

2005 UNVEIL THE CONSPIRACY OF MUNIR CASE ¹

Up to the end of 2005, legal process on the murder of human rights activist, Munir, has not been able to punish the murderer. It has only brought about Polycarpus, a co-pilot of Garuda Indonesia to the court. The investigations of the Fact Finding Team (TPF) of the Munir Case established by the President, Susilo Bambang Yudhoyono, to assist the Police to investigate certain parties inside the board of directors of Garuda Indonesia and State Intelligence Agency (BIN, Badan Intelijen Negera) have arrived at some constraints. With its limited mandate, the TPF has been able to get findings and to provide important policy recommendations. Now it is in the hands of the President SBY to take the ball, particularly after the State Court of Jakarta punished Polycarpus guilty in addition to mention other names in the murder case of Munir. Can this case be solved in 2006?

The following section is going to describe the legal process since the beginning up to the punishment of Polycarpus with 14 years of imprisonment. Though it was dark in the beginning, thanks to the pressure by various local and international parties, the President SBY had to establish the TPF to help unveiling the murder case of Munir, though the report has not been published to the public, and the recommendations of the TPF have not been taken into considerations. The legal process by the law enforcement agencies, the Police and the Attorney, then went on through the uprising criticisms. After the mandate expiration of the TPF, the 'normal' legal process arrived again at stagnation. The investigation by the Police has not delivered significant progress. On the other hand, the justice mechanism on the defendant, Polycarpus, also showed basic weaknesses. The difficulties to unveil the murder case of Munir have become an evil conspiracy since the accusation delivered by the prosecutor considered the murder case of Munir as an individual crime. The progress that was shown by the board of judges that Polycarpus was in a conspiracy with other names was not taken into account. Up to this report was written, it was only Polycarpus, an airbus co-pilot of Garuda Indonesia, who was taken into court and punished guilty by the state court of Central Jakarta.

In the beginning, the public were not convinced by the justice process because the accusation delivered by the prosecutor (JPU) was only about Polycarpus as the main actor in a first degree murder by involving two other suspects. It means that the first degree murder case of Munir was only a single case in nature. But this was contrary to what had been found by the Munir TPF which indicated the presence of an evil conspiracy in the murder case. Those findings could in fact show the involvement of certain actors in the conspiracy, if only the BIN would show an openness and cooperation in the investigation process in its institution. This also applied to the suspicion of involvement by Garuda Indonesia's top people. This conspiracy construct is very important to show the incredible nature of its plan.

In the mean time, the promise of the Indonesian government, in particular the President SBY to seriously take care of the Munir case has been questioned. This is the result of the fact that recent investigation of the case has given the impression of being weak, particularly after the government has returned the method to the conventional legal process, while in fact the public attention and hope to the government of SBY – JK were so great. Just take a look at various

¹ Annual Report of Kontras: Human Rights Enforcement is Still Dark, March 2007

supports by local and international parties. A support came from the European Union Parliament coming to Indonesia to ask about the progress of Munir case to the Indonesian Parliament on July 26, 2005, and a note of concern delivered by 68 U.S. Congressmen to the President SBY in November 2005. Publications by the media have been huge on the process to unveil the case, and this also shows the public hope that seems to be impatient to know the real facts about the case and to know the intellectual actors behind the murder of Munir.

I. Push and pull on the Establishment of the TPF

Since the found evidence of Munir being murdered by poisoning, the family of Munir and his fellow NGO activists agreed to push the government of SBY to establish an independent investigation team involving civilians to completely unveil the murder case of Munir. This was for the first time expressed through a joint press conference in the office of Kontras, on November 12, 2004.² This independent investigation team should ideally be a part of a pro justicia investigation process by the Police.

The idea to establish an independent investigation team then became an integral discourse to unveil the murder case of Munir itself. This idea did not only come from the NGO activists but was also spoken by various parties, including the community of human rights abuse victims, national figures, legislative people, and the general public. To completely rely on the conventional legal procedure has been a concern that it may only redo the same past mistakes. Up to now there has been no satisfying legal process to unveil a murder case.

On the other hand, a lot of parties start paying huge attention to this case. Some members of the parliament, for instance, said that they would establish a special team on this murder case to push and to watch on how the government tried to unveil the case.³ This was made clearer in the meeting between the Commission III of the Parliament and the wife of Munir, Suciwati, Kontras, Imparsial, PBHI, and the members of Komnas HAM, MM Billah, in Senayan, on November 22, 2004.

The government, starting from the President up to the Chief of the Police, promised to seriously take care and to unveil the case. The President SBY admitted that the Munir case had been one of his first 100 day's priorities. This was mentioned by the President in his address to the halal-bihalal meeting of the alumni of Indonesian Islamic Students (KAHMI, Keluarga Alumni Himpunan Mahasiswa Islam), in Jakarta, November 27, 2004.⁴ But the commitment of the government cannot be immediately relied upon with any control by the public. This was later evidenced by the position of the President SBY on the establishment of an independent team that was not clear in nature. The Secretary of the Cabinet, Sudi Silalahi, on December 8, 2004, stated that the government decided to wait for the investigations made by the Police. This is a political language to say 'no' to an independent investigation team.⁵ This was more or less the same with what said by the spokesman of the President, Andi Mallarangeng, after the inauguration of the

² See the joint press conference in Kontras, November 12, 2004, on behalf of Suciwati (the wife of Munir), Todung Mulya Lubis, Rachland Nashidik (Imparsial), and Usman Hamid. One point of the press release was the need for a comprehensive and reliable investigation team involving civilians and the National Committee on Human Rights (Komnas HAM).

³ 'The Parliament Established a Special Team on the Murder Case of Munir', Kompas, November 19, 2004.

