

## **APPENDIX**

<sup>1</sup>The Constitutional Court ordered the recording on the conspiracy against Bibit and Chandra to be submitted on Tuesday this week. This decision was reportedly one of the factors behind the order to detain Bibit Samad Rianto and Chandra Hamzah.

<sup>4</sup>CONGRATULATIONS were extended to Bibit Samad Rianto and Chandra M. Hamzah. These two suspended leaders of the Corruption Eradication Commission (KPK) occasionally burst into laughter. On Thursday last week, Bibit, Chandra, and their team of lawyers did indeed appear elated. Two interim verdicts of a material test of Law No. 30/2002 on the KPK, which they had filed for, had been granted by the Constitutional Court (MK).

<sup>10</sup>In the first interim verdict, the court said that President Susilo Bambang Yudhoyono (SBY) could not permanently remove Bibit and Chandra from office even if the two were facing criminal charges. Their removal from office must await the final verdict of the court regarding the material test of the law on the KPK. In the second interim verdict, the court ordered the KPK to hand over all documentation in the form of recordings and transcripts connected with the Chandra and Bibit case on trial on Tuesday this week. “The court as the upholder of the constitution can demonstrably protect citizens,” said Chandra with a smile of relief.

<sup>18</sup>After attending the session in the Constitutional Court, Bibit and Chandra went to the Crime Investigation Unit building at National Police Headquarters. That day they were required to report back because as of mid-September they had been named suspects. The police charged the two on suspicion of extortion and receiving bribes from Anggoro Widjojo, director of PT Masaro Radikom, a corruption suspect in the procurement of the Integrated Radio Communication System at the Forestry Department. The two are also suspected of abusing their authority by issuing travel bans against Anggoro and Joko Tjandra, director of PT Era Giat Prima.

<sup>27</sup>However, that day Chandra and Bibit did not leave police headquarters. The two were immediately taken to holding cells. At the same time, the deputy head of the Crime Investigation Unit, Inspector-General Dikdik Mulyana Arif Mansyur arrived, hosting a press conference on their detention. “However, before the press conference, *Pak* Dikdik first made sure that *Pak* Bibit and *Pak* Chandra were in custody,” said a Tempo source at the Crime Investigation Unit.

<sup>33</sup>The sudden order to arrest Bibit and Chandra infuriated Achmad Rifai, their lawyer. “The reason for it does not make sense,” said Achmad. The police provided reasons why they needed to detain Chandra and Bibit. In addition to a possible five-year prison sentence, there was the concern that evidence could be destroyed, or that they might flee. Also, the two often made statements to the press which upset the investigation process.

<sup>39</sup>Bibit and Chandra refused to sign the police case files. “I don’t want to sign,” said Bibit, ignoring the paper set down by an officer. After spending the

night in custody at the Crime Investigation Unit, the next day the two were moved to the detention facility of the Police Mobile Brigade in Kelapa Dua, Depok.

<sup>43</sup>According to a *Tempo* source, the arrest of Bibit and Chandra was triggered by the decision of the Constitutional Court which ordered the KPK to reveal the contents of the recording containing discussions on a plot in the Bibit-Chandra case, which is currently being widely reported in the media. According to this source, as soon as the MK stated that the recorded must be released, a high-ranking police officer in the Crime Investigation Unit immediately telephoned National Police Chief Bambang Hendarso Danuri, who at that time was attending a Workshop on Consolidating Leadership in the National Police, in Cisarua, Bogor. Bambang held a meeting as soon as he heard the news. “The decision was that Bibit and Chandra had to be arrested,” said the source.

<sup>53</sup>Bambang Hendarso denied that the police panicked and were bewildered because the transcript of the recording was being circulated. At a press conference held after being summoned by President Yudhoyono, he said that the police would confiscate the recording. “It will be investigated as to who made the recording, who was recorded on it, and whether or not the recording is authentic,” he said.

<sup>58</sup>For the past week, a transcript of that recorded conversation had circulated among reporters who usually cover the news at the Attorney General’s Office (AGO) and the KPK. According to Achmad Rifai the transcript contains, among other things, a conversation between Anggodo (Anggoro Widjojo’s younger brother) and some top AGO officials, strengthening the evidence that the case against Bibit and Chandra was clearly engineered.

