

# **Monitoring the Trial concerning the Murder of Munir**

## **Trial XII The Central Jakarta District Court Jakarta, 21 October 2005**

Material: Examination of Witnesses Tia Ambari, Madjib Nasution, Bondan

Time: 09.20-11.00 Wib (West Indonesia Time)

Place: Central Jakarta District Court, 3rd floor, courtroom I

## Situation at the Trial

### I. Before the Trial

Unlike usually, this session began earlier with the Prosecutors and the Legal advisors ready at 9.00 am. However, the large number of visitors that usually consisted mostly of victims and victims' families of Tanjung Priok, Semanggi, May 1998 and 1965 cases did not appear at the court today. The courtroom was almost empty apart from five people from KontraS and other visitors, mostly dominated by police officers, intelligence and from the legal advisors.

### II. The Trial

At around 9.20 Wib, the Panel of Judges opened the session. Today's agenda would be witness examination.

The prosecutor stated that in today's trial they brought three witnesses from Garuda:

1. Tia Dewi Ambari
2. Madjib Nasution,
3. Mohammad Bondan Hernawa

The Panel of Judges consisted of:

1. Cicut Setiarso (Chief Judge)
2. Sugito (Member)
3. Ridwan Mansur (Member)
4. Agus Subroto (Member)
5. Liliek Mulyadi (Member)

The Prosecutors consisted of:

1. Domu P Sihite
2. Narendra Jatna
3. Supardi

The Legal Advisors consisted of:

1. Muhammad Assegaf
2. Suhardi Sumo Muljono
3. Imron Halimy
4. Heru Santoso
5. Dedy K Amudy
6. Dzulkifli

## III. Witness Examination

### A. Tia Dewi Ambari

#### Witness Identity

Name : Tia Dewi Ambari  
Place/Date of Birth : Bandung, 26 April 1976  
Religion : Islam  
Occupation : Garuda Stewardess  
Address : Jl. Rengas No.8 Komplek AL Pangkalan Jati, Pondok Labu,  
South Jakarta

### Opening Material from Chief Judge Cicut Setiarso

Tia Ambari claimed to know the defendant Pollycarpus Budihari Priyanto (PBP) and did not have any family relationships with him. Tia was then sworn in Islamic procedures.

Tia claimed to have flown with PBP before and she heard about Munir's death but did not see his corpse directly.

Tia admitted to have flown in the flight Jakarta-Singapore as an extra crew and in flight Singapore-Amsterdam as an active crew.

#### a. Questions from the prosecutors

##### *Domu P Sihite asked the following questions:*

Regarding witness examination, Tia admitted that she had been examined as a witness for three times, *If God Allows* she still remembered the contents of the police investigation note and she will stick to it.

Regarding the duties and the area of service where the witness was assigned to during the leg Singapore-Amsterdam as a stewardess. Tia said that she was on duty for area seat 25-40, including Munir's seat.

Regarding witness' communication with Munir before take off, Tia said that before take off Munir had asked for promag medicine. At that time, Tia said that she did not know that the person was Munir. According to Tia, the plane took off about 10 minutes afterwards.

Regarding the witness' communication with Munir after take off, Tia said that 30 minutes after take off, during meal service, she told Munir that they did not have *promag*. During meal service, Munir refused to eat because of problem with his stomach. Munir then asked for sweet tea instead.

Regarding the witness' knowledge of Munir going to the toilet before meal service, Tia said that after meal service, Munir went to the toilet once.

Regarding Munir's activities that the witness noticed (apart from the ones mentioned above), Tia said that she did not notice what Munir did afterwards because she had her break, a moment later purser Majib told her that there was someone sick in the economy class.

Regarding Munir’s activity during the trip before landing at Schipoll, Tia said nothing.

Regarding the witness’ knowledge of Munir’s death, Tia said that she knew about Munir’s death but did not see the corpse.

Regarding whether or not the witness had been interviewed, on board the plane or at the ground, about Munir’s death, Tia said no.

#### b. Questions from the Legal Advisors

*Muhammad Assegaf asked the following questions:*

Regarding the witness’ knowledge of Munir’s activity in the plane, Tia said she did not know.

