

# Monitoring The Trial Concerning The Murder of Munir

**Trial XVI**  
**Central Jakarta City Court**  
**Jakarta, 11 November 2005**

Material: Examination of witness Choirul Anam  
Time: 10.20 - 16.00 WIB (West Indonesia Time)  
Place: Central Jakarta City Court, 2nd floor, courtroom 1

## I. Before the Trial

Based on the judge's agreement in the 14<sup>th</sup> session on Thursday, 10 November 2005, the session would be continued on Friday, 11 November 2005, at 9.00 WIB. However, at that time, the court was still generally empty.

At 09.04 WIB, one patrol car came guarding a prisoner car, followed by a blue sedan known to belong to a staff of Police Headquarters. The defendant Polycarpus Budihari Priyanto (PBP) got off the car and walked towards the courtroom accompanied by attorney general staff. Several policemen in civilian suits entered the room and check the room. Inside the courtroom, there were no more that 10 victims of human rights violations present. The number of reporters from print and electronic media was also less than usual. In general, the policemen in civilian suits mostly dominated the courtroom.

## II. The Trial

At 9.52 WIB, the panel of judges entered room 5, 2<sup>nd</sup> floor, of Central Jakarta City Court. The session was opened by Chief Judge Cicut Sutiarmo who said, "The Continued Trial for Case No. 1361 for the Defendant Polycarpus Budihari Priyatno at Central Jakarta City Court is hereby opened and declared open for Public."

After the judge opened the session, the prosecutor is permitted to bring in the defendant. Polly entered the courtroom. Afterwards, the Chief Judge permitted the prosecutors to bring in their witnesses.

The lead prosecutor Domu P. Sihite explained that according to the schedule there would be 4 witnesses but only one had arrived, Choirul Anam.

### Witness Identity

Name : Muhammad Choirul Anam  
Place/Date of Birth : Malang, 25 April 1977  
Occupation : HRWG, a human rights NGO for international advocacy  
Address : Jl. Tebet Barat Dalam II No 15  
Religion : Islam

### Based on the questions given by the Chief Judge:

There had been a mistake in the answer that the witness gave when the Chief Judge asked whether the witness knew the defendant. The witness originally said yes but then corrected it by saying he did not know the defendant. The witness was then sworn in.

The witness is aware that he was brought before court as a witness in the trial of Munir's murder case; that Munir was the founder of KontraS; that his last position was as Imparsial's Executive Director; that he died on 7 September during his flight to the Netherlands for study purposes. The witness knew that Munir was buried in September. The witness had been present in his funeral and he did not pay attention on any Garuda employees present because he had been assigned to wait for the corpse in Malang. He learned about Munir's death during a meeting at Komnas HAM (National Commission of Human rights), where he was called by the Director of HRWG informing him that Munir had died. Finding the news hard to believe, the witness asked Usman Hamid and Suciwati to confirm the news. Usman Hamid confirmed it while Suciwati did not reply. According to the witness he heard that Munir had died in a plane on his flight to Amsterdam, before he finally learned that Munir had died because of arsenic poison.

**Based on the questions given by the Prosecutor:**

**1. Domu P Sihite**

The witness often communicated with Munir before Munir left for Amsterdam. He forgot whether it was between 2-3 days before Munir's departure, but Munir told him about the definite departure. The witness asked whether it was for certain this time because the schedule has been changed several times. Munir said it was. Previously Munir had failed to leave because of administrative reasons such as English Certificate and the uncertainty of the scholarship. Munir also told the witness to be careful and that he felt uneasy about leaving on 6 September 2004, to which the witness had responded that he felt uneasy too. Munir said that the trip was for certain because the tickets and everything else was OK. The witness asked Munir about his concern lately.

