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The Bali Policemen's balls; "I want Candi"!

By Bali BS News
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Have you heard about Candi Internet? No, well let us tell you all about it, but let us not dehumanize the subject. Candi Internet is, or rather was the hope and aspiration of long term German born Bali resident Harry Bleckert and his Balinese wife Sang Ayu, not least to provide for their 9 year old daughter Merry. But, forgive the deliberate pun; Merry is not so happy these days. Her mother is in jail for allegedly ignoring a court summons over a police investigation which the Presidential Commission into Corruption has ordered the Chief of Indonesia's Police to investigate for corruption, when in fact she was instructed by her lawyer not to



Merry Bleckert

comply with the summons as it was unlawful in that it was improperly served and did not give her or him enough time to prepare, which the lawyer formally advised the court of but they choose to ignore. Her father Harry is now penniless, after the police unlawfully closed their business down, at the apparent bequest of Candi Internet's competitor, and under threat of unlawful detention himself seemingly because he is standing up for his legal rights and involving the corruption commission.

Merry herself is sad and "alone" in Germany with Harry's parents, having fled Bali because of the risk that both of her parents may soon be in jail. Her mother, Sang Ayu was jailed for 30 days on June 15th 2005 for ignoring a police summons (which she did not). This was extended on July 13th for another 60 days because the prosecutor, who is deeply complicit in the alleged corrupt investigation, submitted to the judges, who are also complicit, that the standard 30 day detention was not sufficient for such a serious crime as he alleges Sang Ayu committed, so the special 60 day detention order was appropriate. This was despite the fact Sang Ayu's family had met the 250 million rupiah (US\$27,000) bail bond on June 17th, yet which still being processed. And that Harry himself had gone to the court with a further 100 million rupiah cashiers cheque on July 8th to help secure Sang Ayu's release. So what heinous crime does the prosecutor allege Sang Ayu has committed? Of running an illegal Internet Service Provider business!

Illegal ISP? Hmm. It seems that Candi Internet is one of many smaller Indonesian businesses offering "WiFi" (wireless broadband) Internet connections as documented franchises of nationally licensed ISP's. That their legality is not mandated by PostTel, who regulate the ISP's who they are franchises of, but by the "APJII" (Asosiasi Penyelenggara Jasa Internet Indonesia) who do regulate "subnets" or franchises of licensed ISP's, and whose motto is "Fair Competition For Our Internet"; Hmmm again. Also Candi Internet had not yet commenced their service when their premises were raided by police officers without a search warrant and who seized

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their equipment on October 23rd 2004, so technically Candi Internet could not have been an Internet Service Provider in any event as they had not at that time provided anything. And finally, on September 23rd 2004, one month before this unlawful police raid, the Director General of PostTel (who does license true ISP's) held a meeting in Bali which senior police officers, Harry and others attended to spell out who needs what and why. The man that makes the rules stated that franchises / subnets of a legitimate ISP do not need to be licensed as ISP's, but do need to adhere to rules set by APJII. During that same meeting, the "PostTel DirJen" said there was to be a 3 month amnesty for any unlicensed true ISP to become licensed. So even if Candi Internet were an illegal ISP, they had until December 23rd 2003 to get a license. How many reasons can a person or business have for disproving the validity of such a police investigation?

Originally, the police claimed that they removed Candi Internet's equipment on the 23rd October 2004 because it was not approved, although they never had a warrant to lawfully seize it in the first place. Anyway, Candi Internet's equipment was bought from the main supplier of such equipment in Indonesia, PT Telemedia in Jakarta and as we understand the very same unapproved equipment being used by such major telecoms companies as Telkom and Indosat; so why do the police not pick on them as well? Also, as Candi Internet had not paid everything for their equipment at the time it was seized, PT Telemedia we still part legal owners; so why were they not pursued? It may help to understand that a lot of new technology used by the telecommunications companies in Indonesia is not approved as there is so much that approvals are slow. But that does not matter as the new law covering approvals (there was not one before) did not come into effect until January 2005, after the police's unlawful seizure anyway. And even if the police were able to legally apply the new law retroactively, this law states suppliers, etc. have 12 months from releasing the equipment onto the market to get it approved. As the equipment Candi Internet bought was under 12 months old release wise, it would have been covered by this amnesty.