*Adnan Wirawan asked the following questions:*

Regarding the tea that she gave to Munir, Tia said yes, I gave him sweet tea.

*Heru Santoso asked the following questions:*

Regarding the witness’ knowledge of the food that Munir consumed, Tia said that she did not know.

Regarding the medicine that was given to Munir, Tia said that Munir did ask for medicine but she did not give him any because she did not have it.

Regarding whether or not there were other crew who gave medicine, Tia said that she did not know.

#### c. Questions from the Panel of Judges

*Chief Judge Cicut Setiarso asked the following questions:*

Regarding Tia’s activities during the flight Jakarta-Singapore, Tia said that she was sleeping and she did not see PBP.

*Judge Agus Subroto asked the following questions:*

Regarding the length of time during transit in Singapore, Tia said that she forgot but it was probably around 1 hour.

Regarding whether or not there was food served to the passengers during transit. Tia said no.

#### d. Questions from the Prosecutors

Regarding after the witness finished her break, whether or not she heard about a passenger who had been carried from the toilet. Tia said yes, she heard about it.

Regarding where the witness heard it from, the Chief Judge told the prosecutors to just look at the police note.

#### e. Pointers of the Testimony

Thirty minutes after take off, during meal service, Munir asked for *promag*, refused to have any meal because he was having problems with his stomach, and asked for sweet tea only. Tia did not give Munir medicine or other aid by reason that there was no *promag* available.

### B. Witness Madjib Nasution

Witness Identity:

Name : Madjib Radjab Nasution  
Place/ Date of Birth: Bogor, 29 November 1954  
Religion : Islam  
Occupation : Purser at Garuda  
Address : Griya Kencana I Blok A/16 RT.01 Rw 04. Kel. Pedurenan,  
Karang Tengah, Tangerang

#### Opening Material from the Panel of Judges

Madjib claimed to know PBP and did not have any familial relationship with PBP. Madjib was then sworn in Islamic procedures.

Madjib said that in flight GA 974, the first flight of Jakarta-Singapore on 6 September, he was an extra crew and he did not see PBP. He did not see PBP either at the airport.

Madjib claimed to have entered the plane before boarding, sat in seat 4K but did not notice anything about seat 3K (Munir's seat).

Madjib claimed to know Munir and learned about his death on board the plane during the flight Singapore-Jakarta.

#### a. Questions from the prosecutors

*Domu P Sihite asked the following questions:*

Regarding the documents of flight Jakarta-Singapore, Madjib answered that such document was called Gendec. Gendec contained the names of active crew and extra crew.

Regarding whether the content of Gendec was related to the purpose of crew and extra crew for flying Singapore-Amsterdam, Madjib said it was correct, if the crew’s name was listed in Gendec.

The prosecutors submitted the Gendec as evidence. The Prosecutor said that Gendec contained PBP’s name, destination Singapore-Amsterdam.

The prosecutor asked whether that was what the witness had seen (the content of Gendec). Madjib said yes, but it had been crossed out.

Regarding the person who crossed out PBP’s name in Gendec, Madjib said it had been crossed out from the ground.

Regarding the person who had the authority to cross out names from Gendec, Madjib said it was a ground officer, from the manager station. Madjib said that he had received the Gendec and asked where the person was but the officer said, “*Canceled*”.

Regarding whose name was cancelled and who told the witness that it was cancelled, Madjib said because Garuda applied a system of agent, he only said it was cancelled. The Chief Judge told the prosecutor to change his question with other questions.

Regarding how the witness knew PBP, Madjib said that he knew PBP as a colleague.

Regarding reasons for canceling the flight of a person whose name was already listed in Gendec, Madjib said that it was usually arranged by the operational manager, the reasons were usually late pick ups or still in flight duty.

Regarding whether or not the witness had seen Munir during take off, Madjib said not yet

Regarding the time for extra crew to enter the plane, Madjib said that crew and extra crew entered the plane before boarding. Extra crew had to board the plane earlier for friendly meeting.

Regarding whether the witness knew that PBP went to Singapore, Madjib said that he did not know.

Regarding whether or not it was an obligation for extra crew and crew to have boarding pass when entering the plane, Madjib said it was not necessary; an ID card would be sufficient.