<sup>64</sup>According to Rifai, the recording began with the wiretapping by the KPK of the cellphone of Anggoro, who since June 2008 had been living abroad, and Anggodo. Anggoro was wiretapped as part of the investigation into the corruption case of the Integrated Radio Communication System project.

<sup>68</sup>According to another *Tempo* source, at that time Anggoro often contacted Anggodo because he knew that the KPK was ready to send a team to check on his whereabouts in Singapore. The recorded conversation between these two brothers was about how Anggodo could free his older brother from the clutches of the KPK. It was this wiretap which developed the case in many directions. “Anggodo’s telephone was used to contact a number of AGO officials,” said this source. Several telephone numbers such as those belonging to former Deputy Attorney General for Intelligence, Wisnu Subroto, and Deputy Attorney General, A. H. Ritonga, were read by the recording device. “Sometimes Anggodo telephoned them, sometimes it was the other way around,” said the source. The essence of all these conversations was to make a scenario to save Anggoro and place Chandra and Bibit behind bars.

<sup>80</sup>According to this *Tempo* source, this was all done because Ary withdrew his testimony to police, namely that he had handed over some money to Chandra, Bibit, and other KPK officials. Ary’s move caused Anggodo to panic, because Ary was the only contact who could get extortion charges filed against Chandra and Bibit. Because Ary refused to cooperate, Anggodo looked for someone to take his place. They set their sights on Eddy Sumarsono, a close friend of Antasari Azhar.

<sup>87</sup>The transcript mentioned that the recording of how Anggodo “arranged” for Wisnu to speak to Eddy so that this chief editor of the *Investigasi* tabloid could claim to be the person who ordered Anggodo to hand over the money to Bibit and Chandra. To their chagrin, Eddy refused to do so. “If he does not admit to doing it, we will be in trouble,” said Anggodo in a telephone conversation with Wisnu on July 30, 2009 at 7:13 pm, as printed in the transcript.

<sup>93</sup>At that time, Wisnu suggested that Anggodo call Kosasih, Anggodo’s lawyer and also Wisnu’s friend when he worked at the Surabaya District Attorney’s Office. “Call Kosasih to clear it. He really knows the technical part of it,” said Wisnu. “The important thing is that he (Eddy) says that it was time to pay Chandra as instructed by Antasari,” said Anggodo, runs another part of the conversation between Anggodo and Wisnu, available in the transcript.

<sup>99</sup>Bonaran Situmeang, Anggodo’s lawyer, emphasized that his client is a longtime friend both Wisnu and Ritonga. “He often called them personally,” said Bonaran. According to Bonaran, Anggodo asked Wisnu to “direct” Eddy, because Anggodo knew Eddy through Wisnu. “At one time, my client needed to reach *Pak* Antasari, then *Pak* Wisnu introduced my client to Eddy because Eddy was a friend of *Pak* Antasari,” said Bonaran, clarifying the relationship between Anggodo, Wisnu and Eddy.

<sup>106</sup>Wisnu does not deny he knows Anggodo. “I have known him for a long time. We like to have coffee with friends,” he said. Ritonga also did not deny knowing Anggodo. “Who doesn’t know Anggodo,” he said. Even so, the two denied manipulating things so that Chandra and Bibit would wind up in jail.

<sup>110</sup>In the transcript of a conversation which is suspected to be between Ritonga and a woman named Yuliana or Lien, on August 21 at 10:57 am, it is evident that Ritonga knows Anggodo and Ary Muladi. “When Anggodo met Ary, Anggodo called me, then Ary said to me to give his regards to *Pak* Ritonga. That’s what he said *Pak*. Good thing he met you. If not, oh my,” said Yuliana, according to the transcript. Ritonga then said, “Thank you.” Yuliana then asked, “If Anggodo wants to meet *Bapak*, what then?” Ritonga replied. “We cannot meet yet.”