Personally, the witness was a little concerned especially since Munir had had a few bitter experiences with the immigration's efforts to ban him. These efforts were such that Munir had to call Hendropriyono directly before leaving for Geneva. During the phone conversation, Hendropriyono said that it was just an administrative mistake. The second time was when Munir was banned in Thailand when he was attending an event held by AFAD, an Asian level victim organization for cases of enforced disappearances, where Munir served as the President. There were also calls and such. In that last contact, Munir told the witness that someone who was not very close to their working environment had known (*about his departure*) because of a phone call that Mbak Suci received.

The witness could not remember whether Munir had told him about the call that Mbak Suci received and whether Munir concretely mentioned the name of the person; Munir only mentioned that this man was strange, too friendly, and wanted to deposit something and contacted him more than once, meaning that whenever Munir was going abroad, which had been more than once, that

person knew that Munir was going.

The witness said that Munir told him when Suciwati was called and this incident worried him. The witness also felt suspicious and he asked Munir whether Munir was certain about it and why the leak happened. Munir talked about his plans with his close friends only.

The prosecutor asked to whom did the leak happened. The witness said, to that person who called and was not from their work environment.

The witness said that Munir did not mention any names but after his death, during the preparation to go to Garuda office, Suciwati told the witness that she wanted to ask whether there was anyone who called Munir and used the name Polly. After Suciwati went to Garuda, she said that there was a person called Pollycarpus.

When the prosecutor asked about "the mentioning of Pollycarpus' name", Assegaf, the defense counselor objected to the question. Prosecutor Domu P. Sihite confirmed that this question is relevant to the witness' statement. The Chief Judge cut in and asked if the name was mentioned after Munir's death and the witness said it was after Munir's death, in the meeting with Garuda.

The witness explained about the obstacles that Munir faced before his departure. During the witness' last meeting with Munir, the witness grew more concerned because Munir said that he had been invited by BIN to meet and the invitation was an informal one. Someone extended the invitation to Munir, saying that BIN wanted to meet him.

Munir did not mention the name of BIN person who was sent to meet him but a few Munir's friends at IMPARSIAL did mention it. That was why after Munir died, the witness tried to find out about how he had died. After the witness learned that Munir died because of arsenic poison, the witness tracked the person who extended the invitation. Finally the witness met Deputy VII BIN, Bijah Subiyakto. The witness, along with several friends, met Bijah Subiyakto several times in Sate restaurant near Menteng Plaza. When they met, the witness asked for confirmation of whether or not Munir was invited by BIN. Bijah Subiyakto said, "Yes, I invited him for a discussion about political situation." The witness, asked, "what kind of political situation?" Bijah answered, "Well, things like the development of democracy, politics and et cetera because Munir is an expert in those issues and he is a national asset." The witness became confused with this answer because at one time, Munir was talking with the witness and several friends and saying that Munir did not want to come to BIN's office because it would be a dangerous situation. Even more so since there was no formal invitation letter, no nothing, and out of the blue BIN wanted to meet him, just after he had been involved in the advocacy for the Draft of Bill on TNI and the Draft of Bill on Intelligence.

The witness said that Bijah Subiyakto had admitted that he was BIN staff and that he was the one who extended the invitation. The admission was expressed when the witness met Bijah in that place near Menteng Plaza.

The invitation was Bijah Subiyakto's own initiative.

Bijah Subiyakto did not mention any other names of BIN staff. When the witness met Bijah, the witness had asked first about Bijah's interest in inviting Munir? After Bijah answered as written above, the witness asked whether Bijah knew Pollycarpus and had contacts with Pollycarpus. Bijah said he had no connection with Pollycarpus. The witness asked Bijah whether he was serious and Bijah confirmed that he had no connection with Pollycarpus. The witness asked Bijah whether he had extended the invitation with Hendropriyono's knowledge as well as the knowledge of others and Bijah said yes, that it was for their interest. The second question was what agenda there was that caused Munir to die that way but Bijah did not answer. The witness then asked whether Bijah was close to Hendropriyono and who was possible if BIN were involved. Bijah said he did not know but admitted that he was close to Hendropriyono. After the later response, the witness asked whether Bijah knew that Pollycarpus was acquainted with Hendropriyono's son in-law and Bijah said yes, the possibility existed because Hendropriyono's son in-law was assigned in Papua once. Bijah did not say yes or no.