Regarding Munir's condition aboard the plane, Madjib said that 2 hours after take off from Singapore, Bondan (steward) reported that Munir was sick and had frequented the toilet for about 6 times. Bondan had a name card belonging to Dr. Tarmizi, a friend of Munir so the witness and Bondan then went to look for Dr. Tarmizi and finally found the doctor. According to Madjib, Munir came directly to the purser station and said, *"please find Dr. Tarmizi, I have been to the toilet 6 times"*. Upon returning from finding Dr. Tarmizi, he saw that Munir had been walking up to around the pantry and he said to Munir, *"Pak Munir, the doctor is sleeping and did not wake up, let's wake him up together, I'll take you."* Together with Munir, he woke the doctor up. Munir explained about his complaints. Because there had been many passengers there, they moved up front. The doctor then examined Munir and said, *"Prepare salt water and sweet tea"*. However, Munir vomited every time he drank the solution. The doctor then asked to have doctor's kit but he could not find what he was looking for. There was only first aid in the kit. The doctor then injected Munir. Munir was calm again after the injection but soon afterwards he had another attack and went to the toilet. After returning from the toilet, the doctor examine Munir again while Munir kept groaning in pain and saying, *"Astagfirullah. Astagfirullah"*. The doctor said, *"Pak Munir, keep praying."* Munir was then able to sleep and we took turn watching him.

Regarding how Munir went to the toilet. Madjib said that the first time, he went on his own and the second time he was carried to the toilet, in the toilet he leaned back. After being injected, Munir was calm. Then Munir went down and sat on the floor (not on the chair), where he used the leg-rest as a pillow. The doctor said, *"It's ok, let him, he wants to sleep on the floor, it's ok."* Munir said, *"I want to sleep down there."* Because of seeing him comfortable and calm, Asep and Rohman then got him a blanket.

Madjib said that he prepared breakfast early in the morning and three hours later before landing he asked the doctor, *"What about Munir?"* The doctor said, *"Leave him be, if he wakes up he will be in pain again"*. Those who watched Munir groan in pain had tears in their eyes. Then the witness returned to Munir, but when he held Munir's hand, the hand was already cold. The witness then took a flashlight and he saw that the hand was already blue. The witness then called the doctor, who immediately examined Munir. The doctor tapped Munir on the shoulders while calling, *"Munir, Munir, Munir."* The doctor then said, *"He's dead"*. Then the doctor said, *"Medically, this was diarrhea and should have been able to make it. There must be something wrong, ask for an autopsy when we arrived in Amsterdam"*. Madjib said he then reported to the captain and the captain asked the doctor to be called for event report.

Regarding the report to the captain about the development of Munir’s condition, Madjib said that during the flight, he reported Munir’s condition.

Madjib said that after landing, the police immediately asked me questions. Since Munir started to be sick, we already requested for an ambulance and paramedics based on Dr. Tarmizi’s suggestion, Madjib said that at the airport, two people immediately asked and were told that during the flight, a doctor had taken care of Munir. Dr. Tarmizi was then interrogated.

The Chief Judge asked whether or not the witness saw the process after the corpse was taken into the ambulance. Madjib said no.

The Chief Judge asked whether the witness followed the reconstruction. Madjib said that he followed the reconstruction and that the reconstruction was correct, close.

Regarding the words that Munir said about his condition, Madjib said that Munir told him, *“Purser, I have stomachache, I already went to the toilet 6 times and vomit. Please help me, I have a friend who is a doctor, please find him”*.

Regarding whether or not Munir had said, *“I made a mistake drinking orange,”* Madjib answered yes.

Regarding Munir vomiting, Madjib said that he saw Munir vomited after the doctor handled him, the vomit stained the witness’ clothes.

Regarding the report about Munir’s death, Madjib said that the operational unit asked him and Captain Pantun to write an event report so they wrote their own reports.

The prosecutor said that 2 hours after take off, Munir started to frequent the toilet and the doctor requested for an ambulance and paramedics to be prepared. The prosecutor asked whether before the two-hour after take off, there had been a report from Tia that Munir was sick. Madjib said there was no report from Tia, only from Bondan.

Regarding whether it was Bondan or the witness who first learned that Munir had been sick, Madjib said that Bondan learned about it first.

