

Monitoring the Trial concerning the Murder of Munir

Trial XIII The Central Jakarta District Court Jakarta, 25th November 2005

Material:

**Witness examination: Dr. Tarmizi, Asep Rohman, Sri Suharni,
Dwi Murwati Titik**

Time: 10.20 - 16.00. 00 Western Indonesian time

Venue: District Court Central Jakarta, 2nd floor, Court room 1

WITNESS EXAMINATION

Witness I

Name : Dr. Tarmizi Hakim
Place Date of birth : Talu, Pasaman 4 Nopember 1947
Address : Perum Harapan Kita Kota Bambu Utara RT
09/08 Jakarta Barat
Occupation : Doctor
Religion : Islam

Based on questioning material by Chief Judge.

WITNESS MET MUNIR ON HIS WAY TO BOARD THE PLANE TO SINGAPORE. THE NEXT MEETING WAS WHEN THE WITNESS WAS WOKEN UP BECAUSE MUNIR WAS SICK.

BASED ON QUESTIONING MATERIAL BY THE PUBLIC PROSECUTORS.

1. Domu P Sihite;

Around the witnesses meeting with Munir:

There was communication between him and Munir. The conversation was just about general matters.

Witness greeted first, because everybody knew who Munir was. At that time, the witness asked where Munir was going. Munir answered Utrecht to study. Then witness gave his name card to Munir.

Conversation took place on their way to the plane in Singapore. They entered the plane through different doors.

Around the process of giving help to Munir.

Another contact between the witness and Munir happened in the plane when the Witness was woken up. Witness didn't remember precisely who had woken him. At that time, the witness was said to be hard to be waken. Witness was woken up 2 to 3hours after taking off from Changi Airport.

When he was woken up, the witness was told that there was a sick passenger on board named Munir. There was no communication between the witness and Munir. Munir followed to the front of the plane because there happen to be an empty seat which was seat 4.

Munir told the witness that he was experiencing stomachache and had had bowel movements 6 times accompanied by vomiting. However, when they met earlier, Munir didn't complain.

After hearing Munir's explanation, Munir was seated on seat no 4 and witness gave him medication that was available on board. While seated near the witness, Munir went to the lavatory three times.

The witnesses' next action was to give *diatab* tablet and an injection.

Momentarily, the witness forgot the medication that he gave to Munir, then the witness opened the notes as was given to the Netherlands authority. Witness read out the type of medicine that was given to Munir. *Newdiatabs* 2 tablets, *Zantacts*, *promag*, injection (*Primperan*) 1 ampoule.

Witness said that the medicine given to Munir was already correct, considering the emergency of the situation.

Witness gave Munir 2 type of medicine, which were *Newdiatabs* and *Primperan*. The rest of the medicine was from the Doctor Kit.

Around the supposition that Munir was poisoned.

When asked whether there was any communication or information given by Munir, the witness answered, "There was. I assumed that it was distress caused by poisoning of food or drink. Witness asked Munir " What did you eat before departure? Munir answered, nothing in particular doc. Witness heard a stewardess who said, "Mr. Munir had drunk the wrong drink, he had gastric ulcer and had drunk orange juice. According the witness, orange juice does not cause vomit or stomachaches, just pain. It must have been something he had eaten.

Munir did not specify if it was the orange juice he drank during the flight Jakarta-Singapore or Singapore-Amsterdam.

At that time, the witness told Munir that it couldn't be from orange juice.

Around the time of Munir's death.

Witness did not witness Munir's death. At that time, Munir said that he wanted to sleep, so the witness also went to sleep. Before breakfast, the witness inquired about Munir's condition to the stewardess. "how is Munir?"

The stewardess said that Munir was still asleep. Witness went to the lavatory and ate his breakfast. Only then was realized that there was no reaction when Munir was woken up.

The person who reported to the witness was Majib Nasution. He said, " Doc, please help Mr. Munir."

Witness examined Munir and saw early signs that Munir had died. Some of the signs were that he had no pulse and there were early bruises commonly found on a new corpse. A staff asked witness, which in this case was the airports’ Doctor in Holland. That time, the witness gave information regarding the medical actions that were taken by the witness.

