

# Monitoring The Trial Concerning The Murder of Munir

## Session XIX The Central Jakarta District Court Jakarta, 17 November 2005

### Material:

**Examining Witnesses:** Muchdi Purwopranjono, Avriyanto, Rizal Ali Balu Weel. **Reading the dossier:** DRs. Nurhadi Djazuli Agustinus Krismato, Hian Tian alias Eni, Lie Khie Ngian, Lie Fon Nie, Meha Bob Hussain. **Examining additional witness:** Eva Yuliyanti Abbas. **Examining a de charge witness:** Bambang Kustaryo, Bowo Narendro

**Time:** 10.20 - 16.00. 00 Wib

**Place:** The Central Jakarta District Court, Second floor, courtroom 1

## **The situation in the courtroom**

### **I. Before the trial.**

In the morning, at 9.00 Western Indonesian Time (WIT), the Central Jakarta District Court is full. In that early morning the courtroom usually is empty, but now all seats are occupied. Most of them are the people from KOMIT (Komite Mahasiswa Indonesia Timur/Eastern Indonesia Students Committee) and from intelligence office. At the same time, Assegaf, one of the defendant's lawyers, gives a statement to the journalists that offering a seat like Pollycarpus did to Munir was a normal practice.

Nearly 200 people are coming to see the trial. They are among others KontraS' activists, victims of human rights violation case with their families and around 30 journalists. However, most of the people are from Muchdi PR's side and from intelligence office. People from KOMIT, recognized as the one who frequently do propaganda activity and supporter of BIN (Badan Intelijen Negara/National Intelligence Agency) by distributes leaflets containing supporting statement to BIN and the defendant, are now distributing a document belongs to KASUM (Committee for Solidarity Action to Munir). The documents titled "Grand Proposal Advocacy on the Case Assassination of Munir". People from KOMIT also is attacking KontraS' activity in front of the Central Jakarta District Court building.

### **Report on KOMIT's attacking activity to KontraS' activists concerning the examining the witness Muchdi PR in Munir's case**

Before the court begins, around 9.30 WIT, nearly 20 people from KontraS (The Commission for Victims of Violence and Disappearance) with victims of human rights violation cases (Tanjung Priok, Mei and 1965) and their families stage a demonstration in front of the court building. They demand the court to be serious in the case by taking all people strongly linked to the murder before the court. These people are among others Muchdi PR, Nurhadi Djazuli and Hendropriyono as agents and officers at BIN. They all have strong linked to Munir's case. KontraS' activists in the demonstration bring banners saying "Get Muchdi PR and Nurhadi before the court", and posters saying "Why only Polly since Hendro is clearly involved?", "Get the mastermind, not only the puppet", "Why he was made silent?". They also show some pictures of Munir. Three KontraS' activists put red paint to their bodies symbolizing blood and murder.

In five minutes, when one of KontraS' activists namely Crisbiantoro delivers a speech asking the court to reveal the involvement of BIN, suddenly nearly 30 people from KOMIT come and attack the demonstration. They take all the equipments with violence, destroy the posters of Munir, tear up the leaflets, throw away the banners, carry away the speaker, break up the demonstration. They also ask the ladies to take off the clothes with the picture of Munir on it. There is verbal dispute between KontraS' activists and them. They try to break up the demonstration three times. KontraS' activists try to remain in the place and continue the demonstration. However, since there is no action from the police officers and the threat that KOMIT will beat them, finally KontraS' activists have to leave the place.

Not a single police officer try to protect and guard KontraS' activists and the families of human rights violation victims during the incident. Usman Hamid, Coordinator of KontraS, in an interview with the media, states that the incident is an intimidation activity to KontraS and send a clear message that there is no security during the court since everyone can go into and leave the court without security activity. In a press conference, KontraS condemns the attack and the intimidation (*Read KontraS' press conference, 17 November 2005*).

The attackers are from KOMIT (Komite Mahasiswa Indonesia Timur/Eastern Indonesia Students Committe). In an interview with the media, one of them said that they were the students of National University and Pancasila University. However, they try to avoid when the media ask to prove that they are really students. In Munir's case, KOMIT is widely known as they quite often do propaganda activity by distributing leaflets containing supporting statements to BIN and the defendant, Pollycarpus Budihari Priyanto (PBP). They also support the defendant's legal advisers (*Read the Monitoring on Munir's case*). Jen Sangaji, one of KOMIT' s activists, deny the link between KOMIT and the defendant. However, one of KontraS' activists hear a story from another KOMIT's activists that the wife of the defendant ask their help and the BIN pay the money. They even try to give money to one of KontraS' activists. In addition to that, one of KontraS' activists manage to see the distribution of the money in another courtroom next to the one used in Munir's case.