The prosecutor showed evidence in the form of Munir’s clothes: gray T-shirt, black trousers. Madjib confirmed that those were the items that Munir was wearing.

Regarding whether or not the witness paid a condolences visit to Munir’s house upon returning from Amsterdam, Madjib answered no.

Regarding whether or not there was a briefing from Garuda about Munir’s death, Madjib answered that there was a briefing from Captain Ronggo after they landed in Jakarta, in which they were told to tell the truth as it happened and no make up stories in case there was a trial for the case.

**b. Questions from the Legal advisors**

*Muhammad Assegaf asked the following questions:*

Regarding the time of transit in Singapore, 1 hour, and Munir’s activities during transit, Madjib answered that he did not know.

Regarding the witness’ knowledge of the time Munir boarded the plane, Madjib said that when Munir boarded the plane he did not notice Munir. He only learned that Munir was onboard during his round in the plane.

Regarding whether there was a statement from Munir, saying, “*My stomach ulcer returns*”, Madjib said yes there was.

Regarding Munir’s condition when the witness checked for seat belts, whether Munir had any complaints about illness, Madjib said it was usual, no complaints yet.

Regarding how long it was after the witness checked for seat belts that Munir complained of illness. Madjib said he only learned about Munir’s complaint after Bondan reported it.

*Suhardi Sumomuljono asked the following questions:*

Regarding Munir’s meeting with Dr. Tarmizi, Madjib said that the doctor said he had first met Munir at the lounge and he gave Munir his name card.

Regarding the party who requested that Munir’s corpse be examined and asked for a formal crime scene investigation, Madjib said he did not know.

Regarding who asked for an ambulance and paramedics while on board the plane, Madjib said that it was the Captain, based on Dr. Tarmizi’s suggestion.

Regarding during landing, whether everything was in position, Madjib said that immediately after they landed, the police directly entered the plane and everything was ready.

Regarding the examination by the Dutch police, Madjib said that they examined him and the doctor but not all the passengers, only those who were around Munir’s area.

Regarding the length of time of the examination by the Dutch police, Madjib said around 15-20 minutes.

Regarding the items that the Dutch police took besides the clothes, Madjib said there was a list of medicine and the doctor’s kit.

Regarding Dr. Tarmizi’s interrogation, Madjib said that after landing, Dr. Tarmizi continued to be questioned.

*Adnan Wirawan asked the following questions:*

Regarding the solution injected into Munir, Madjib said that he did not know what it was, but it came from the container taken from the doctor’s kit.

Regarding the interrogation on passengers in business class, Madjib said that the passengers from business class were not interrogated. Madjib said he had a chance to meet the people from business class.

Regarding the person who was sitting next to Munir, Madjib said he knew that the person was Mr. Lee in seat 3J, with a Chinese face. Madjib said that he did not communicate with that person.

Regarding Mr Lee’s occupation, Madjib said that according to Mr. Lee’s wife, Mr. Lee was a pharmacist.

Regarding whether or not the witness knew that Munir had sat in seat 3K, Madjib said he did not.

Regarding Mr. Lee’s activities in the plane, Madjib said that Mr. Lee was sleeping during the flight and he also had a chance to talk to Dr. Tarmizi.

Regarding whether or not Mr. Lee was interrogated, Madjib said that he did not know.

Regarding the idea to inject Munir, Madjib said that it was Dr. Tarmizi’s idea, with the equipment from the doctor’s kit.

*Imron Halimy asked the following questions:*

Regarding the injection given to Munir, Madjib said that the first injection and the second injection had different colors and Dr. Tarmizi had a dialog with Munir before giving the injections; the first was on the left arm and the second was on the right arm.

*Heru Santoso asked the following questions:*

Regarding where the doctor’s kit came from, Madjib said that it came from the catering and the medicine was on one list.

**Additional questions from the Prosecutors:**

*Narendra Jatna asked the following questions:*

Regarding whether or not there was a report from Tia before take off about Munir asking for *Promag*, Madjib said he forgot because it had been one year since the incident.

Regarding Munir’s condition before being injected by Dr. Tarmizi, Madjib said that before being injected, Munir had already vomited and frequented the toilet.