⁴ Idem

⁵ 'Bitter Gift on the Birth Day', December 9, 2004

new Director of BIN, Maj. Gen. Syamsir Siregar. Andi Mallarangeng said that the President considered that the establishment of an independent team was not on the right time, because the Police should be let first to do its job. ⁶ There was a suspicion that the decision to decline an independent investigation team made by the President was the result of the limited cabinet meeting on the previous day (December 7, 2004). ⁷

The position of the President SBY was then drastically changed on the next day, December 9, 2004, in a press conference on Munir case. Now the statement was delivered by the cabinet secretary, Sudi Silalahi, saying that the President SBY was disappointed by the impression that he had declined an independent team. Even the President SBY has urged the Attorney General and the Head of the Police to coordinate with the family of late Munir to design the team in order to avoid superimposition with the Indonesian regulations. Eventually on December 23, 2004, the President SBY issued the Presidential Decree (Keppres) no. 111 of the year 2004 on the Establishment of an Independent Investigation Team (TPF) of the Munir Case. ⁸ The TPF was commanded by Brig. Gen. (Pol.) Marsudhi Hanafi and its members were full of NGO activists. ⁹ Something weird is that the establishment of the TPF of the Munir case was different from what was agreed upon during the joint meeting at the Police headquarters, on December 21, 2004, though the spokesman of the President, Andi Mallarangeng, said that what was decided by the President SBY should have been in compliance with the agreed final draft of the meeting at the Police headquarters. ¹⁰

Since the beginning it was seen how the TPF was not fully supported by the government, starting from its secretariat at the office of the National Commission on Anti-Violence to Women (Komnas Perempuan) and the fact that there was not provided any starting budget for the TPF operation. But all these constraints in its organization capacities did not weaken the action of TPF. First, TPF made coordination with the investigation team of the Police headquarters on January 13, 2005. Previously, the Police had conducted investigations on some Garuda people. From the investigation, some weird things were found and suspicion on Polycarpus Budihari Priyanto, a Garuda pilot who was on duty as an extra crew member and said next to Munir before he died. ¹¹

⁶ 'Mallarangeng: An Independent Team has not been on the Right Time', *Indopos*, December 9, 2004

⁷ 'SBY Reneges on Promise to Munir's Widow', *Jakarta Post*, December 9, 2004.

⁸ 'Susilo gives Christmas' gifts to Papua, Munir's family', *Jakarta Post*, December 2004. According to the Keppres 111 / 2004, the TPF is given the duty to help the Police to conduct investigations, to prepare reports to the President that will later be published by the President, in three month's period of duty, expandable to more three months. The duty to help the Police to conduct investigations has been considered to weaken the mandate of the TPF that was in the beginning expected to have a pro justitia authority.

⁹ Asmara Nababan (vice chairman), Bambang Widjojanto, Hendardi, Usman Hamid, Munarman, Smita Notosusanto, I Putu Kusa, Kemala, Candra Kirana, Nazarunid Bunas, Retno LP Marsudi, Arif Navas Oegroseno, Rachland Nashidik, Mu'nim Idris.

¹⁰ 'The Presidential Decree on Munir Investigation was Signed', *Koran Tempo*, December 24, 2004. One of the differences was that Syafii Maarif, the Chairman of PP Muhammadiyah, was not included in the TPF, while in fact the name had been agreed to be included.

¹¹ The figure of Polycarpus got more controversial. Some NGO activists said that they once were approached by Polycarpus on several important incidents in Indonesia, for instance Hendardi and Yeni Rosa Damayanti who were approached on the case of human rights violence in Timor Timur after the referendum in 1999. While other people once met with Polycarpus in Aceh during the Military Emergency Operation. He was also often spotted to take a tour of duty in Papua. There was also an issue that Polycarpus was equipped with a gun and there was a conclusion that in fact he was an intelligence agent.

II. TPF Investigates Garuda, Strange Things of the Directors

The primary TPF investigation started with PT Garuda. The Police have previously asked the witness of various people of Garuda, starting from the crew on the flight of GA 974 up to the administration people. These findings were then scrutinized by TPF and the search was made first inside PT Garuda.

Early March 2005, from the meeting between the TPF and the board of directors of Garuda at the office of the criminal detective department of the Indonesian Police, there were found evidences that the management of Garuda did not conduct any internal investigation on the murder case of Munir.¹² According to the TPF Chairman, Brig. Gen. (Pol.) Marsudi Hanafi, such a internal investigation should be made by the company, as regulated in the Act no 15 of the year 1992 on Flight. Even the company did not show any commitment to help the process to quickly unveil the case, even they seemed to be defensive in nature.

The TPF concluded that there were some material evidences showing that some officials and employees of Garuda had been in a conspiracy in the case of Munir's death. As such, at least there were three key people of Garuda who deserved to be made suspects. They were the Aviation Security of Garuda, Polycarpus, the Vice President of Corporation Security, Ramelgia Anwar, and the President of Garuda, Indra Setiawan.¹³ From the two meetings between the TPF and the management of Garuda, there were found some strong evidences that the case of Munir's death was a conspiracy crime. There were strong indications of the involvement of Garuda people and some Garuda directors both directly and indirectly in the death of Munir. From the investigation, the TPF found material evidences showing that the officials were in conspiracy by issuing special letters to cover up the weird things previously found by the TPF.¹⁴

Those letters have been officially issued by Garuda. The three letters are full of peculiarities. One letter was signed by Indra Setiawan himself, the second one by Ramelgia Anwar (Vice President of Corporate Security), and the third one was a note signed by the chief secretary of Airbus 330 pilot, Rohainil Aini. All of them are related to one person, namely pilot Polycarpus Budihari Priyanto, an Airbus 330 pilot, who has been for 19 years in service for Garuda. The copies of the letters acquired by the TPF clearly stated that those letters were for Polycarpus. The first letter signed by Indra Setiawan was an assignment to Polycarpus dated on August 11, 2004. It was very unusual to assign a pilot to be a security assistance that was personally signed by the president of the company.

See, 'Poly was more investigated deeper by the Police on the accusation related to the Intelligence', *Indopos*, December 7, 2004, and 'SMS rumor: Polycarpus was recruited by the BIN to be a primary agent', www.detik.com, February 1, 2005.

¹² Interview with Usman Hamid, the secretary of the TPF, December 2005

¹³ The indication of Indra's involvement, particularly in the police investigation on the investigation minutes, Indra admitted that he did not know Polycarpus at all, but eventually in the meeting between Garuda and TPF, after repeatedly being questioned, he admitted his acquaintance with Polycarpus. Even in the most recent meeting with the TPF some days ago at the Police headquarters, Indra was almost in tears because he could not give an answer on his lie concerning his acquaintance with Polycarpus. The strong indication of acquaintance was proved by the assignment letter to Polycarpus signed by Indra that he previously denied.

¹⁴ 'TPF: Three Garuda Officials were in a conspiracy to poison Munir', www.detik.com, March 3, 2005

The second letter signed by Ramelgia Anwar was also very suspicious. The letter was dated on September 4, two days before the flight of Munir. It was Saturday, when the office of Garuda was closed and it was impossible to issue such a letter. But, after a police interrogation, it was eventually revealed that the letter was actually dated on September 15, and it was only signed by Ramelgia on September 17. It means that more than one week after the death of Munir. Based on such a situation, there were two possibilities, first unprofessional administration of Garuda or second there was an effort to cover up certain facts related to the murder of Munir.

