

[College Media Network](#)

- [Search](#)
- [Web](#)

- [U Spring Break](#)
- [Top College News](#)



[Home](#) > [News](#)

Harvard Divinity student faces deportation

Indonesian who helped depose Suharto fears persecution

[Matt Hutchins](#)

Issue date: 4/30/09 **Section:** [News](#)

Nur Munir, a student in the Harvard Divinity School, disappeared in late March, leaving students and professors wondering where the Indonesian student of Islam had gone. Last week, Professor Baber Johansen discovered that Munir's absence was due to his detention by Immigrations and Customs Enforcement (ICE) at the York County Prison in Pennsylvania, pending deportation. Munir was taken into custody by ICE shortly after the final appeal to the Third Circuit Court of Appeals of his application for asylum was rejected on March 18th. Now there is little hope that Munir can avoid being sent back to Indonesia, where he faces the possibility of political reprisals from the erstwhile military supporters of President Suharto.

In May 1998, weakened by the Asian financial crisis and facing new political opposition, the Suharto regime's control over the military of Indonesia slipped. While President Suharto was in Egypt attending a conference, riots swept through Jakarta, resulting in the deaths of over 1,000 Indonesians. Nur Munir, working in his capacity as an official in Indonesia's Cairo embassy, recorded remarks by President Suharto in which he stated that he would be willing to resign from power. Munir leaked this recording to journalists at Indonesia's largest daily newspaper, and within ten days the military had forced Suharto to resign, ending his three decade long rulership. When Munir was summoned a few days later by the Cairo embassy's military attaché, he immediately feared for the safety of himself and his family. Using an entry visa he had already received for another reason, he fled to the United States, to be later joined by his wife.

Munir's apprehension of potential punishment by Suharto's supporters caused him such a traumatic degree of terror that when he arrived in the United States he began to experience extreme anxiety, causing terror and nervous behavioral ticks, and he applied for asylum to avoid persecution in Indonesia. Despite his fears, Munir's application for asylum was denied because his subjective fears were not backed up by objective proof of a risk of persecution. Munir continued to reside in the United States for over ten years during the appeal of his application, which was slowed down by the transformation of the U.S. immigration system following the creation of the Department of Homeland Security.

On March 18, 2009, the Third Circuit reached a final determination of his case by upholding the ruling of the Board of Immigration Appeals (BIA), which stated that, although Munir's testimony was credible and he has a genuine subjective fear of persecution, he is not eligible for asylum because he cannot present proof of a well-founded, objective fear. The Third Circuit held that the BIA's finding, based on the 2006 State Department Country Report on Indonesia, that "the current political environment [in Indonesia] is not hostile toward those who contributed to Soeharto's resignation" was not dispositive, and that even absent such a finding, Munir had failed to carry the burden of proving his fear was well-founded.

The time Munir has spent in the United States, seeing his daughter grow and pursuing a graduate education in the intellectual foundations of Islam, has allowed him to build a new life, but now it appears he has no hope of remaining with his family and finishing his degree. Baber Johansen, Acting Director of the Harvard Law School Islamic Legal Studies Program, valued the contribution Munir made to the discussion of Islam in his spring seminar, "The Concept of Obligation in Islamic Law." When Prof. Johansen discovered last week that Munir had been taken into ICE custody, he



Nur Munir in Harvard
Yard

[\[Click to enlarge\]](#)



Nur Munir

[\[Click to
enlarge\]](#)



Nur Munir's yearbook
photo

[\[Click to enlarge\]](#)

wrote a letter to ICE to express his shock with the situation and encourage the government to grant him enough time to complete his studies. "I was shocked and distressed when I learned . . . that Nur had been arrested and put into prison. For me [and my students] it was a depressing experience to see that from one day to the next [Nur] had to leave class, the university and maybe the country. . . . Experiences such as these . . . confirm a constant feeling of insecurity among [Muslim students] and make American students aware of [the Muslim students'] precarious situation. . . ."

Kate Van Akin, a 1L in Prof. Johansen's class, was shocked to learn that a fellow student had been put in prison and could be deported at any moment. She remembers that Munir would often exhibit strange, nervous behaviors in class, speaking quickly or laughing exuberantly at his own comments. Now she sees that Munir's behavior was due to the nervous anxiety which had dominated his life since his flight to the United States. "What happened to him just seems so unnecessary and threatening," says Van Akin. Now she is responding by organizing letters from Munir's classmates to ICE urging a deferral of his removal from the United States.

The Harvard Law Record encourages readers who know Nur Munir to contact the editors at record@law.harvard.edu for more information about how to submit a letter in support of his application for deferred action so that he can remain in the United States to complete his studies. Updated information will be available at www.hlrecord.org and through our Twitter feed at www.twitter.com/hlrecord

Story originally published at 5:50 p.m. Monday, April 27, 2009.

Page 1 of 1

Article Tools

Share:

- [Facebook](#)
- [Blogger](#)
- [del.icio.us](#)
- [digg](#)
- [newsvine](#)

Subscribe:

- [My Yahoo!](#)
- [Google](#)

Be the first to comment on this story

- Name: (required)
- Email: (required)
- NOTE: Email address will not be published
- Website:

Notify me of followup comments via e-mail

Type your comment below (html not allowed)

I am not posting spam. I understand posting spam or other comments that are unrelated to this article will cause my comment to be flagged for deletion and possibly cause my IP address to be permanently banned from this server.

Post