When asked if the witness remember what article of clothing Munir wore, the witness said that he had forgotten. Then prosecutor presented evidence, which was Munir's clothing. The witness said that he forgot because he didn’t pay attention to what Munir wore.

The witness was beside Munir for about one a half-hour to two hours.

When asked if Munir vomited while he was beside the witness. The witness said that, Munir often ran to the lavatory, because his seat on No 4, which was, near the Toilet.

Witness did not smell any odor after Munir vomited.

Witness saw Munir’s vomit in the toilet, which was liquid and greenish color.

Other complaints that Munir had besides vomiting was stomachache fatigue and wanted to sleep.

When asked whether there was a complaint of headache, Witness answered there wasn’t. Mostly was stomach ache.

2. JEFRI ;

During transit, Witness only saw Munir enter the plane.

Witness sat in the front row of the business class.

The transit in Changi, Singapore took place after 12 o’clock.

Chief judge took over the questioning.

Whether there was a restaurant in the transit room or not. Witness answered “None. There was only a waiting room outside.”

3. Mahendra Jatna ;

When examining Munir, the witness told the purser that Munir had died.

Based on Questioning material by Defense council

1. Assegaf ;

During the flight from Jakarta to Singapore, Witness sat far from Munir.

The witness was sitting in the front row.

Witness did not know that Munir was also sitting in Business class.

Witness did not know whether Munir got off the plane in Singapore. When asked if the witness walked with Munir or by himself getting off the plane, the witness answered that he didn’t know Munir before they entered the plane. Witness asked when they were about to enter the plane. They walked side-by-side boarding the plane in Singapore. When he met Munir, there was no indication of any sickness. Their conversation went smoothly. When asked, in the dossier the witness had explained that he walked around. Did the witness see Munir? Witness answered, No.

2. Adnan

- Witness was asked if he saw the person sitting beside or behind him, Witness said that he did remember.
- Witness did not have the chance to examine the vomit.
- Witness followed Munir to the toilet.
- Witness was asked if he didn’t have any reason to check, considering the fact that Munir had gone to the toilet for nine times. Why wasn’t Munir checked?

(Prosecutor objected, with reason that witness is not key witness)

Chief judge interrupted Legal advisor’s questions by saying “the witness is not even giving any facts”

- The ampule that was given by the witness was for the vomiting.
- Witness was asked if he knew the counter-indication. Witness answered that in emergency case, it was the best action.
 - Witness had read the counter-indication of the medicine, but had forgotten the content.
 - Witness forgot who sat on seat 3J.
 - When led with the question, if witness recognize a passenger Chinese ethnicity Dutch citizen.
 - The witness said that he remembered but forgot the persons’ name. That person said that he was a pharmacist, and claimed that he was Dutch citizen. He made the trip with his wife.
 - Witness did not know where the wife was seated.

When Legal Advisor asked the Witness to restate the conversation he had with Munir, Chief Judge reminded the Legal advisor by asking “ Does the Legal advisor wish to find other party (witness) This led to a debate between Chief Judge and Legal advisor

Adnan: Advisor, we demand a different answer.

Chief judge: But the witness is not the defendant, legal advisor does not agree.

Adnan: ..., the defendant is charged with planned murder

Chief Judge: It is not relevant. No further discussion needed.

DEFENSE COUNCIL CONTINUED WITH A QUESTION THAT WAS ALMOST SIMILAR TO THE WITNESS BUT WAS STOPPED IMMEDIATELY BY CHIEF JUDGE

Questioning was continued by other members of the Legal advisor.

3. Deddy ;

- When witness met Munir, the witness saw that Munir was walking by himself.
- Before Munir died, the witness said that Munir complained about stomachache. Munir died when the witness was asleep. Munir's condition prior to his death, according to the witness based on medical standard was that Munir's condition was normal.

Legal advisor asked the witness, if there was no doctor kit on board, what would be his action.

After hearing this question, prosecutor immediately objected because it required an opinion. Chief judge agreed with the prosecutor.

Then, Chief Judge asked more questions:

- During flight from Jakarta to Singapore, did the witness at any time left his seat. The witness answered "No."
- Whether there was anybody else beside the flight attendant who helped in helping Munir. Witness said there was.
- Who made the suggestion for Munir to sleep on the lower level? Witness said that it was Munir's own suggestion because he was sick.
- Did the witness read the autopsy result? Witness answered, no.