Another letter was a note dated on September 6 which was signed by Rohainil Aini. As an administration staff secretary, it was clear that she was not the one who was in the authority to sign a note concerning changes in flight schedule for Polycarpus. The authority was in the hands of the chief Airbus 330 pilot, Capt. Karmel S, who was abroad at the time. From the investigation, it was found that Poly came to the head office of Garuda in Jln. Merdeka Selatan, Jakarta, to see Rohainil (6 / 9) at 16:30 western Indonesian time (WIB). By the time when the office closed, Poly insisted to be provided with a letter of flight schedule changes to make him possible to join the flight of GA-974 to Singapore and to return to Jakarta on the next earliest flight.

In the meeting between the TPF and the President SBY, March 3, 2005, the TPF Chairman, Brig. Gen. (Pol). Marsudi Hanafi – in its interim report – said that the TPF concluded that there were enough evidences that the death of Munir was the result of a conspiracy crime that was impossible to be made by a single person with a personal motif. The indications of conspiracy between the top people of Garuda to cover up were on the basis of some peculiarities related to September 6, 2004 with other parties behind Garuda.

In addition, there were also found some inter-related facts to relate BIN and the death of Munir. But he still made it classified on some facts relating BIN and the death of Munir. The TPF still focused on the actors behind the field operator. The TPF itself, prior to its meeting with SBY, had scheduled a meeting with BIN, but the date was not fixed yet.¹⁵ The TPF recommended a questioning on 4 directors of Garuda and 2 recording operators for further investigation.

The TPF was also convinced that the investigation team of the Police headquarters would state a certain suspect. The investigation team had found peculiarities in the documentation and the assignment of Garuda crew on the GA 974 flight in line with the findings of TPF. But the investigators did not specify a suspect, because it was still collecting strong evidences according to the prevailing laws in Indonesia.¹⁶

III. Tracing the Roles of BIN Key Officials

After conducting investigations in Garuda was considered sufficient, the TPF based on its findings started to direct its investigations on the roles of BIN, an institution that had been very closed in nature against external access. Mid March, 2005, the TPF found certain information from classified sources concerning the suspicion of involvement (at least awareness) of some intelligence persons in the murder case of Munir. The TPF considered that such information was too important to be ignored, but it was too dangerous just to believe. It was important because

¹⁵ ‘SBY welcomes the TPF of Munir to ask BIN’, www.detik.com, March 3, 2005.

¹⁶ ‘The TPF was sure that the investigation team on the Munir case would soon specify a suspect’, www.detik.com, March 4, 2005

such information supported a possible motif for the murder. It was dangerous because such information was delivered by disguised parties for unknown purposes.¹⁷

Formally, the Chief of the Police, Gen. Pol. Dai Bachtiar explicitly stated that the Police had no problem to investigate intelligence people who were suspected to be involved in the murder case of Munir. On the other hand, the head of BIN, Syamsir Siregar, stated that BIN was ready to be investigated and there was no problem for other parties to meet BIN officials.¹⁸ Concerning the suspicion of the involvement of BIN, he urged the related parties to guess, but to provide evidences on the involvement of BIN in the death of Munir. He denied that BIN had been asked to clarify on the accusation because the TPF had not provided the evidences of the involvement of BIN.¹⁹

But such a statement was diplomacy in nature. In fact, the working relationship between the TPF and BIN came into trouble. In March 2005, the meeting between the TPF and BIN was postponed and it was only on April 6, 2005, the two parties met. In the meeting, it was agreed that there should be a joint team.²⁰ But despite the formal mechanism between the TPF and BIN, but this was not a significant help for the investigation of TPF.

The first problem faced by the TPF was the failure to question the former chief secretary of BIN, Nurhadi Djazuli. The TPF had to summon Nurhadi Djazuli who was the ambassador for the Federation Republic of Nigeria three times to be a witness. Nurhadi declined because in his opinion the TPF was not authorized to investigate because it was under the jurisdiction of the Police.²¹ The chairman of TPF, Marsudi Hanafi, considered the refusal of Nurhadi an uncooperative attitude and an insult on the President since the TPF worked on the basis of a Presidential decree.²² As such, a TPF member, Asmara Nababan, suggested a meeting between the President, TPF, BIN, and Chief of the Police to find a solution to make the performance of TPF effective. Such a meeting was also expected to smooth the cooperation with BIN to accelerate the process of fact finding.²³ This suggestion was also supported by the Chief of the Police, Gen. Dai Bachtiar, though he was questioning whether such a meeting could support the investigations. So far, the investigation team had found difficulties in having witnesses.²⁴

The cooperation protocol between TPF and BIN was eventually signed on May 2, 2005. This protocol could also be a binding tool for Nurhadi Djazuli not to avoid the summon of TPF, because there was a suspicion that the former BIN secretary was involved in the murder of Munir.²⁵ Nurhadi eventually came to the investigation made by the TPF on May 8 in the office of TPF, Komnas Perempuan, Jakarta. From the closed investigation, Usman Hamid, the TPF secretary

¹⁷ 'The TPF of Munir was asked to check the information concerning the involvement of BIN agents', www.detik.com, March 17, 2005

¹⁸ 'The Police did not hesitate to investigate BIN', www.kompasyber.com, March 24, 2005

¹⁹ 'BIN soon to meet the TPF of Munir', www.tempointeraktif.com, March 28, 2005

²⁰ 'BIN to support Munir TPF', www.kompasyber.com, April 6, 2005

²¹ 'The former chief secretary of BIN declined to be questioned by the TPF of Munir', Kompas, April 28, 2005

²² 'Refused to be summoned by the Munir TPF, the former chief secretary of BIN insulted SBY', www.detik.com, April 29, 2005

²³ 'Suggested, fourfold meeting of SBY, TPF, BIN, and Chief of the Police', www.detik.com, April 19, 2005

²⁴ 'The Chief of the Police supported fourfold meeting on Munir case', www.detik.com, April 20, 2005

²⁵ 'TPF, BIN signed up cooperation to unveil Munir case', Media Indonesia, May 2005

said that the TPF was more convinced on the involvement of BIN agents or former agents in the murder of Munir. This can be an entrance door to trace the facts related to the suspicion on the indication.²⁶ Answering this, the chief of BIN, Syamsir Siregar, said that it was all up to the TPF.²⁷ Meanwhile, the Chief of the Police also questioned Nurhadi Djazuli, to compare the findings with those of TPF, including the connection between Polycarpus, the suspect of the Munir case, and BIN. After being confronted, Nurhadi and Polycarpus stated that they did not know one another.²⁸

The second problem faced by the TPF was the reluctance of BIN to deliver documents relevant to the Munir case. A TPF member, Asmara Nababan, also admitted this:

*'No document has been given by BIN to the TPF. It is clear that BIN has failed to cooperate with the TPF ... In the three meetings with the President SBY, BIN promised to provide better access, but in fact BIN did not provide any access to the TPF to get the relevant documents and BIN has failed to arrange the meetings of its officials with the TPF.'*²⁹

The same problem was also faced by the TPF when it tried to summon a former key BIN official, Muchdi PR (former Deputy V of BIN). Muchdi PR was a person who lost his military career for his involvement in the abduction case on several student activists in 1998, that was also the momentum to establish KontraS.

