

Ongoing impunity in the murder of Mr. Munir Said Thalib

Geneva-Paris, January 5, 2009. The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), expresses its deep concern about the impunity that continues to prevail in the assassination of Mr. Munir Said Thalib, co-founder of the Commission for Disappearances and Victims of Violence (KontraS) who was killed in 2004.

On December 31, 2008, the South Jakarta District Court decided to acquit for want of evidence former Deputy Chief of Indonesia's National Intelligence Agency (*Badan Intelijen Nasional* - BIN), Mr. Muchdi Purwopranjono, who was prosecuted for “premeditated murder” of Mr. **Munir Said Thalib**. Indeed, Presiding Judge Suharto said that “the defendant [was] not legally nor certainly proven to have been involved in the killing of Munir”, and the panel of judges argued that the State Prosecutor had failed to substantiate its primary and secondary allegations that the retired military General had solicited and assisted Mr. Polycarpus Budihari Priyanto in the murder of Mr. Munir. Mr. Muchdi was arrested in June 2008. His trial began in August.

The Observatory recalls that Mr. Munir Said Thalib died on board of a Garuda Airlines flight from Jakarta to Amsterdam on September 7, 2004. In January 2008, the Supreme Court sentenced Mr. Polycarpus Budihari Priyanto, a Garuda Airlines pilot and the main suspect, to 20 years' imprisonment. Mr. Priyanto was suspected of having offered a first class seat to Mr. Munir and then of putting arsenic in his orange juice. Mr. Munir had played a leading role in the investigations on human rights violations perpetrated by the Indonesian army, particularly in East Timor. He had also led numerous investigations into the disappearances of activists in Aceh and Papua under the General Suharto's dictatorship.

In June 2005, an official investigation team (*Tim Pencari Fakta* - TPF) had submitted its report to the President of the Republic, Mr. Susilo Bambang Yudhoyono. The report suggested the involvement of senior executives of the Garuda airline and BIN high-level officials in the death of Mr. Munir. However, this report was not used during the trial.

The Observatory expresses its deepest concern about the lasting impunity in Mr. Munir's murder, all the more that the prosecution of Mr. Muchdi Purwopranjono had been seen as a breakthrough in the fight against impunity, given that it was the first time a member of the BIN had been arrested for a criminal offence and was the first acknowledgement that State authorities may have been involved in Mr. Munir's assassination. Furthermore, the Observatory believes that the prosecution made little efforts to present serious evidence and regrets the lack of witness protection and the withdrawal of testimonies of some members of intelligence services. According to the indictment, Mr. Muchdi would have been motivated by revenge, as Mr. Munir had exposed human rights violations committed under his command. By assuming revenge as the motive, the prosecution avoided investigating the possible participation of other high-ranking intelligence figures in Mr. Munir's murder.

The Observatory therefore urges the Indonesian authorities to launch a full and impartial investigation into Mr. Munir's murder and finally bring those responsible to justice. More generally, the Observatory

calls upon the Indonesian authorities to guarantee in all circumstances the physical and psychological integrity of human rights defenders in the country, and to put an end to any act of harassment against them in conformity with the provisions of the 1998 United Nations Declaration on Human Rights Defenders.

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