The witness did not ask any further about the interest that Bijah mentioned. The witness was simply suspicious of why they did not use a formal letter if it had been for an important interest. Usually Munir would comply if the Army Headquarters invited him via a formal letter.

#### **The Chief Judge took over the questioning**

The Chief Judge asked the witness whether the witness had asked why they did not use formal letters. The witness said yes, he did ask, and the answer was that they only needed information and there was no need to be opened. The point is there was no letter.

#### **Prosecutor Domu P. Sihite**

After Munir's death the witness communicated more frequently with Munir's widow. Suciwati mentioned some names related to the death and one of them was Pollycarpus.

Munir did not mention about meeting directly or using any means telecommunication.

The witness and his friends often discussed the development of the case up to the finding about 35 telephone communications between Muchdi PR and

Pollycarpus.

The discussions were carried out after Munir's death.

The witness learned about those 35 communications from the mass media and one of TPF members.

Defense Counselor **Assegaf** again stated his objection, and asked the judges whether the witness' testimony can be used in this trial.

The Chief Judge Cicut Sutiarto explained that the witness' testimony should be according to what he heard and experienced in the discussion. The testimony can be heard and then the judges would decide whether it was valid or not.

**Prosecutor Domu P. Sihite asked:**

Documents related to Munir's death in the witness' knowledge: Munir was dealing with BIN when he conducted advocacy for Sidney Jones, Talangsari documents are related to Hendropriyono when Hendro was still in his position as Danrem Garuda Hitam in Lampung.

The witness was also involved in the advocacy.

**2. Saptadi:**

The witness knew about Hendropriyono's son in-law. The witness said, "We have a working investigation team who received information that Hendro's son in-law named Andika is in Papua. He wanted to go to military school but failed to leave for that school, if I'm not mistaken. One of the reasons was because he gave notes about human rights situation in Papua. Andika was assigned there. It was one of the evaluation materials used by the registration team in America".

The witness said that during the discussion and also in mass media, Usman Hamid explained that there were 35 communications between Muchdi PR and Pollycarpus. Both before and after Munir died. The contact was done via hand phone and some were from inside BIN's room. When he traced the calls to Telkom Pusat in Bandung, the number had been unlisted but through a formal tracking it was later found that the number belongs Muchdi PR's office room.

The witness had the hand phone number but he could not remember, nor did he bring the note.

When asked, "How many names did you note down? ", the witness said no, they were only focusing why there had been 35 contacts between Muchdi PR and

Pollycarpus. That was all he talked about plus finance and Muchdi's hand phone number.

### **3. Narendra Jatna:**

The witness never checked the number. The supposed Muchdi's number was not under Muchdi's own name but the name of one businessman.

The witness knew that the number was listed under a businessman's name after he read about it in the mass media. This part was admitted and the reason was because "People often use my hand phone, or it was often left somewhere and that was normal according to Muchdi".

The witness had Muchdi's number. When asked whether the number was the same as the one used 35 times, the witness said he only knew because he was told. Not because he had it and then crosscheck the number.

The witness never crosschecked the number.

The witness did not know about the defendant's activities related to Timor Leste issue. However, after Munir's death, Hendaradi did say that Pollycarpus and his friends from Timor Leste would go to PBHI. This was also told to by friends at Imparsial, that Pollycarpus also went to Imparsial bringing his friends from Timor Leste to meet Munir.

**The Legal Advisors objected to the testimony about Hendaradi and requested that the objection be noted.**

The Chief Judge said that it would be up to the judges to assess that. According to the Chief Judge, there two groups of testimonies: before and after the death.