The investigation then went to Muchdi PR since the TPF got some findings that proved the telephone conversations from the cell phone of Polycarpus to the office of BIN when it was under the command of Hendropriyono, namely telephone communication between the cell phone of Polycarpus and the office of the current Deputy V of BIN, Muchdi PR. The TPF found the facts that the telephone communication between Poly and Muchdi was going on before and after the death of the human rights activist, Munir, on September 6, 2004. There were traced 35 telephone communications among them. Though the pattern between them was not found yet, but at least the fact turned down all previous denials by BIN saying that BIN had no connection at all with Poly.³⁰ The death case of Munir could be taken to the court to unveil and to prove the command giver and the support of the murder. He ascertained that the murder on the Singapore – Amsterdam Garuda flight was not made by Polycarpus as a person, but by a conspiracy.³¹

Meanwhile, in the meeting between the TPF and the Munir team of the parliament, on May 19, 2005, the TPF also considered that BIN had not been cooperative in unveiling the murder of Munir. In doing its job, the team that had been established on a Presidential decree had to face

²⁶ 'Munir TPF was more convinced that BIN was involved in the murder', www.detik.com, May 9, 2005

²⁷ 'BIN officials questioned again, the chief of BIN: 'it's up to the Munir TPF'', www.detik.com, May 10, 2005

²⁸ 'The Police questioned former BIN official', www.tempointeraktif.com, May 11, 2005

²⁹ Interview between Human Rights First and Asmara Nababan, August 16, 2005. See the report of Human Rights First: After One Year: A White Paper on the Investigation and Prosecution in the Munir Murder Case, September 7, 2005

³⁰ 'The TPF is considering to question the former chief of BIN, Hendropriyono', www.detik.com, May 18, 2005. 'The TPF reported contacts between Polycarpus and BIN', Kompas, May 19, 2005. 'Polycarpus linked to BIN, says team', the Jakarta Post, May 19, 2005

³¹ 'The Munir team found contacts between Polycarpus and Muchdi PR', www.interaktif.com, May 18, 2005

uneasy treatment by BIN. In a meeting hosted by the vice chairman of Munir team of the parliament, Slamet Effendy Yusuf, it was also found budgeting constraints since the money from the government for the TPF team had not been provided. In its relation with BIN, the TPF found some difficulties, including the access to documents of authority transfer from the former secretary, Nurhadi Djazuli, to the new chief secretary, Suparto. The TPF urged the attention of the parliament on this matter to push that what had been agreed by the top people of BIN and TPF could also be implemented by its staff. Learning from the case, a TPF member also suggested that the parliament restructure the intelligence institutions, including the strict reporting of an intelligence operation.

The Police have also questioned Muchdi PR on May 18, 2005, after he previously denied such an investigation scheduled on May 16, 2005.³² But on June 3, 2005, Muchdi PR did not show up to the invitation of TPF without clear explanation. As a matter of fact, the TPF wanted to confirm the result of telephone call tracing between Muchdi and Poly. From the tracing, there were found 35 telephone communications, both before and after the death of Munir on September 7, 2004.³³

However, up to the writing of this report, it seems that there is no intensive or serious investigation to unveil the further involvement of the former Deputy V of BIN, Muchdi PR, in the conspiracy to murder Munir. Starting from the involvement of BIN key officials, the TPF questioned the former chief of BIN, AM Hendropriyono.

IV. TPF and Hendropriyono

Though the TPF found a lot of difficulties, including the reluctance of BIN in the beginning to provide the access for TPF to investigate BIN, the joint protocol of BIN – TPF that took a long period to establish, up to the resistance of some former BIN members for questioning, the investigation of the TPF continued up to Hendropriyono, the former chief of BIN who was still in office when Munir died. This effort was deemed necessary to know deeper and to confirm how far the involvement of intelligence agents was in the murder of Munir, moreover after the TPF had identified the intensive telephone communications between Polycarpus and Muchdi PR, who was the Deputy V of BIN when Munir died. The communications were before and after Munir's death among cell phones, home telephones, and BIN office telephone.

Previously, some BIN and former BIN officials included in the TPF list for questioning included Nurhadi Djazuli (former chief secretary of BIN), Colonel (Mar.) Sumarno (chief of general bureau), and Maj. Gen. (Ret.) Muchdi Pr (Deputy V). Though the TPF itself found resistance, the investigation on Hendropriyono was a must. Moreover, Hendropriyono (and Muchdi PR) had a 'special' long history with Munir. In addition to a logical consequence of the TPF investigation to the bosses of the state intelligence agency, the coming up of Hendropriyono was not a surprise for those close to Munir.

From a political point of view, Munir and Hendropriyono had some tensions between them related to certain cases including the advocacies of Talangsari case, Lampung, and the most recent one, the role of the chief of BIN in the denial to expand the work permit of Sidney Jones, the director of International Crisis Group (ICG), an international institution based in Belgium that had once issued a report related with the involvement of intelligence in some sensitive matters

³² 'The Police studied the status of Nurhadi and Muchdi PR in the case of Munir', www.detik.com, May 20, 2005

³³ 'Muchdi PR did not show up to the summon of Munir TPF', www.detik.com, June 3, 2005

outside their function. The most recent issue that came to tension between Munir and the BIN chief, Hendropriyono, concerned with the statement and report of BIN on 20 NGOs that had been accused of selling Indonesia to foreign parties.³⁴ This matter also got strong reactions from various parties, particularly from a well known figure, Nurcholish Madjid.

Though the public and state institutions strongly urged Hendropriyono to come to witness before the TPF but until the end of the TPF's term, this never materialized. It can be recorded that the parliament³⁵, the chief of BIN³⁶, even the president SBY³⁷, all urged Hendropriyono to come to the summon of TPF. Though pressed by various parties, including the president SBY himself – Hendropriyono never showed up to the invitation of TPF for three times, June 6, 2005; June 9, 2005, and June 16, 2005. Even in responding the disappointment of the President SBY, Hendropriyono said that he did not believe that the President had been disappointed on him, because he knew SBY who were his subordinate.³⁸ Facing its termination of duty on June 23, 2005, the TPF decided not to fulfill the invitation of Hendropriyono to meet in the parliament house on June 20, 2005.

