawati to Suu Kyi

Jakarta Globe, 09-09-2017

Investigative journalist Dandhy Dwi Laksono has been reported by the youth wing of the Indonesian Democratic Party of Struggle, or PDI-P, to the East Java Police for allegedly insulting former President Megawati Sukarnoputri and President Joko Widodo in a Facebook post.

Dandhy likened Megawati to Myanmar leader Aung San Suu Kyi, by suggesting there was a similarity between the two once prominent opposition figures who became leaders of their countries. Also in how they mishandle conflicts — Suu Kyi in Rakhine State, Megawati in Papua. According to the post, since Megawati's return to power through her party's win and the choice of Jokowi as president, there have been far more arrests in the province that has a history of separatist movements.

Southeast Asia Freedom of Expression Network (SAFEnet) activist Damar Juniarto said the role of social media in democracy is endangered if those who express their own opinions are reported to police.

"People will end up thinking that by saying something bad they can be accused of insult. Similarly, saying something good can also lead to accusations. There's always a chance to get accused," Damar said in Jakarta on Friday (08/09), as quoted by state news agency Antara. He added such circumstances make people unwilling to express opinions, as their freedom to do so would not be protected.

Indonesian Legal Aid Foundation (YLBHI) director Asfinawati said Dandy's post should be seen as criticism, not an attack, as no incitement to hatred is found there.

According to Damar, this year six activists have been reported for violating the Electronic Information and Transactions (ITE) Law by expressing their views online. In 2016, 10 activists were reported. Most of them worked in the field of anticorruption, environment and investigative journalism.

Political developments

Former Constitutional Court Judge Sentenced to Eight Years in Prison

Jakarta Globe, 04-09-2017

Former Constitutional Court judge Patrialis Akbar has been sentenced by the Jakarta Anticorruption Court to eight years behind bars and ordered to pay a fine of Rp 300 million (\$22,500) or serve another three months in prison.

"It has been proven beyond doubt that Patrialis and his associates are guilty of corruption," presiding judge Nawawi Pamolango read out the verdict on Monday (04/09), as quoted by state news agency Antara.

The court also ordered Patrialis to pay back \$10,000 and Rp 4 million that he had received in bribes, or serve another six months in prison. The verdict was lighter than the sentence demanded by the prosecutors, who asked for a 12.5-year prison sentence for Patrialis and a Rp 500 million fine or another six months in prison.

Last Monday, the same court sentenced businessman Basuki Hariman and his assistant Ng Fenny for bribing Patrialis.

The bribes were related to a judicial review¹ of a law on animal husbandry, which Basuki claimed was hurting his business.

The Corruption Eradication Commission (KPK) charged Patrialis, Basuki and Fenny with graft, after they were arrested in a series of sting operations in Jakarta in late January.

¹ Reviewing legislation is one of the core responsibilities of the Constitutional Court.

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Police urged to stop investigation into Papua governor for alleged graft

The Jakarta Post, 09-09-2017

Around 500 supporters of the Care for Papua's Development Movement (GRP3) have called on the National Police's Criminal Investigation Unit (Bareskrim) to cease their investigation into a graft case implicating Papua Governor Lukas Enembe. The group also demanded that the police return the governor, who is now in Jakarta for questioning, to Jayapura.

"We see the investigation of Pak Enembe as just an effort to taint his image and to undermine his position in the eyes of the Papuan people. This is because [the people] really love Pak Enembe," said Benyamin Gurik, the coordinator of a mass rally held in front of the Papua Governor's Office in Jayapura on Friday.

"We recorded that this year, there have been three attempts to force Pak Enembe's involvement in legal problems. However, no evidence has proven his involvement in the three cases. Hence, we think the investigation should be stopped and he should immediately be returned to Papua."

Benyamin said the Papuan people fully supported the legal process being conducted by the police on the alleged misuse of 2016 scholarship funds, which implicated the governor, but they now wanted investigators to release the names of other suspects in the case.

"Please announce the suspects in this case. With the questioning of the governor, it seems to us that [the National Police] have raised the status of this case to a full investigation, which gives people the impression that the Papuan governor is involved," said Gurik.

The ongoing struggle between KPK and DPR

Kompas, 09-09-2017

The recommendations from the commission of enquiry of the Parliament (DPR) into the functioning of the anti-corruption Commission KPK are becoming more bizarre than ever, and now tend to aim at the complete discontinuation of the KPK. In this situation, the support of the President for the KPK is extremely necessary.

The effort to abolish the KPK can be seen from the recommendation to temporarily "freeze" the KPK and possibly discontinue it². This recommendation was made public by DPR-member from the PDI-P, Henry Yosodiningrat. The deputy Chair of the DPR, Fahri Hamzah supports the recommendation and even recommends the complete abolishment of the KPK. This is not yet the agreed opinion of the complete DPR investigation commission. PDI-P member Masinton Pasaribu, says it is not the KPK as such, but the people in it that are at fault.

The KPK spokesperson Febri Diansyah said that the public already can respond to these individual opinions and support the efforts of the KPK to fight corruption. "The KPK will continue to work on its legal basis of the Law no. 30/2002. We are convinced that the President supports our work."

The fight against corruption is one of the nine programme priorities of the government of Joko Widodo and Jusuf Kalla, Nawacita. In the struggle between DPR and KPK the President has said that he does not want to meddle in the affairs of independent state institutions.

Professor (Emeritus) of the Indonesian Council of Sciences (Lembaga Ilmu Pengetahuan Indonesia, LIPI) Mochtar Pabottingi is concerned about the attitude of the President with regard to the "row" between DPR and KPK. He would like to see concrete steps by the President to strengthen the KPK. If the President has the aim to do so, said prof.

² As reported earlier, the KPK started an investigation into possible corruption in the context of an electronic ID (e-KTP), in the process of which several members of Parliament were mentioned as suspects of receiving money for positive decisions. The Parliament then established a commission of enquiry into the functioning of the KPK as part of its right to investigation into state institutions. See: <http://jakartaglobe.id/tag/e-ktp-corruption-case>

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Pabottingi, he should start with establishing a Special Investigation Team into the attack with acid on KPK investigator Novel Baswedan in April 2017. The perpetrator and/or mastermind behind this attack is not yet investigated or prosecuted.

The report and recommendations of the Commission of Enquiry of the DPR will be presented in the plenary DPR meeting on 28 September.

President does not agree with weakening KPK

Kompas, 10-09-2017



The Chair of the KPK, Agus Rahardjo (centre) and his Deputy, Saut Situmorang observe a demonstration in support of the KPK by the Koalisi Masyarakat Sipil Antikorupsi in front of the KPK office, Jakarta, some time ago.

President Joko Widodo on principle supports all efforts to fight corruption, including strengthening the KPK. The fight against corruption is one of his nine priorities.

The spokesperson of the President, Johan Budi SP, stressed this last Saturday (9 September) in Jakarta. “As was also conveyed already by the President himself several

times, the President does surely not agree with efforts to weaken the KPK, let alone the idea of dissolving the KPK”, said Johan Budi.

The Vice-President M Jusuf Kalla added that the wish of some DPR members to freeze or even dissolve the KPK will not be realized. He said that the government will defend the KPK and even wants to strengthen it. According to Kalla it is not an easy project to freeze a state institution that has been established by law. The KPK has been established on the basis of Law 30/2002. The DPR cannot unilaterally decide to diminish its powers, let alone freeze the KPK. The establishment, change or deletion of a law has to be agreed upon by the Parliament and the government together.