WITNESS II

Name	: Asep Rohman
Place/Date of Birth	: Sukabumi, 23 November 1971
Occupation	: flight attendant
Address	: Jl. Bonang I No 9 Jatiasih Bekasi
Religion	: Islam

Chief Judge asked whether:

- Whether the witness knew the defendant. The witness answered yes.

- Whether he had known the defendant for a long time. Witness answered, only during the flight.
- Whether they had any family relationship. Witness answered, No.
- Whether the witness remember the questioning session. Witness said that he remembered.
- Witness was on duty on 6 September 2004, from Singapore - Amsterdam. Witness boarded from Jakarta. Witness did not see the defendant aboard the plane from Jakarta. Witness also did not see the defendant inside the plane.
- During the flight from Jakarta-Singapore, witness sat on seat 47 C, economy class. Witness never left his seat.
- Witness did not sleep during the flight. Witness knew Munir from TV.
- The witness saw Munir in the plane. The firsts time he saw Munir was when the witness was distributing food. Munir sat next to the Witness's duty area, which was area 39-47.
- Aside from that, the witness also saw Munir going to the toilet. When Munir went to the toilet his condition seemed normal.
- Witness did not offer Munir any food because he was not seated in the witness's duty area.

Based on Questioning material by the Public Prosecutors.

1. Domu P. Sihite ;

- Witness does not remember precisely when he knew Munir, witness knew that Munir was a Human Rights' icon.
- Witness knew that Munir was a Human Rights' icon from articles in the media.
- When asked who served Munir's food, Witness answered, Tia.
- Witness did not see Tia handing food to Munir because witness was busy with his own job
- When asked what clothing Munir wore, Witness said that he forgot the color, but he wore a jacket, shirt, and trousers. The witness forgot the color of his trousers.
- When prosecutor presented evidence of Munir's clothing, the witness concurred.
- Witness saw that Munir vomited on the seat and on the floor of the plane. The vomit splattered some on to the witness's shirt. From the vomit, witness did not smell any odor and the color was normal.
- Witness did not witness the time of Munir's death.
- Witness saw that Munir had died after his co-worker who was working in the area where Munir sat, called out to him and ask for his help to carry Munir's body. The witness carried Munir's body.

Additional questions by Chief Judge.

- Whether the witness's shirt was stained by the vomit. The witness said, just wet.
Was it soaked? Witness said, No.
- Did Munir vomited on seat 40 G . Witness answered, at that time, witness was assigned purser because Munir often went to the toilet.
- Whether he vomited in front or the back of the plane. Witness answered, in front.
- Whether the witness saw Munir vomited while he was at the back section. Witness answered, No.

Based on Questioning materials by Legal advisors.

1. Assegaf ;

- Based on witness's information, he did not see Munir eating his food during the flight from Singapore to Amsterdam. At that time, witness saw that his food was tucked under the seat.
- Witness did not pay attention whether Munir got off the plane in Changi Singapore. Witness said that passengers were allowed to leave or stay in the plane. The witness did not know if Munir got off the plane or not

CHIEF JUDGE TOOK OVER AND ASKED QUESTIONS

Whether the witness opened the food that was not eaten earlier. The witness answered that he did not.

- How did the witness know if it had not been eaten. Witness said that it was still tightly closed.

Chief judge asked the defendant if he had any responses. The defendant said, None.

WITNESS III

Name : Sri Suharni
Address : Jl. Cendrawasih I/C 68 Pondok Pinang Tangerang
Occupation : Purser
Religion : Islam

Based on Questioning material by Chief Judge;

- Witness knew the defendant. Witness had no family relations with the defendant.

Witness was sworn

- When witness asked whether she had been questioned, the witness said that she had.
- Witness had flown from Jakarta to Amsterdam with transit in Singapore on 6 September 2004 with Garuda with flight number 974.
- During the flight from Jakarta to Singapore, the witness did not see the defendant.
- During flight from Singapore to Amsterdam, witness was an active crew assigned as Purser II. Purser I was Majib Nasution.