It was not enough for Hendropriyono just to decline the summons on him by the TPF, he even sued two members of the TPF, Usman Hamid (KontraS) and Rachland Nashidik (Imparsial) to the Police of defaming his reputation.³⁹

V. Post the TPF: stagnated investigation by the Police

The TPF delivered its report to the President SBY on June 24, 2005. Some recommendations provided by the TPF included the conclusion that the Police was not serious to investigate the death of Munir, the failure of BIN to help the TPF, and some important recommendation to audit the performance of the Police, and to establish a new commission to further investigate certain names.

The President SBY promised to take the charge until the Munir case could be totally resolved.⁴⁰ At first, the response of the government on the TPF reports gave the impression of being serious. Brig. Gen. Marsudhi – former chief of TPF – was renamed the chief of the new Police investigation team for the Munir case.⁴¹ In addition, the Police headquarters also assigned 30 investigators for the Munir case including the crime and research department (Bareskrim), the NCB Interpol, the local police (Polda) of Metro Jaya, and laboratory and forensic center

³⁴ 'The statement of the chief of BIN is considered to revive the repression machine', Kompas, May 31, 2004. The tension started from the reporting around the BIN report to the president Megawati and the parliament on 20 NGOs and activists who had been accused to disturb the general election of 2004. In the meeting, it was said that the chief of BIN explicitly mentioned Sidney Jones, a researcher of ICG and ELSHAM Papua, a human rights institution in Papua as the examples. From the publication, it was also rumored the role of BIN chief Hendropriyono in the deportation of Sidney Jones, an ICG researcher based on the report that ICG had been considered as speaking bad things about Indonesia.

³⁵ The Munir Case, the parliament supported to summon Hendropriyono, Media Indonesia, May 25, 2005.

³⁶ 'Syamsir asked Hendro to come to the TPF', Media Indonesia, June 8, 2005. 'BIN asked Hendropriyono to come to the TPF of Munir', Kompas, June 16, 2005.

³⁷ 'The President was disappointed by Hendropriyono', Kompas, June 21, 2005.

³⁸ 'Hendropriyono ready for death oath', Koran Tempo, June 21, 2005

³⁹ 'Considered of defaming his reputation, Hendropriyono sued the Munir TPF members', Media Indoensia, May 30, 2005.

⁴⁰ 'SBY vows to bring Munir's murderers to court of justice', the Jakarta Post, June 25, 2005

⁴¹ 'Marsudhi named the chief of Munir investigation team', Suara Pembaruan, June 29, 2005

(Puslabfor) of the Police headquarters.⁴² The reports of TPF were also distributed by the cabinet secretary, Sudi Silalahi, to the related officials including the Attorney General, the Chief of the Police, chief of BIN, the commander of the armed forces, and the minister of law and human rights.⁴³ But then doubts started to emerge. One month had passed, but the TPF report had not delivered by the president to the public according to the presidential decree no. 111 of the year 2004.⁴⁴ Up to the composition of this paper, the TPF report had not yet been delivered to the public.

The only new progress in the Police investigation through conventional mechanism was the apprehension of a new suspect, Erry Bunyamin, who was suspected to be the passenger no. 15 in the business class of GA 974.⁴⁵ But the Police soon change the charge on Erry Bunyamin, a lawyer, just as a suspect of making fake documents.⁴⁶ After that, it was not clear what had been done by the new investigation team. Even in mid December 2005, Brig. Gen. Pol. Marsudhi Hanafi, the former chairman of the team, was transferred to the new office as an expert staff of the Police HQ.⁴⁷ However, the Police HQ denied that the investigation on Munir case had been terminated.⁴⁸

VI. The Trial of Polycarpus

Early from the start of trials in Munir murder case on the defendant Polycarpus on August 9, 2005, the public attention had been focused to the process. Since the beginning, there was concern about the insufficiency of the court as an instrument to completely unveil the Munir case because there was only one single defendant, Polycarpus. The general prosecutor (JPU) – led by Domu P. Sihite, a former member of TPF – charged Polycarpus with first degree murder (sec. 340 of the KUHP) and with accusation of making fake documents (sec. 263 art. 2 of the KUHP). The accusation tried to show that the murder on Munir was an individual crime. This was different from the findings of the TPF that concluded that the murder of Munir was a conspiracy crime involving the people of Garuda and BIN. It was absolutely true that one single person could arrange and conduct the execution of a murder. But the modus, the choice of location, time, and method to murder Munir needed an incredible planning with such knowledge, an access to information, and skills to kill someone in an international flight. Since the beginning, the family and friends of Munir and other activists felt that the trial of Polycarpus did not the adequate capacity to unveil and to punish the intellectual actor.⁴⁹

The trial on Polycarpus took 26 sessions, starting from August 9, 2005 and ending on December 20, 2005. Some key witnesses were summoned to the court including the former president of Garuda, Indra Setiawan, the former vice president of corporate security, Ramelgia Anwar, and the former Deputy V of BIN, Muchdi PR. While the former chief secretary of BIN, Nurhadi Djazuli who was currently the ambassador to Nigeria, was not present. From the field observation, it was seen that the trial could not successfully develop a complete building of facts on the incident, in

⁴² 'Police HQ assigned 30 investigators for the Munir case', June 29, 2005

⁴³ 'TPF reports distributed to related officials', Media Indonesia, June 28, 2005

⁴⁴ 'The president was urged to publish the findings of the Munir TPF', Suara Pembaruan, July 22, 2005

⁴⁵ 'Based on the passenger list, there were only 14 people in the business class: a new suspect of the Munir case was arrested', Koran Tempo, August 12, 2005