The Chief Judge continued with as question of whether the witness also accompanied Munir before departure. The witness said no, he did not take Munir to the airport.

The Chief Judge again asked when the witness last met Munir. The witness said it was about 2-3 days before Munir's departure.

The Chief Judge asked how Munir was at that time. The witness said that Munir was looking very healthy, and laughing and looking happy.

**Based on the questions given by the Legal Advisors:**

#### **1. Adnan:**

Before asking questions, the legal advisors stated his objection and asked that it be noted. The legal advisors objected to the last testimony from the witness because it stated another person's statement, in this case Hendardi's.

The Chief Judge said it would depend on the panel's judgment.

**Adnan:**

The legal advisor asked who Hendardi was. The witness said that Hendardi was from PBHI.

Regarding Munir's concern, Munir did not mention any names. The witness knew that Munir was concerned and said that the person who kept calling him was "sometimes acted too friendly".

The witness got Pollycarpus' name from Suciwati after Munir's death. That was after the characters were matched.

The witness met Bijah Subiyakto twice. Both meetings were in November.

(The legal advisor asked a strange question). "You met Bijah Subiyakto after Munir died, why did Bijah Subiyakto want to meet a person who was already dead?" The witness tried to explain that before Munir died he often told them that he was invited by BIN staff. Munir refused the invitation because it was informal and the situation was not good, he was worried. The invitation was not even extended by the person who wanted to meet him himself but through a third party. Later after Munir died we tracked that person. Why was there an agenda for BIN to meet Munir? We contacted that third person. Then that person told us that Bijah Subiyakto was the one who extended the invitation and we asked whether we could meet him. After contacting him for several days, we finally agreed to meet. We met at Sate House in Menteng area.

(The legal advisor repeated questions), "During that meeting, did Bijah Subiyakto introduced himself with a name or not?" The witness said that he introduced himself as Bijah Subiyakto.

Bijah Subiyakto did not mention any other identities. The witness learned about Bijah's identity from his third person, that he was Deputy VII BIN. The witness asked if he was still active in and Bijah said yes. When Munir was invited he had been active but after Munir died he was no longer active.

In the meeting the witness asked Bijah Subiyakto whether he was active in BIN. Bijah said no. The witness asked again whether Bijah was Deputy VII BIN and

what the field was. Bijah Subiyakto said it was technology.

In the witness' conversation with Bijah Subiyakto, the witness asked about why Munir was invited and whether Bijah knew Pollycarpus.

The Chief Judge interrupted and said that the issues had been discussed earlier.

**Adnan:**

In the conversation, Pollycarpus' name was mentioned by the witness.

The witness asked Bijah Subiyakto whether BIN was connected with Pollycarpus. Bijah Subiyakto said he did not know Pollycarpus. Then the witness asked again whether Bijah knew that Pollycarpus were in Papua. Bijah Subiyakto said yes he knew from the media.

The witness said that Bijah Subiyakto did not know Pollycarpus.

The witness asked who killed Munir. Bijah Subiyakto said that he did not know and that they should check whom Munir was connected with in the past 1 year. The witness said that the closest ones were the Draft of Bill on TNI, Draft of Bill on Intelligence and advocacy for Sidney Jones, who was kicked out by Hendropriyono at that time. Bijah Subiyakto said that from those cases the witness would know if the witness was observant. He offered to help. The witness did not believe him. Then the witness explained that the one who recommended Sidney Jones to be kicked out of this country was Hendropriyono. The legal advisor asked what the witness meant by recommending. The witness said, to leave Indonesia. At that time there was a meeting in Parliament (DPR) and Hendropriyono said that Sidney Jones was dangerous and et cetera and her visa was expired and that anyone who defended her must not love this country. Bijah Subiyakto said the witness did not know him. The witness asked whether Bijah was close to Hendropriyono and Bijah said yes, he was close to Hendropriyono.

