



**For immediate release: 26 May 2011**

**PRESS RELEASE**

**INDONESIA: Million-Dollar Defamation Award to Suharto's Son  
Setbacks Freedom of Expression**

**Jakarta 26.05.11:** The youngest son of Indonesia's former President Suharto - Hutomo Mandala Putra was awarded on 24 May 2011 damages worth 12.5 billion Rupiah (\$1.46 million) for a magazine article which described him as a "convicted murderer." Also known as "Tommy Suharto," the description in the article was a reference to his 2002 conviction for ordering the murder of a Supreme Court judge.

*"It is very disturbing that an Indonesian court awarded damages to Tommy Suharto for the publication of an article which mentioned true facts about his conviction. This ruling carries severe implications for press freedom in Indonesia and is further aggravated by the million-dollar compensation. The Tommy Suharto defamation case sends out the wrong signal as it implies that the judiciary system in Indonesia favours the protection of the rich and powerful,"* said Dr Agnes Callamard, Executive Director ARTICLE 19.

*"Unfortunately, this ruling is also a reminder of the oppressive and corrupted era under former President Suharto and constitutes a serious setback to Indonesia's progress in upholding freedom of expression and the rule of law since the fall of Suharto,"* continued Callamard.

The South Jakarta District Court ruled that the article, which appeared in December 2009 in the in-flight magazine of the national carrier Garuda airlines, "has damaged the plaintiff's credibility as a local and international businessman." The judge said that Tommy Suharto has "served his sentence and since the completion of the term he has fully regained his rights as a citizen and for his past to not be mentioned". The judge also said that identifying Suharto was irrelevant to the article, which was a review of a resort he owns in Bali. In addition to the monetary compensation, the court ordered the magazine to publish an apology in the next three monthly editions.

Tommy Suharto is widely known for his lavish lifestyle and the accumulation of wealth using his family's political influence. He was released in 2006 after serving only four out of the 15-year prison sentence for hiring gunmen to murder the Supreme Court Judge Syafiuddin Kartasasmita who convicted him for corruption over a real estate fraud. He was also found guilty on charges of weapons possession and evading justice.

Under international standards on freedom of expression, truth is a complete defense to an allegation of defamation. Individuals or media outlets should never be found liable for defamation unless they are shown to have made a false assertion of fact. ARTICLE 19 has previously criticized the fact that in many countries, including Indonesia, powerful public figures – such as the son of the former President in this case – abuse such laws to protect themselves from criticism or from the disclosure of embarrassing but truthful facts. ARTICLE 19 has also repeatedly called for the repeal of the criminal defamation law and the reform of the civil defamation law in Indonesia, which are inconsistent with international guarantees to the right to freedom of expression.

**ENDS**

**NOTES TO EDITORS:**

- For a media interview, please contact Mona Samari, Senior Press Officer, + 44 (0) 7515 828 939 or email [mona@article19.org](mailto:mona@article19.org).
- For more information, please contact: Amy Sim, ARTICLE 19 Senior Asia Programme Officer, [amy@article19.org](mailto:amy@article19.org) or +44 20 7324 2500.
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.