⁴⁶ 'The passport of Erry was suddenly made', Koran Tempo, August 15, 2005

⁴⁷ 'The passport of Erry was suddenly made', Koran Tempo, August 15, 2005

⁴⁸ 'The investigation team on Munir case dismissed', December 14, 2005

⁴⁹

particular to further dig the involvement of PT Garuda as an institution related to the peculiarities found on the board of directors in the assignment of Polycarpus. This also applied to the involvement of BIN as an institution and BIN personnel in their direct connection with Polycarpus. In his witness, Muchdi PR for instance, admitted the telephone connection between his cell phone and the home phone of Polycarpus, but Muchdi denied that he knew or met Polycarpus. The JPU and the judges tried to further dig the denial, though they failed to elaborate, in particular concerning the working connection of Polycarpus as a BIN agent or a person who worked for BIN. This could also be seen when Polycarpus was tried, there was a group of Komit (committee of east Indonesian students) with the agenda to cancel or to change the focus of the trial. Based on the investigation of KontraS, this group distributed flyers questioning the Dutch forensic results. They denied the facts that Munir was poisoned. This group also spread information and built the rumor that there was an international conspiracy on the Munir case. On November 17, 2005, when the court summoned Muchdi PR to be a witness, after he declined to come in the previous summons, the group people against the trial physically attacked three activists speaking in a free arena in the parking area of the state court of central Jakarta. They also took away the T-shirts with Munir photograph worn by the mothers of victims.⁵⁰ When the trial was started, some unknown big people suddenly came in and filled the room. Even some of them stood in the first row facing the judges. After the questioning, Suciwati tried to approach Muchdi – along with Usman Hamid – and she asked, ‘Do you know me?’ Muchdi denied, ‘No, I don’t know you’ while trying to get away and to avoid eye contact with Suciwati. Then suddenly Suci cried, ‘You are a coward. You are the one who killed my husband, aren’t you?’ Muchdi did not answer and tried to avoid. When the incident was going on, some big guys try to push away and to save Muchdi from Suci. Then suddenly those unknown people also disappeared.

VII. Breakthrough in the Verdict of the Judges

The verdict of the judges of the central Jakarta state court, led by Cicut Sutiarmo, on the defendant, Polycarpus, was issued on December 20, 2005. In the verdict no. 1361/PID.B/2005/PN.JKT.PST on behalf of Polycarpus Budihari Priyanti as the defendant,⁵¹

The defendant Polycarpus Budi Hari Priyanto was legally and convincingly proved to be guilty to commit the crime of ‘PARTICIPATING IN A FIRST DEGREE MURDER’ and ‘PARTICIPATING IN MAKING FAKE DOCUMENTS’

‘To punish the defendant for the crime with 14 years of imprisonment’

Moreover, there were some interesting things in the verdict of the judges. It seemed that the judges sniffed an aroma of conspiracy in the murder of Munir, and that Polycarpus was not a single player. This can be seen from the following substances of the verdict:

First, in the considerations of things that aggravate Polycarpus, the judges mentioned:

‘ ... the things that aggravate this punishment on the defendant include the modus of conspiracy to make the loss of a person’s life, that the defendant provided insensible

⁵⁰ ‘KontraS trial monitoring XIX’, November 17, 2005, see also the press release of KontraS, ‘The attack on KontraS activists related to the questioning of Muchdi PR in the trial of Munir case’, Jakarta, November 17, 2005.

⁵¹ The verdict no. 1361/PID.B/2005/PN.JKT.PST on behalf of Polycarpus Budihari Priyanto as the defendant, central Jakarta state court, December 20, 2005

reasoning and the defendant did not show an open attitude, provided unclear and false information, though the defendant did know a truth he really knew.’⁵²

Kedua, in its considerations to aggravate Polycarpus, the judges were also consistent with the above argument:

‘ ... the charges delivered by the general prosecutor, if they are compared with the crime committed by the defendant that was proved to be made in a conspiracy and needed further investigation on the other people involved in the murder case of Munir, the judges considered that the charges were exaggerating and they ought to be reduced ... ’⁵³

In the verdict, the judges also mentioned some people who were suspected to be involved in the conspiracy.

First, Ramelgia Anwar (who had been the vice president of corporate security of PT Garuda) who according to the judges has beyond the authority has made fake documents, to make it possible for Polycarpus to do the crime. Some points of the verdict supported this:

‘ ... it could be confirmed that the defendant was fully aware on the cooperation with the witness, Ramelgia Anwar, because without the role of the witness by making the fake documents, the defendant was not possible to use the fake documents and to commit the crime of making fake documents’.⁵⁴

‘ ... it was proved that the defendant did not do all of the crime elements, but still needed the role of another person, the witness Ramelgia Anwar, the court considered that the role of Polycarpus as a person who was involved in making fake documents.’⁵⁵

The *second* were Oedi Irianto and Yeti Susmiarti (steward and stewardess of the business class in the GA 974 flight, Jakarta – Singapore). According to the judges, the murder by Polycarpus using arsenic poison could only be made possible through the help of the two people. The point of the verdict shows this:

‘The defendant cannot be considered as the one who committed the murder because, as shown in the description of the key charge, the arsenic poison was poured by the defendant into the fried noodle that could only be eaten by Munir because of the role of another person, namely the witnesses Oedi Irianto and Yeti Sumiarti.’⁵⁶

‘Following the clues in the above description, it was proved that the defendant in murdering Munir did not play by himself, because there were still other people who were involved in planning and committing the crime by pouring the arsenic poison into the fried noodle as a meal choice in the business class, namely the witnesses Oedi Irianto and Yeti Sumiarti who prepared and delivered the fried noodle to Munir.’⁵⁷

⁵² Ibid

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid

⁵⁷ Ibid

*'It can be confirmed that if there was no conscious cooperation of Oedi Irianto and Yeti Sumiarti, the intention of the defendant to murder Munir could not be materialized.'*⁵⁸

Third, the judges in the verdict also made a progress by mentioning the name of Muchdi PR as seen in the following consideration to answer the presence or absence of motif by the defendant Polycarpus to murder Munir.

*'.. based on the facts numbers 45, 46, 47, and 48, about the telephone connection between the cell phone number 0811900978 owned and operated by Muchdi Purwopranjono and the phone numbers 021-7407459, the home phone number of the defendant and the cell phone number 0815920226 owned by the defendant, and the cell phone number 081584304375 owned by the defendant, where in total there were at least 41 telephone calls.'*⁵⁹

Though the witness Muchdi Purwopranjono denied to know the defendant and denied his telephone conversation with the defendant, but the witness admitted that the cell phone number 0811900978 was in his authority and he confirmed the print out given by the telecommunication provider company.

Based on the information given by the witness to confirm the ownership of the cell phone, a moving instrument, it was considered sufficient for the court to state that the cell phone was owned by the witness Muchdi Purwopranjono. Certainly it was not easy for a key military intelligence with an office as the Deputy V to give his cell phone number to be used by someone else, though the bill was not paid by himself but by another party, namely PT Barito Pacific Tower handled by Yohanes Hardian.

The presence of a cell phone was currently considered as a modern device for the owner to communicate as the most versatile instrument and appropriate for private and confidential conversation, because it was only the provider company that knew the communication contacts between one phone number and another phone number. It means that there was no other person who could know what was being talked about apart from the speakers themselves.