Based on Question material by Public Prosecutors.

1. Domu P. Sihite :

- Witness did not see the defendant aside from the flight from Jakarta to Singapore.
- Witness was not sure if she saw Munir because she was half asleep.
- Witness saw that Munir sat in Business class.
- When asked regarding the witness's statement in the dossier that she saw Munir sitting on seat 3K, if witness stuck with the statement. Witness answered, yes, it is correct.
- Then reassured by the prosecutor "It means that the witness really saw Munir at that time" The witness answered "that is why I said vaguely"
- While landing in Singapore, the witness did not see Munir get off the plane.
- Inside the plane before taking-off, The witness saw Munir in sitting position. Immediately after Landing Position was announced, the witness sat on Jump seat door 23.
- Witness did not ask Munir why he moved seats.
- Witness was asked, if during flight from Jakarta to Singapore he was seated in business class, then flight from Singapore to Amsterdam sat in economy, did that mean Munir had 2 boarding passes. (Witness was silent, did not answer).

Then prosecutor changed the question, if the witness didn't question ask herself about the movement from Business to economy class. Witness

answered, No. The witness only thought "ohh, it's Munir", witness did not see clearly as she was asleep.

The Public Prosecutor asked follow up question was the person seated on seat 3k the same person on seat 49G economy. Witness answered, yes, its possible in a flight. It was not a problem for her.

Prosecutor assured the witness "so the person was Munir?" The witness answered "It was"

- Witness learned about Munir's death 3 hours before landing.
- Witness did not witness at the time of death and was only informed of Munir's death.
- Witness did not directly witness.
- Prosecutor asked if the witness was sure of the information given that Munir had died.

Legal advisor objected because prosecutor was asking for reassurance.

Chief judge advised the witness to give definite answered when asked, and asked:

Where was he seated on the flight from Singapore to Amsterdam. Witness answered 4D. How far apart were they? between one to one and a half meter.

Chief judge reminded the witness not to lie because if a witness gave false testimony, they are subject to punishment. Chief judge also told the witness not to worry.

- When welcome drink was distributed, witness had already fallen asleep.
- When the witness saw Munir, the plane was already moving.
- There was no prohibition to move about the airplane.

Judge member asked :

- Whether the flight used the same or different caterer. Witness answered, "the same caterer". Then it was reassured by the judge with the question "so, it wasn't a different caterer" The witness answered that there was a caterer from Jakarta and another from Singapore. (The witness's answer was not straightforward).

Chief judge took over the questioning,

When Munir died, witness saw that someone was reading the al-Quran, which were Asep and Bondan. The witness also saw Doctor Tarmizi.

Prosecutor Domu P. Sihite continued the questioning;

If the witness was asleep during the flight from Jakarta to Singapore. Witness answered, yes.

Prosecutor asked if there was anybody else, including extra crew who walked around and if it was bothering or not.

LEGAL ADVISOR OBJECTED BECAUSE IT HAS BEEN ASKED BEFORE.

Witness did not see anybody or extra crew walking around.

BASED ON QUESTIONING MATERIAL BY LEGAL ADVISORS;

1. Imron ;

- When Munir felt sick, the witness prepared water and salt as ordered by the doctor.
- Was asked where she got the water. The witness answered, from the pantry.
- How much water. The witness said 1 glass.
- The salt? Witness answered that it was still sealed in the sachet.
- When given to Munir, he was still able to drink by himself.
- Aqua bottle was from the caterer and was still sealed.
- The witness also handed the doctor kit.
- The witness only saw one injection given to Munir.
- Medicines were taken from the doctor kit.
- The doctor himself took the medicine.
- The witness did not know what medicine it was.

Chief Judge asked the witness, if the statement given in the dossier were all true. The witness just nodded.

Chief judge asked the defendant if the information given by the witness needed to be opposed. The defendant answered , No.

Witness IV

Name : Dwi Murwati Titik
Place/ Date of birth : Trenggalek, 8 Agustus 1964
Occupation : Flight attendant
Address : Jl. Anggur V-XH ; 8 Harapan Indah Bekasi.
Religion : Islam

BASED ON QUESTIONING MATERIAL BY CHIEF JUDGE.

Witness knew the defendant.