The witness said that not everyone knew about the departure on 6 September, only those close to Munir.

**2. Imron:**

Munir's departure was not announced at Imparsial. Only important parts were told.

There was a *coned rice* farewell ceremony before the departure. The witness did not remember the date. The ceremony was held at several places. The witness did not attend the event. During the one in KontraS, the witness

arrived late. The witness also heard that there was one ceremony at Imparsial.

The witness learned that Munir would depart on 6 September 2004 from Munir himself.

(The legal advisors repeated questions again), "When did you learn about it?" The witness said it was around 2-3 days before the departure and at that time the witness asked to confirm whether Munir was really leaving on that date. This was because based on the witness experience of talking to Munir about his departure but it had often been canceled.

Munir once told the witness that he was often targeted by BIN, such as by banning. Besides being banned, Munir was also terrorized when he was advocating victims of enforced disappearances. At that time, he was driving a motorcycle when he was closely guarded from both sides and they kept following him.

Munir had said that those terrors were from BIN. The witness did not remember how many times Munir was banned because such stories were considered usual.

Munir was invited by BIN more or less a month before his departure.

The witness did not know who had made the decision that Munir had to depart on 6 September.

The ones who handled the ticket for the departure on 6 September 2004 were friends from Imparsial.

### 3. Heru:

The witness was close to Munir because the witness did not have any relatives in Jakarta. Munir was the one who told him to go from LBH Malang to Jakarta. Munir recommended him personally. Munir told the witness to live with him instead because the witness had no relatives in Jakarta. The witness considered Munir as his own brother.

The witness knew Munir's activities in general.

The witness did not know Munir's hand phone number. The witness knew that Munir only had one hand phone although he often had to change his hand phone because he often lost the previous ones.

"Do you know if Munir's hand phone rings a lot and was busy?" The witness said, often for SMS.

"Were there any terrors through hand phone?" The witness said, Munir never

mentioned terrors via hand phone but communication could be at home or via hand phone.

Munir did not have any conflicts in the NGO that he led. Munir was looked up to by his friends and he was accepted by everyone. He would be a middleman if there were any internal conflicts.

Munir's trip to the Netherlands was sponsored by a human rights organization called ICCO.

The witness did not know when the booking for flight 6 September 2004 was made.

Munir often received strange telephone calls.

#### 4. Assegaf:

Besides from the media, the witness also heard about Muchdi's contact with Pollycarpus from Usman Hamid.

The Legal advisor confirmed the question, "Did Usman also tell you about the communications?" The witness said, "When the news was out in media, we discussed whether it was true and Usman said it was." The media also quoted Usman Hamid's name.

The witness heard from Usman Hamid that Muchdi's hand phone number belonged to a businessman.

The Legal advisors concluded his own question, "So you heard from Usman, who said that Muchdi's hand phone number was not listed under his own name but under the name of a businessman instead."

When asked whether the name of the businessman was mentioned, the witness said yes it was mentioned before but he could not remember who it was.

The witness confirmed that the hand phone number was not listed under Muchdi's name but a businessman's name.

The Legal advisor led the witness, "The communication, according to Usman, occurred between Pollycarpus' hand phone and this businessman's number?" The witness answered with a yes.

Additional questions from the Chief Judge:

Did the witness ask Usman where he learned about the hand phone communications? The witness said yes, he did ask. There were print outs from Telkom.

Did you see or want to see those print out? The witness said no, because he trusted Usman. But the response was, I read in a magazine, that Muchdi PR confirmed it.

Did the witness hear after Munir died that witness Suciwati paid Garuda a visit? The witness said yes.

Did the witness come along? The witness said no, because he had other things to take care of.

The original purpose of that visit to Garuda was to show good will, when did the suspicions start to emerge? The witness said when he first received the sms containing information he tried to confirm whether Munir had really died. Although there had not been any announcement about the cause of death by poisoning, I had my suspicion.