Based on the information of the witness, Muchdi Purwopranjono, concerning his cell phone number 0811900978 that could be used by another person or anybody else who used it without mentioning the name of the person, it was quite insensible, because for the witness with such a strategic position in the institution, he should realize its danger and it might harm himself if he let anybody use his cell phone though the witness was not the one who had to pay the bill for the number to be paid on time;

Based on the information given by the defendant who was never under oath that he did not know the owner of the cell phone number 0811900978 without a reason was considered insensible by the court, and the defendant had denied without any basis at all and it should be ignored;

Based on the legal fact showing the phone contacts between the telephone of the defendant with number 0811900978 at least 41 times, the court found further facts on the exact time, when, and

⁵⁸ Ibid

⁵⁹ Ibid

how the defendant was and Munir was including the followings: Starting from August 25, 2004, or before Munir left for Amsterdam, then on September 6, 2004 or before Munir left for Amsterdam, and on September 7, 2004, at 10:00 and 11 western Indonesian time. When the defendant came home from Singapore and was already in Jakarta and Munir was in his journey to Amsterdam, and on September 7, 2004, at 16:49 (10:49 Amsterdam time) up to 21:05 western Indonesian time (15:05 Amsterdam time) when it could be confirmed that Munir had died, or at least 5 (five) phone contacts, and then on November 13, 2004, 4 (four) times, and on November 17, 2004 up to November 25, 2004, 27 (twenty seven) times when the media had mentioned the name of Polycarpus as being involved in the murder case of Munir in the flight of Garuda Indonesia;

Considering that based on the legal facts, related to the information given by the witness Muchdi Purwopranjono who confirmed the print out shown in the court and the information given by the defendant who did not deny his home and cell phone numbers, the court got more clues, including the followings:

- *Between the defendant was officially a pilot of Garuda Indonesia and the speaker of the cell phone number 0811900978 there was a close relationship particularly in the activities related to the duties of the speaker of the cell phone number 0811900978 especially in the effort to murder Munir.*
- *Besides his formal job as a pilot of Garuda Indonesia, the defendant also had the same intention with the speaker of the cell phone number 0811900978 including not to let the attitudes and activities of Munir who always vocal and criticize the policies of the government particularly the armed forces and the national intelligence agency (BIN);*
- *The witness H. Muchdi Purwopranjono was the one who should know anybody who used his cell phone number 0811900978 and talked to the defendant through his phone number as mentioned in the above print out;*
- *Though in this case it was not clearly stated the person who used the cell phone number 0811900978, but it can be seen that the person had a close relationship or had been well known by the witness Muchdi Purwopranjono who always kept his mouth shut during the questioning and said that he did not know who used his cell phone number;*

Considering that based on the information of the witness H. Muchdi Purwopranjono who said that he once had sent a warning through the senior of Munir that Munir should not be vocal in criticizing the government, but Munir still insisted in being vocal, the court found the clues that the person who talked with the defendant through the cell phone number 0811900978 was also the person who did not agree if Munir was vocal in criticizing the government, and since Munir did not change and keep being vocal in criticizing the government, the speaker himself was the one or the party who had the motif to stop the vocal actions of Munir by murdering Munir.

- *Based on the fact of the number of phone contacts with such a frequency, the court considered that the defendant Polycarpus was in addition to his official job as a pilot of Garuda Indonesia also had the same activities with the speaker of the cell phone number 0811900978 .*

- *Though no witness who knew, heard, or clarified the content of phone conversation between the defendant and the user of cell phone number 0811900978, but based on the indications found in the trial, and related to the presence of the defendant in the flight from Jakarta to Singapore, the court considered that between the defendant and the speaker of the cell phone number 0811900978 there was an agreement on how to reach their intention to kill Munir.*
- *Based on the agreement, it could be known that whoever they were, they had talked about how to kill Munir. They were the persons who had the intentions and motifs to kill Munir.*

Considering that based on the indications and information by the witness Muchdi Purwopranjono and the information given by the defendant, and related with the activities of the defendant in addition to being a pilot of Garuda he also had side business with the speaker of the cell phone number 0811900978, the question how to kill Munir could be answered, namely because the defendant Polycarpus also wanted that Munir not be vocal in criticizing the government. That is why the court considered that the defendant had the motif or reason to kill Munir, or in other words there was a motif of the defendant to kill Munir.

- *Considering that based on the above description, the court further considered that who had the intention to kill Munir was not only the defendant alone but there were still other people who should be traced through more accurate investigations by the authorized law enforcement officials.*

From this conclusion, in fact the screen behind the murder of Munir was not so dark. The verdict of the judges is homework to be further followed up by the Police investigators. And this time it is not only Polycarpus who became the door to unveil the case of Munir, but also Ramelgia Anwar, Yeti Sumiarti, Oedi Irianto, and Muchdi PR. The Police investigators have to immediately question all key witnesses above by using and optimizing their legal authorities, including to summon, to question, to apprehend, to search, and to seize evidences relevant to the investigation.

VIII. Reaction against the verdict of the judges

Until the end of 2005, the verdict of the judges had got various comments from various related parties. The lawyer of the defendant, Assegaf et al., was convinced that the verdict of the judges was not right in its relation to the shift of the verdict from the charges delivered by the general prosecutor, particularly concerning the food and drinks that 'killed' Munir. Assegaf et al. have reported this matter to the Judicial Commission⁶⁰ and they considered that there was intervention or pressure from outside on the judges. When the verdict was read, Polycarpus strongly declined the verdict of the judges⁶¹. Meanwhile, Yosepha Hera Iswandari (Polycarpus' wife) planned to sue the JPU to the attorney commission because in her opinion the charge of the JPU was only a nonsense story. Hera also would try to see the President Susilo Bambang Yudhoyono, Komnas HAM, Judicial Commission, human rights commission of the UN, and the Holy See Pope Benedict XVI in Vatican to report the verdict that was considered as being unfair by her.⁶²

⁶⁰ 'Poly was punished 14 years of imprisonment: Other actors need further investigation to finish the case', Kompas, December 21, 2005

⁶¹ 'Polycarpus challenged the verdict', Koran Tempo, December 21, 2005

⁶² 'The verdict on Munir's murder: the justice scene of Suciwati and Yos Hera', Kompas, December 21, 2005; 'The verdict of Polycarpus: the Judges were sued to the Judicial Commission', Media Indonesia, December 21, 2005; 'The case of Munir: Polycarpus' wife will see the Komnas HAM', Kompas, December