Action for Munir at the Central Jakarta District Court in chronological order

Kamis 17 November 2005

Time 09.00 WIT

Several KontraS' activists, nearly 20 people, along with the ladies of the victims of human rights violation case and their families, departed from KontraS' office. They brought banners, posters and leaflets.

Time 09.30 WIT

KontraS' activists staged a demonstration beside the building of the Central Jakarta District Court. They showed a banner saying "Get Muchdi PR and Nurhadi before the court". They also showed posters with the picture of Munir and statements on the papers saying "If there is Hendro, why only Polly?", "Polly, do not be a scapegoat of BIN", "SBY and JK\* are not serious in Munir' case", "Everybody knows that BIN is the mastermind", "Investigate the case completely, not only Polly" and so forth.

\*SBY=Susilo Bambang Yudhoyono, the President of Republic of Indonesia and JK=Jusuf Kalla, the Vice President.

Time 09.35 WIT

One of KontraS' activists delivered opening speech by saying that the court should force Muchdi and Nurhadi appear before the court. Suddenly, nearly 30 people came and grabbed the equipments, destroyed the posters of the late Munir by stepping on them, tore the leaflets, thrown away the banner, carried away the speaker and tried to break up the people.

Some dirty words came out from their mouth such as "You are monkey, you do not have brain" or " Do not you easily give a stigma". They also threatened to beat KontraS' activists. Next, they forced the ladies to take off their clothes with Munir's picture on it. There was a hard dispute between them and KontraS' activists namely Chrisbiantoro, Daud and Paulus Nikko. Some people from KOMIT managed to beat the head of one KontraS' activists. KOMIT forced the people to leave the court for three times. However, the police asked KontraS' activists instead for the permission letter. In the past, the police never asked the letter every time KontraS' activists staged the demonstration at the Central Jakarta District Court.

## II. The court

### Opening the court

At 10.28 WIT, the Chief Judges, Cicut Setiarso, open the court. He said that today's court was the last chance for the public prosecutors to present witnesses.

The panel of judges are:

1. Cicut Setiarso (the Chief Judges)
2. Sugito (Member)
3. Ridwan Mansur (Member)
4. Sudrajat (Member)
5. Edi Cahyono (Member, replacing one judge)

The public prosecutors are:

1. Domu P Sihite
2. Saptani
3. Supardi
4. Suroto

The legal advisers are:

1. Assegaf
2. Wirawan Adnan
3. Uki
4. Dzul kifli

The public prosecutors told the court that five witnesses would testify. Four of them were ready in the courtroom while the other one, Nurhadi Djazuli of BIN, could not come since he was in Nigeria as the Indonesian Ambassador.

### Examining the witness Muchdi Purwopranjono

#### Personal identity

Name : H. Muchdi Purwopranjono  
Place/Date of birth : Jogjakarta, 15 April 1949  
Religion : Islam  
Occupation : Agent of BIN (Former Fifth Deputy in BIN).  
Formerly, he was an army officer (Former PABI in Indonesian Army Headquarters)  
Address : JL. Darmawangsa X No. 76 RT 009 Rw.08  
Cipete Utara Kebayoran Baru and Jl. Brawijaya III/18 Kebayoran Baru Jakarta Selatan

### The opening material of the judges

Muchdi admitted that he did not recognize the defendant, Pollycarpus Budihari Priyanto (PBP) and did not have family relationship with the defendant. Muchdi admitted that he knew PBP by reading the newspapers. Muchdi then took the oath as a moslem.

Muchdi said that he received a call from the court to testify yesterday's evening (November 16, 2005) to his office. Muchdi added by saying that he previously never recived a call to testify.

Muchdi admitted that the police examined him during the investigation process.

The chief judges reminded Muchdi to give the true information. If the witness proved to give inaccurate information, he would face punishment as the consequence of taking the oath and also punishment from religion side.

Muchdi admitted that he did not recognize Munir and knew Munir only by name. Muchdi said that Munir worked for KontraS and knew Munir from the media.

The chief judges reminded the witness again to help the court by telling the true and clear information. The judges said that should any unsimilar information appear, the judges would ask. If the witness did not remember, the judges would help. Most importantly, the witness honestly spoke the truth.

#### a. The questioning material of the public prosecutors

*Domu P Sihite asked the following:*

On when the witness knew the defendant PBP, Muchdi said that he knew PBP as PBP appeared in the media after Munir died.

At the time when PBP appeared in the media, Muchdi said that he did not remember. Muchdi admitted that he read in the media Munir's and PBP's name.

On whether the witness knew about Munir and his work in Kontras before Munir died, Muchdi answered by saying that he read the newspaper and therefore he knew Munir. Muchdi admitted that he knew Munir before Munir died.

On his job in BIN, the prosecutor said, "Does BIN also have the job to investigate people who often criticize the government?" Muchdi answered that as far as his experience in BIN is concerned, such job was never exist.