So poor Mr. Bleckert filed motion after motion to get his equipment back, as without it he was not able to make any money. Finally the police had to do something, so they reinvented the reason they seized the equipment in the first place to, wait for it, that the equipment was environmentally unfriendly and created a health risk! So who decided it was a health risk? Why were the supplier and manufacturer not informed? And why were the other telecoms companies who use this equipment not told, etc? Weren't these actions by the police simply an act to put Candi Internet out of business? It certainly looks that way, but who would do such a thing?

Maybe the smoking gun points to a Balinese ISP providing the same WiFi type of service, PT Rabik Bangun Pertiwi AKA Blueline Broadband Internet. BlueLine director Mr. Gustave de Kok told us that Blueline had not made a police complaint against CV Candi Internet. Perhaps though, Mr. de Kok has been getting English lessons from Jack Daniels of Bali Discovery Tours, as he also tried to deny making a police complaint against one of his competitors despite the fact it is clear, from the evidence, Jack Daniels did just that. To cast potential doubt on Mr. de Kok's claim of innocence, there are certain coincidences about the investigation and unlawful seizure that make it hard to believe it could have been anyone else other than Blueline who likely paid the police to put Candi Internet out of business.

First was the fact that Candi Internet had provisional agreements with 3 of Blueline's most prestigious customers to trial their service, plus interest from many more of Blueline's customers to see how well Candi Internet fared in these trials. Second was timing, in that Harry of Candi Internet sent out an email on October 21st 2005 to their trial customers and prospective customers that they had successfully tested the network and everything was set to go, with Monday the 25th October 2004 to be the first day of actual business. When the police first raided Candi Internet on the 22nd October, the day after this email, Candi's staff reported that the police originally accused them of having an "illegal price comparison with Blueline" on their web site. Candi's staff say the police demanded they show them Candi Internet's web site on their office computer and then were directed to show the police a certain page on that web site; a price comparison with other WiFi providers of which Blueline was only one. Staff say the police then told them this was an illegal price comparison page with Blueline. Hmmm! Mr. de Kok and Harry Bleckert had previously only just had an exchange of emails and views over this very same page. We have

also seen an email sent by Mr. Gustave de Kok in which it is clear he provided a list of ISP's (legal or otherwise) to PosTel and was interested in any illegal ISP's he had missed. Finally the tack taken by the police was that Candi Internet was operating like an ISP the same as Blueline, but unlicensed and therefore illegal. Also, many people believe the police to be unable intellectually to make such a distinction themselves. In fact, it seems clear that the so called Cyber police of Bali are so uneducated in matters of the Internet that they believed they had to go to Candi Internet's premises in order to see their web site and price comparison page; they did not realize they could see this on any Internet linked computer! Maybe Mr. Gustave de Kok and Blueline had no part to play in this and these are just unhappy coincidences, but it is pretty hard to believe. Why else would the police act the way they did, at the time they did and only against Candi Internet?

Speaking of timing, perhaps some of you will have asked why it took such a long time for the police to raid Candi Internet and seize their equipment (October 23rd, 2005) to the time they arrested poor Sang Ayu (June 15th, 2005). Well, perhaps their original mandate was to close down Candi Internet, nothing else. But when Harry Bleckert refused to lie down and take it. When all of Harry's efforts to get his equipment back and the ridiculous investigation dropped. When all else failed, he then wrote to the Presidential Corruption Commission on the 11th April, 2005 pointing out the obvious nature of the police investigation, etc. When the commission wrote back to him on the 19th May 2005 that they would investigate his complaint. When on the 13th June 2005 they wrote to Harry saying they had contacted the Balinese police and had now referred the matter to the Chief of the Indonesian Police and State Prosecutor; clearly they believe there is a case of corruption to answer. Then it seems the police and their colluding prosecutor and judge decided Harry had gone too far and arrested his poor wife, the registered principle director of CV Candi Internet on still yet to be specified charges.

