

Show trial offers no justice for Novel Baswedan

The quest for justice has been painfully long and elusive for Novel Baswedan. The Corruption Eradication Commission (KPK) investigator was attacked with acid on April 11, 2017, making him blind in one eye. The subsequent high-profile trial of the two indicted police officers has garnered public attention, and the North Jakarta District Court has sentenced the defendants to two years and one-and-a-half years in prison, respectively.

But whatever the verdict is, we fear that it will serve no justice for Novel considering the way the case was handled.

It took the National Police almost three years to declare two of its own low-ranking members, Ronny Bugis and Rahmat Kadir Mahulette, suspects. The police-led joint investigation team failed to name any alleged perpetrators of the attack until the arrest that was made only last December.

One of the defendants told the media he attacked Novel because he disliked him and considered him a "traitor," perhaps because Novel was a former cop. Since joining the KPK, Novel has inves-

tigated major corruption cases involving high-ranking police officers, ministers and politicians.

The arrest of petty police officers prompted doubt that Novel would finally get justice. He has long suspected police higher-ups were behind the acid attack, which was why an independent fact-finding team into the case was called for in the first place.

Rather than revealing the truth, the trial has only raised more questions about the crime and the investigation into it. Prosecutors did not present crucial evidence, watered down the charges and ignored findings linking the crime to the victim's anticorruption work.

During the trial, the prosecutors failed to present key witnesses who were at the crime scene moments before the attack, even though they had been questioned by the police, the National Commission on Human Rights and the police-led criminal investigation team. They also failed to present the CCTV footage of the attack to identify suspected perpetrators.

But the most glaring irregularity was the attempt to water down



INSIGHT

Usman Hamid

Director of Amnesty International Indonesia

the charges against the defendants. The prosecutors took for granted the claims made by the defendants that they only wanted to intimidate Novel but "accidentally" hurt him. They also repeated in the charges without further verification the defendants' claim that they hurled battery water—rather than acid as doctors claimed—at Novel's face. In other words, their prosecutions clearly lacked scientific evidence.

The prosecutors also made no connection between the attack and Novel's investigation into corruption cases, presenting the attack as nothing but the defendants' personal grudge against Novel. This framing overlooked the conclusions of the rights body that the attack was likely linked to the cases Novel was dealing with, including one implicating a police general.

It was also revealed during the trial that the two defendants were not arrested, as initially claimed by a police spokesperson. Instead, they had turned themselves in, and it remains unclear why they decided to do so after almost three years of police investigation into the case.

Such irregularities have raised serious questions about whether the two defendants were involved in the attack or were scapegoated for the real perpetrators. The verdict might be designed to convince the public justice is upheld while the real perpetrators and mastermind have yet to be identified, let alone arrested.

Amnesty International considers Novel a human rights defender who was targeted for his work in the fight against corruption. At the time of the attack, Novel was heading the KPK's employees

union and a critic of attempts to hire more police officers as KPK investigators. He has received numerous threats of physical attacks as well as criminal defamation claims, part of an apparent effort to disrupt his investigations.

Moreover, the acid attack against Novel and the failure to effectively resolve it cannot be viewed in isolation. KPK investigators, antigraft activists and human rights defenders have been subjected to threats and violence due to their activities, for which accountability is rare.

As a party to the UN Convention against Corruption, the state is obliged to protect those at risk of having their rights violated for investigating, reporting and prosecuting graft cases. Corruption itself is a crime that contributes to violations of human rights, including economic and social rights, which are guaranteed under the International Covenant on Social, Economic and Cultural Rights, which Indonesia has ratified.

The state's failure to find and prosecute perpetrators of the attack on Novel will mean its failure to fulfill his rights to justice and ef-

fective remedies, which are protected by Article 8 of the Universal Declaration of Human Rights and Article 2 of the International Covenant on Civil and Political Rights.

The government must fulfill its international obligations by ensuring that the investigation into the attack on Novel is thorough, independent, impartial, transparent and effective and that anyone suspected to be responsible is brought to justice in fair trials.

The state has a responsibility to protect and ensure the safety of those involved in the fight against corruption.

A show trial will do nothing but offend the public's sense of justice and lead to a travesty of justice.

There is a history not just with Munir case, but also Marsinah, Tim Mawar, so many other major rights cases, of both convicting lower-ranking operatives (or scapegoats) and presenting motives as personal. This obscures the truth, protects the perpetrators and lets the intimidation that may have inspired the attack persist as a threat against anticorruption fighters and all human rights defenders.