Before continue questioning the witness, Chief Judge reminded the Public Prosecutor to ask the witness if there were any pressure in answering. Chief judge also reminded the witness not to be afraid.

Witness was sworn.

Witness had singed the dossier (Chief judge showed Pollycarpus’s dossier)

On the 6 September 2004 witness flew from Jakarta to Singapore as an extra crew.

Witness had flown with the defendant before, and at that time, the defendant was as co-pilot. Witness did not see the defendant on the flight of 6th September.

BASED ON QUESTIONING MATERIALS BY PUBLIC PROSECUTORS.

1. Domu P. Sihite

- During the flight from Jakarta to Singapore, the witness boarded the plane with other crew and extra crew but do not remember all their names.
- Witness have never seen or heard the extra crew name Pollycarpus.
- During landing in Singapore, witness did not see Pollycarpus.
- During the take-off from Singapore to Amsterdam, the witness saw the General Declaration.
- The witness did not know the content of the Gen-Dec because it was not his area, which is actually the purser. At that time, the purser was Majib Nasution.
- Witness saw Munir in the flight from Singapore to Amsterdam. Witness did not see Munir during the flight from Jakarta to Singapore.
- Witness learned Munir’s death in the flight and knew the process. Munir complained that he was in pain and held his chest and requested a space to sleep downstairs. There was only little communication between the witness and Munir.
- Witness saw Munir vomited. Munir's vomit stained the witness’s shirt and where there was no particular odor from the vomit. About the color witness said “Just what we have given such as water.” Beside the witness, Asep was also splattered by the vomit as they were the person s who assisted Munir.
- Witness knew about Munir's death from the doctor’s information.
- When Prosecutor asked, was information that was given by the doctor, Witness answered “After seeing and tried waking Munir, the doctor and purser went up and then, the doctor informed that Munir had died. During the flight from Singapore to Amsterdam, Munir sat on seat 4 d-E and often moved.

- After boarding, the witness saw Munir sitting in the back row on seat 40G.
- Witness saw the clothing that Munir wore. When prosecutor showed Munir's clothes as evidence, the witness said that it wasn't the right shirt. Then prosecutor asked "what did Munir wore at that time? The witness answered "dark color." Then prosecutor presented the trouser that Munir wore and the witness said yes.
- Witness did not pay attention that Munir's vomit was greenish in color.

2. Jefri :

- Witness knew Munir when he was giving Munir help. Before that the witness had never knew him. The first time he saw Munir was after boarding the flight in Singapore and Munir was heading for seat 40G.
- Witness said that there was a passenger on seat 3J who said something about what Munir had eaten.
- Witness gave a welcome drink, which was orange juice. He was asked if they had fried noodle, the witness answered that they didn't have it.

Chief judge took over the questioning. "After the welcome drink, what kind of food was given in the flight? The witness answered that in flight from Singapore to Amsterdam there was no fried noodle.

Based on questioning material by Legal advisors;

1. Assegaf;

- Legal advisor restated the question made by the prosecutor " The witness said that there was something eaten. The witness answered, " Mr. Lie said " what Munir ate was the same as what I ate" Then, the witness asked "what was it?" then Mr. Lie aid that it was fried noodle.
- During the flight from Jakarta to Singapore, witness said that it was fried noodle. As for the flight from Singapore to Amsterdam the witness did not know.
- Munir was seating on seat 4E when the doctor examined him.. The witness asked Munir "what did you eat?" Munir answered "the usual." The witness said that the question he asked Munir was just out of spontaneity with out being inquisitive, if it was eaten inside or outside the plane.
Witness said that the transit in Singapore lasted for about an hour.

*Legal advisor asked "during the transit, were the passengers coordinated to a certain area, were they prohibited to walk around or was it allowed to buy books, magazines or other" The witness answered " it was allowed"

- Legal advisor asked the question again by asking what Munir ate, "the witness asked whether Munir ate at the airport or inside the plane." The witness answered "Wittness did not ask in detail, just in general."
- Chief Judge showed pictures of Munir, while showing evidence to ensure the witness that the clothing that Munir wore was correct as was stated.

Chief judge asked the defendant if there was something that he needed to respond to.

The defendant said that there wasn't.