But you have to give Indonesian officials and certain Balinese police officers, prosecutors and judges involved in this sad affair some credit in all of this; they are nothing if not consistent and even persistent! One Judith Lubis of the Ketua Asosiasi Warnet Indonesia (Wartel Association) was quick to get involved and try and offer her help. After agreeing to meet her travel, etc. costs, poor Harry had high hopes when Ms. Lubis arranged meetings with the police. However, after having basically paid for her services, Mr. Bleckert reports that she rewarded him, in early November 2003, with an offer to relieve him of US\$14,000. US\$7000 for her, US\$ 7000 for an unnamed person in the police. Harry, sticking to his principles in spite of all he was losing refused her generous offer and later says he found out Ms. Lubis is being investigated for corruption in Jakarta, no! Anyway, Harry says he had received his own offer, through his lawyer, before from the chief prosecutor for Bali, Mr. Wiswantanu, to make the problem go away for just 50 million rupiah (US\$5,500). Clearly, the price goes up the more you stand up for your rights!

It is clear from this unhappy case that there are officers in the Balinese police, public prosecutors and judges who have no qualms about acting outside the law and so inhumanely. The icing on the cake now comes from the fact poor Harry himself has been unlawfully served a police summons; it was delivered to his accountants! This clearly is a common trick used by the police to claim a summons has been served, while the target had no knowledge of, or finds out too late. What makes Harry's summons more despicable is the date he must go to the police to be investigated, the 27th July. This a public holiday when the police station is closed for such purposes anyway; so Harry has no hope of conforming to his summons. Of course, if someone fails to report as specified by the summons, the police can and often do ask for an arrest warrant from their conspiring judges. And what has Harry been sort of summoned for? Why, for criminal libel against the "good name" of the Balinese police by telling the corruption commission they are corrupt of course! Unbelievable? Believe it. If you report the Balinese police for corruption to the correct authority and they agree there is a case to answer, the police deem they are able to lock you up for libel!

The lives of Sang Ayu, her husband Harry Bleckert, their daughter Merry, and all their family have been ruined by the actions of people there to defend the rights of people on the island of Bali, yet abuse their power to afflict the very people they are meant to serve. It is perhaps a useful lesson

to see how matters escalated, and how Harry could have perhaps bought himself out of trouble for less, then more and more as the investigation turned into a case, and a case turned into a prosecution.

Future potential investors in Bali can take note of the risks of being shut down by a jealous competitor who has contacts with the "right" police officers. The risks and therefore need to insure against having money extorted from them for no good reason, and not just from one direction. Maybe a "Bali-ite" tourist, in love with the island, decides to build a villa in the wrong place, next to a neighbour who is far from neighborly. It is this risk of extortion and corruption which keeps serious investors away from Indonesia, and with it what keeps the potential of the country's people down. Harry is to be applauded, really, for not selling out on his values and standards. He has lost everything, yet still fights on. He is a true hero of Bali, not like the police officers who maliciously created his misery and destroyed his faith in Bali; although not his faith in and love of the Balinese people.

If anyone ever needed a reason not to invest in Bali, it is Sang Ayu and Harry Bleckert. If the Balinese have any pride and courage at all, they will do what is needed to repay the Bleckerts for their woes and to also make sure changes are made within the authorities that apply the rule of law over Bali to ensure such a disgrace never happens again. In the mean time, let us all hope the Chief of Police for Indonesia and the State Prosecutor at least do their duty, at the request of the Presidential Commission for Corruption. We hope to have happier news for poor Merry soon.

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