**c. Questions from the Panel of Judges**

*Cicut Setiarso asked the following questions:*

Regarding whether or not it was possible to move from economy class to business class under normal condition, Madjib said that they did not have the authority unless in case of emergency.

Regarding the person who was authorized to permit the swap, whether the Captain had such authority, Madjib said yes, he could.

Regarding the hierarchy of responsibility whether it was to the Captain Pilot, Madjib said yes.

Regarding whether or not it was allowed in a normal condition to swap seats, Madjib said that under normal condition it was not allowed, there should be a sanction (if the swap occurred).

*Judge Ridwan Mansur asked the following questions:*

Regarding the time when Munir asked for the doctor, Madjib said that it was two and a half hours after take off.

Regarding Munir’s condition when calm, Madjib said that at that time, Munir was not sleeping soundly, he often changed positions.

Regarding Munir’s physical condition at the time of death, Madjib said that Munir’s physical condition was normal except that it was halfway on its side.

Regarding the time when the doctor said, *“Diarrhea can last for three days”*. Madjib said that when the doctor was squatting to pick up the corpse, the doctor had said, *“There must be something wrong, I want an autopsy when we arrive in Netherlands.”*

Regarding how long the flight Singapore-Amsterdam was, Madjib said around 13 hours.

Regarding whether or not there was some solution dripping during the injection, Madjib said no.

The prosecutor submitted Munir’s *visum* result to the panel of judges.

#### d. Responses from the defendant

The defendant did not give any responses.

The Chief Judge showed photos of the reconstruction.

#### e. Pointers of the Testimony

Gendec for the flight Singapore-Amsterdam contained Pollycarpus’ name but it had been crossed out since it came from the station manager. It was said to have caused by a cancellation. There was no way of knowing who had made the cancellation because Garuda implemented an agent system (no explanation and no questioning about who and what an agent system was).

Two hours after take off from Singapore, Bondan (a steward) reported that Munir was sick and had already frequented the toilet around 6 times. Munir asked to find Dr. Tarmizi by showing Dr. Tarmizi’s name card.

Munir came directly to the purser station and said, *“Please find Dr. Tarmizi, I have been to the toilet 6 times already”*. Upon returning from looking for Dr. Tarmizi, Munir had already walked back to around pantry area. Madjib said to Munir, *“Pak Munir, the doctor did not wake up. Let’s wake him up together, I’ll take you.”* Madjib and Munir woke the doctor up and Munir explained about his complaints to the doctor. Because there were many passengers there, they moved up front. The doctor examined Munir and said, *“Prepare salt water and sweet tea”*. Every time the solution was given, Munir always vomited and the doctor then asked for doctor’s kit. The doctor could not find what he was looking for because there was only first aid kit. Munir was injected and became calm but he had another attack soon. Munir went to the toilet and was examined upon his return. Munir kept groaning and praying *“Astagfirullah-Astagfirullah”*. The doctor said, *“Pak Munir, just keep praying.”* Munir then fell asleep.

At first Munir went on his own to the toilet. The second time, he was being carried and leaned back in the toilet. After being injected, Munir was calm and went down (not on the chair) where he used the leg rest as a pillow. The doctor said, *"Leave him be if he wants to sleep down there; it's ok."* Munir said, *"I want to sleep down there."* Because of watching him comfortable and calm, Asep and Rohman took a blanket for him. In the morning during breakfast time, three hours before landing, Madjib asked the doctor *"Doc, what about Munir?"* The doctor replied, *"Leave him be, if he wakes up he will just groan again."* Those who saw Munir in pain was in tears. Madjib returned to Munir and held Munir's hand but the hand was already blue. Madjib took a flashlight and saw that Munir was blue. Madjib then called the doctor, who immediately examined Munir. The doctor then tapped Munir on the soldiers while calling, *"Munir, Munir, Munir."* The doctor said, *"He's dead"*. The doctor then said that, *"Medically this was diarrhea and should have been able to make it. There must be something wrong. Ask for an autopsy when we arrive in Amsterdam"*.

#### f. Hearing process

The chief judge closed the examination by cutting in and requesting that the questions be changed when the prosecutor tried to confirm who cancelled and crossed out Pollycarpus' name in Gendec Singapore-Amsterdam.