The general prosecutor would ask for an appeal on the verdict of the judges, because the punishment was still well below a life sentence. This plan was delivered by the legal communication officer (Kapuspenkum) of the Attorney General, Masyhudi Ridwan at the office.
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In the mean time, Suciwati, the wife of Munir, considered that any punishment to Polycarpus was no difference because Poly was only a tiny part of the conspiracy as mentioned by the judges. Suciwati demanded the law enforcers to take a follow up. The coordinator of KontraS, Usman Hamid, stated that the investigation on Munir case had not been complete and still needed further investigations with better accuracy. A criticism was also delivered by the former president, KH Abdurrahman Wahid, a key figure of Nahdlatul Ulama (NU). According to Wahid, the 14 years of imprisonment on Polycarpus should be followed with investigations on other actors such as Muchdi PR as mentioned in the verdict of the judges. Gus Dur urged president SBY to establish a presidential team with a strong, clear, and detailed mandate to further investigate the findings of the Munir TPF.⁶⁴

In responding the verdict of the judges, the President, SBY, had instructed the chief of the Police, Gen. Sutanto, to unveil the murder case of Munir. Through the presidential spokesman, Andi Malarangeng, he admitted that the case of Munir was a conspiracy in nature and after listening to the verdict of the judges, the President was determined to unveil the murder case of Munir. The President urged that all parties involved in the case of Munir be taken to justice. The considerations of the court and the evidences found in the trial process should be made references for the Police, the Attorney General, and BIN to retrace the case of Munir, said the President. On the other hand, the chief of the Police, Gen. Sutanto, urged Polycarpus to be open for investigators to unveil the real facts.⁶⁵

In line with the position of the President, according to the chief of the Police, Gen. Sutanto, the investigation on Munir case would not be terminated until the main actor could be found.⁶⁶ However, it seemed that the chief of the Police did not find any key breakthrough in the deadlock of investigations after the TPF. This attitude was seen in the statement of the chief of the Police that the key to the case of Munir was only Polycarpus. The chief of the Police, Gen. Sutanto urged Polycarpus to be open in providing information to the Police and Sutanto promised to provide protection to Polycarpus and his family.⁶⁷ However, the President, SBY, declined the idea to establish a new independent investigation team. According to him, the investigation on the Munir case would be made by using regular mechanism.⁶⁸

28, 2005; 'Munir's wife is not satisfied: Polycarpus' wife to see the UN human rights commission', Koran Tempo, December 24, 2005.

⁶³ 'The JPU to seek for an appeal', www.detik.com

⁶⁴ Joint press release led by Abdurrahman Wahid, 'President SBY should not be like a general left by his soldiers in the case of Munir', PBNU, Jakarta, December 21, 2005

⁶⁵ 'President: there was conspiracy in the case of Munir: the chief of the Police was instructed to completely unveil the case', Kompas, December 22, 2005

⁶⁶ 'The death of Munir: the Police to continue investigations', Koran Tempo, December 30, 2005. 'The Police promised to completely solve the case of Munir', Suara Pembaruan, December 21, 2005

⁶⁷ 'Speak up Poly!', Koran Tempo, December 22, 2005

⁶⁸ 'No more investigation team,' Koran Tempo, December 24, 2005; 'No more ad hoc team on Munir case', Republika, December 24, 2005; 'SBY is not going to establish a new TPF on Munir case: the chief of the Police to seriously unveil other actors', Indopost, December 24, 2005

Meanwhile, Syamsir Siregar, the chief of BIN commented by saying that the investigators had not been capable to unveil the intellectual actor behind the murder of Munir. In addition, Syamsir said that BIN was ready to cooperate to follow the verdict of the judges.⁶⁹

Based on the above facts and all commitments (statements), the committee of solidarity movement for Munir case (KASUM) still urged the president, SBY, to establish a new presidential team for the Munir case, in order to find out the real master mind of the murder.⁷⁰ KASUM also stated that the investigations just needed to follow up the verdict of the judges of the state court of central Jakarta mentioning the names of Oedi Irianto, Yeti Sumiarti, Ramelgia Anwar (all were Garuda people), and Muchdi PR, the former Deputy V of BIN.

Quick response was released by the US government – US Department of State – on December 20, 2005. In its press statement, the US government agreed with the conclusions drawn by the judges saying that Polycarpus was only a part of the bigger conspiracy to murder Munir. The US government urged the Indonesian government to continue investigating the Munir case. The US government also demanded that the Indonesian government openly publish the report of TPF on the Munir case.⁷¹ The statement of the US government was following the previous statement issued by the US Congress. In a letter to the President, SBY, on October 27, 2005, it also urged the same thing.⁷²

With such reactions from various parties, it could be ascertained that the Munir case would not be over yet. It was still a long way to go. The statement of the President SBY, the chief of the Police, the chief of BIN, and other state institutions in one hand brought about a hope that the master mind of the murder would still keep being hunted, but on the other hand such statements seemed to be just a lip service formality. All those formal statements should in fact be implemented regardless whatever was going on in the court. The investigation of the Police, for instance, did not bring about any fruit at all up to six months after taking the responsibility to continue the job of the TPF. The statement of BIN mentioning its disappointment on the investigation by the Police and the court looked insensible by considering that the institution had in fact been resistant and failed to cooperate with the TPF. Meanwhile the president SBY with his statements that have not been accompanied with a comparable result only strengthened the cynicism of the public on his leadership style that relied on special appearance to Munir's family. If such situations keep going on, the Munir case which was called a test of history by the president, SBY, would soon become a 'his story' of the failure in power system, just like when the country narrates the history of abuse of power.

⁶⁹ '14 years of imprisonment for Poly: other actors should be investigated to completely solve the case of Munir', Kompas, December 21, 2005; 'BIN will be asked to help solving the case of Munir', Indopost, December 23, 2005

⁷⁰ Press release of KASUM at the office of KontraS, Jakarta, December 28, 2005; 'The murder of Munir: the government has not been serious yet', Kompas, December 29, 2005; 'Not much money needed to establish a new presidential team on Munir case', Suara Pembaruan, December 29, 2005; 'The murder case of Munir: NGO demanded to establish an independent team', Koran Tempo, December 22, 2005

⁷¹ 'Press statement, Munir Trial Verdict,' issued by Sean McCormack (spokesperson), Washington DC, December 20, 2005; accessible at <http://www.state.gov/r/pa/prs/ps/2005/58352.htm>; 'US Senate urged the investigation of Munir case', Republika, December 30, 2005

⁷² 'Joint press release: to demand the fulfillment of the president's promise to unveil the murder of Munir', the office of KontraS, Jakarta, November 9, 2005



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