<sup>118</sup>Ritonga claimed he never exchanged phone calls with Anggodo. This former Deputy Attorney General for General Crimes even warned the KPK to be cautious in using wiretaps. Wiretapping, said Ritonga, was only for corruption cases. “If it is not corruption-related, such wiretaps are against the law,” he said.

<sup>122</sup>The circulation of the transcript did not only make Wisnu and Ritonga busy with defending themselves, they have also flushed Anggodo out of his “nest.” On Friday last week, he failed a complaint against Chandra, Bibit, and two KPK leaders, Mochamad Jasin and Haryono Umar, to the National Police. Anggodo reported these four people for slandering his name. “I feel a great offense has been done against me. What business do I have with the KPK?” he said loudly.

<sup>129</sup>At the KPK headquarters in Kuningan, South Jakarta, Tumpak Hatorangan Panggabean, a caretaker of the KPK chairman’s duties, verified that there was recorded evidence connected with the investigation into the Anggoro case. However, he said he did not know if the contents of that recording were the same as in the transcript, which was published in some media. According to

Tumpak, the KPK is to turn over the recorded evidence to the Constitutional Court. “However, before that we will officially ask for the letter ordering the transfer,” he said.

<sup>137</sup>Tumpak pointed out that the recorded evidence in the hands of the KPK is documentation related to state secrets. “So, it can only be used in the interests of a legal process in court.”

<sup>140</sup>The mention of the President (RI-1) in the transcript was also highlighted by Muladi, Governor of the National resilience Institute. Muladi asked the State Intelligence Agency (BIN) to take part in investigating the recording, especially on Lien or Yuliana, who was heard to mention RI-1 (the security code name for the President). “BIN must be able to identify this person,” he said.

<sup>145</sup>The arrest of Bibit and Chandra immediately triggered a strong reaction from segments of the public. Some circles also regretted the stance taken by President Yudhoyono, who they felt had “allowed” the dispute between the KPK, police and AGO to go on. “This is a form of power ego,” said Bambang Widjojanto, lawyer for Bibit and Chandra. Teten Masduki, Secretary-General of Transparency Indonesia, pointed out that the emergence of the recording would backfire on the police. “That recording shook up the police,” he said.

<sup>152</sup>The KPK then sent a letter to the police, asking that the detention of Bibit and Chandra be delayed. As of Saturday last week, hundreds of national figures joined the parade of people who declared their readiness to provide personal guarantees for the release of Bibit and Chandra. They include, among others, Azyumardi Azra, Anies Bawedan, Imam Prasodjo, Adnan Buyung Nasution, Todung Mulya Lubis, Hikmahanto Juwana, and Komarudin Hikayat. “The

reasons for detaining these two men are exaggerated,” said Azyumardi Azra. Former KPK Deputy Chairman Erry Riyana Hardjapamekas even asked the police to arrest him because he once signed a letter banning certain people from travelling overseas, the charges against Chandra and Bibit.

<sup>162</sup>Support for Chandra and Bibit also came from Internet activists. Last Friday, via *Facebook*, Usman Yasin came up with a group of “1,000,000 supporters for Bibit and Chandra”. As of last Saturday, said Usman, the amount of support was already about 90,000.

<sup>166</sup>At the State Palace, last Friday, President Yudhoyono confirmed that he would not intervene in the matter of Bibit’s and Chandra’s detention. The President said he could only order the police and the AGO to ensure the process was done professionally, objectively and in a transparent manner. “There has to be accountability for it,” he said.

<sup>171</sup>Last Saturday, some top officials at the Crime Investigation unit were going to go to the KPK to confiscate the recorded conversation of Anggodo. This news made scores of reporters flock to the KPK building last Saturday. However, even into the night there was no sign that any high-ranking police officers would arrive. Trimoeljo Soerjadi, a lawyer for Bibit and Chandra, asked that the police not confiscate the recording before it was submitted as evidence and judgment was passed by the Constitutional Court. “This is to prevent the police from being charged with contempt of court,” he said.

<sup>179</sup>However, according to Hikmahanto Juwana, a legal expert at the University of Indonesia, the Constitutional Court can still release the recording



even if the police have confiscated it. “The Constitutional Court is also a court, and the police must abide by its orders,” said Hikmahanto.

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