Did Bijah Subiyakto know Hendropriyono's son in-law? The witness said maybe.

Did the witness know the name of Hendropriyono's son in-law? The witness said his name was Andhika, a Kopassus (special armed forces) officer.

The witness was asked to tell again about the postponements in Munir's departure plan. According to the witness it was 3 times as far as he knew. The first time he asked Munir, he said it was because there were some problems with English and especially the scholarship.

**Judge Ridwan Mansur:**

Asked when exactly Munir received the scholarship. The witness said he did not know exactly but Munir previously went to Satunet and asked, but he failed in the administrative part. Finally it was ICCO who made him an offer.

Confirmed the witness statement. That means it was Munir himself who looked for sponsor. The witness said yes.

Asked when the study was supposed to begin. The witness said maximum one month after the departure date, 6 September. So it was in 2 weeks to a month afterwards.

Asked whether in scholarship the documents should be prepared in advance. Did the witness only learn shortly before Munir's departure? The witness said no. They talked a lot about scholarship when Munir failed Satunet.

Asked about why the departure was postponed, failed the scholarship or the departure. The witness said the departure.

Asked whether there was further explanation about the defendant's whereabouts in Papua and what the witness heard from Bijah. The witness said that Bijah Subiyakto did not say that he did not know. Bijah did not explain anything but we did know that Pollycarpus had worked in Papua once, Pilot at AMA. That was when I also asked whether Andhika and Pollycarpus knew each other? Bijah said could be, instead of saying yes or no.

Asked whether the witness ask further about what Bijah meant. The witness said that he had wanted further explanation and that was why he met Bijah Subiyakto twice.

Asked about what Bijah Subiyakto had said. The witness said nothing, Bijah only beat around the bushes in his talk.

Asked whether the witness ever asked and know the relationship between Munir and Pollycarpus. The witness said that this person was strange, acted too friendly and, I cannot remember whether it was in Singapore or something, he had wanted to deposit a letter. The address was Singapore and then posted to his destination. Munir did not accept it because he was worried it might be drugs or something. The man begged him to help. That was all I know about this strange man. Later I knew Pollycarpus after Munir died.

Asked how the witness learned about it. The witness said it was from Suciwati when she paid Garuda a visit to express her gratitude for Garuda's assistance to Munir when he died. Suci asked Indra Setiawan if there was a man named Polly in Garuda? Indra Setiawan said there was a man named Pollycarpus. Then she was met with Pollycarpus.

Asked whether the witness heard about the letter from Munir or someone else. The witness said it was from Munir before he died.

### The Chief Judge:

Asked whether the witness still remembered when he was examined as a witness. The witness said he did not remember eh moment but he did remember that Hendropriyono and Muchdi said that Munir was not the person monitored by BIN. I remember this. How can BIN not monitor him but want to meet him. That was when I went to the police office.

Reminding the witness of what happened in 2005, and asked how many times the witness was examined. The witness said once.

Asked whether the witness' testimony was true and can be maintained. The witness said yes.

The Chief Judge allowed the defendant to respond to the witness' testimony.

The defendant Pollycarpus:

The defendant did not know any of the names the witness mentioned: Pak Hendro, Pak Muchdi, Pak Andhika and etc. the defendant never tried to call anyone of those that he did not know.

The defendant objected to the letter. "Why would I deposit a letter with a person that I did not know while I am an International Pilot myself. I have a lot of friends. As a pilot, I do not have to deposit anything to a stranger. This part I object. Other s I do not know. Especially a person named Pak Andhika. If necessary, bring him to meet me to prove it. Bring him before me."

The Chief Judge:

Just respond to the witness' testimony. The witness did not mention whether it was Pollycarpus who wanted to deposit something. The witness' story was that Munir said that a person had wanted to deposit something with him. The witness did not say it was you.

Pollycarpus: about the news in the paper, a lot of it was untrue. Almost all of it was untrue. About me in Papua, that was true.