On whether he witness ever asked someone to remind Munir not to be too critical, Muchdi said, "About that, mmm, I think all the government officers, mmm, indirectly maybe, including me..." The chief judges interrupted and reminded the witness to focus on what the witness heard and experienced, not on the other government officers. Muchdi said that the police once asked him "If there is someone who are very critical to government, what would you do?". Muchdi said that he would probably contact that person's senior to remind the person to be not too critical. That was his answer to the police.

On the senior that the witness referred, Muchdi said that he knew a lot Munir's senior such as Mulyana Kusuma, Adnan Buyung Nasution. He also knew other seniors of Munir. He knew that these people were Munir's senior but he did not know exactly about KontraS.

On whether he ever contacted those people and if he did, how many times, Muchdi answered that he forgot the exact time since he met those people in several occasions. He did not directly tell those people to remind Munir. Sometimes he said informally like "Would you please remind him?".

In the dossier, the witness mentioned, "I contacted among others Adnan Buyung Nasution (ABN)". The prosecutor asked if the witness really contacted ABN. Muchdi said that he did not remember exactly whether he ever contacted ABN in a formal occasion or not. The chief judges reminded the witness that the prosecutor did not ask the time yet. The prosecutor asked on whether the witness ever contacted ABN. Muchdi said that he ever contacted ABN but he forgot when and where.

On the words the witness said to ABN, Muchdi said, "*Please remind him*". He said that it was not in formal occasion.

On the meaning of the word "remind", about the intention of that word, Muchdi answered that in democracy, the nation and the people were in difficult situation and we should build the country toward a better place. That was his intention.

On whether he really mentioned that statement to ABN, Muchdi said that he probably did not say that statement. The chief judges interrupted and told the witness, "The prosecutor asks you on what is your statement to ABN" Muchdi said that as far as he remembered, he said, "Please remind Munir". The chief judges continued, "Remind Munir for what?", Muchdi said, "Remind him not to be to critical".

On his observation that Munir as a vocal person, Muchdi said, "Yes, as far as I see". The chief judges reminded the witness that the court tried to find the facts so the witness should not be vague. Muchdi answered that it was the reason he said, "Munir is considered as a vocal person and many people like him".

On his real observation that Munir as a vocal person, *Assegaf, the legal advisers, made his objection*. The chief judges told the prosecutor that the witness already mentioned that Munir was a vocal person regardless of the witness' definition on vocal. It could be negative or positive, it could be constructive or destructive and it could be bad or good.

On the content of Munir's critic, was it constructive or destructive, The chief judges interrupted and said "For that opinion and conclusion taken by..., The judges asked the witness if he ever saw Munir's activities, such as a letter, a speech, interview in the media, that the witness considered too critical. What did the witness see and hear?" Muchdi said, "What I mean, vocal could be constructive or has another meaning. However, be vocal is not only for the

NGO since the member of parliament and government officers could be critical too. What I mean by vocal is criticizing the governments policies".

The public prosecutors asked, "Internally, is Munir one of the targets?". *Assegaf interrupted and made his objection*, "The prosecutors so far only focus on the witness's observation on Munir. The questions has no relevance. There are no questions linked to the defendant". The prosecutor said, "I will continue with the question linked to the defendant" Assegaf said "Where is the evidence to prove what the defendant did, not Munir" JPU said, "That is true but the question will come later. That is it". The chief judges told the witness "Do you still want to answer?". Muchdi said that he could not say anything about BIN's jobs since it was confidential. He suggested the prosecutors to come to BIN's office to figure out if the prosecutors wanted. Cicut said, that the question was about the target. Muchdi said, that Munir was not on the targeted list.

On the communication with handphone and telephone, did the witness hold the mobile phone number 0811900978, Muchi confirmed that he had that number since 1995 until now.

The prosecutor said, that in a network found in the telecommunication company record, Muchdi's mobile phone number was found with the defendant. Did the witness ever contact the defendant's mobile phone? Muchdi replied, that he did not ever contact PBP. JPU added by saying that in the print out, the witness had contacted PBP's mobile phone (the number: 081584304375) 27 times. The judges interrupted and said, "The question is, not PBP, but there is print out about your contact with the number mentioned. The number is the defendant's phone number in his resident. Do you know that the communication occur?" Muchdi said, "I had the mobile phone since 1995 and it is not registered with my name since a company gave the mobile phone and it is registered with the company's name. The mobile phone is not always with me and anyone could use it". The chief judges said, " You do not answer the question. Do you contact the number?" Muchdi said, " I never contact PBP, maybe someone else use ....", The chief judges said, "It is very clear in the print out. Do you have two numbers or two mobile phones?" Muchdi said that he had only one number.

On the bill for the witness' mobile phone, Muchdi answered that the company paid the bill and he never saw the print out of communication ever made.

On whether he frequently used the mobile phone, Muchdi said that he did not always use the mobile phone since he let his friends to use the mobile phone.

The prosecutor told the witness, that the judges already asked and the witness answered that the witness only had one number of mobile phone. Muchdi said, " I am sorry, I have another one. The number is 0816818182 and I have this number since 1993 but my son has used it since last year". The prosecutor said, "Was it in November that you gave the mobile phone to your son?" Muchdi said, " It is around in the middle of the year, more than one year therefore, it was last year for sure".

The prosecutor, Domu Sihite, asked, "On August 25, September 3, 6, 7, 17, 2004, were you at the office and did your job?" Muchdi answered that he could not remember. JPU added by saying, "August 25 was Wednesday, September 5 was Friday, September 6 was Monday, September 7 was Tuesday, and November 17 was Wednesday. Were you at the office during those days?". Muchdi said that he forgot

The prosecutor asked if the witness always use his first mobile phone with the number 0811900978. Muchdi said, "Sometimes my guard or my driver and my staff use the mobile phone" The prosecutor showed the print out " This print out shows the communication between your mobile phone and the defendant's mobile phone and his resident telephone" Assegaf interrupted " The prosecutor only mention PBP's number. Please be specific by mentioning the figures since it does not have to be the defendant's mobile phone". The judges said, "What is the number that contact the witness' mobile phone?" The prosecutor said that the number of PBP's mobile phone was 081584304375 and it already stated in the dossier. The prosecutor only tried to remind not to force the witness to remember therefore the legal advisers should control himself.

The chief judges said, " This is indeed one question since in the print out, we have PBP's number 081584304375 and there was 27 times contact". The prosecutor, the witness, the defendant and the legal advisers come closer to the table of the judges to discuss the content of the print out (It is not very clear what they discussed) The prosecutor asked whether the witness understood the content of the print out. Muchdi said that he understood.

On whether the witness feel that he ever contacted the defendant's phone with the witness' phone, Assegaf made his objection on the question. The chief judges said, "It is still unclear who have this mobile phone but the communication between those two numbers are very clear in the print out"

On the communication from the witness' number (0811900978) with the defendant's number (081584304375), did the witness ever make a communication and talk using the number? Muchdi said "Never" The prosecutor added by saying, "Based on the print out, do you confirm there is communications?" Muchdi said, " Based on the print out, I confirm there is communication between my mobile phone with that mobile phone, but not PBP's mobile phone. I never contacted that number since my mobile phone

used by anyone. I never contacted the defendant" The prosecutor said, "You are trying to say, the print out from the telecommunication is an evidence but we should separate it with the communication activity since you feel that you never contact PBP" Muchdi said, "yes"

The prosecutor said, "In the dossier, the witness says he was former fifth deputy in BIN and he was in charge in organizing activity. Did the witness ever hear or read in a document that PBP's name exist in BIN?" Muchdi said, "I never hear or read about that" The prosecutor continued, "What about Munir's name?" Muchdi said, "It is the same. I never hear or read"

The prosecutor said, "Besides the mobile phones mentioned so far, did the witness ever contact the defendant's resident number?" Muchdi said, "Never".

#### b. The questioning material of the legal advisers

*Assegaf asked the following:*

On the fact that the witness did not know the defendant, never meet him or communicate directly and indirectly, Muchdi confirmed this was correct.

On the fact that Munir was not listed in the target. Muchdi again confirmed this

On whether BIN and the witness ever give special mission to the defendant, Muchdi said that he never heard or read.

*Adnan Wirawan asked the following:*

Was a list of vocal person available in BIN. Muchdi said the list never existed

On whether in his mobile phone listed the number that prosecutor mentioned (the defendant's number) Muchdi said "Mmmmmmm...when the polic examined me, I checked in the memory and it was not there"

On whether he knew the witness Yety Susmiarti and Oedi Irianto, Garuda's flight attendant Muchdi said "I just hear their name now and I do not know them"

**c. The questioning material of the panel of judges**

*Cicut Setiarso asked the following:*

On the answer from Adnan Buyung Nasution when the witness said, "Please remind Munir". **Muchdi said**, " I do not remember since I do not take the problem seriously".

**The chief judges said**, " As Munir's case appears, the witness asked to clarify therefore the case would open the witness' memory. Based on what the witness remember, what was the answer of Adnan Buyung Nasution. Did Adnan agree or he said that was human rights problem". **Muchdi said** that he could not remember and he already mentioned that he did not remember where, when and in what occasion" **The chief judges said** " You do not remember what was Adnan Buyung Nasution response?". **Muchdi said**, "I did not come to Adnan's office only to discuss that therefore I told Adnan not in a formal occasion"

On how many times the witness asked Adnan Buyung Nasution. **Muchdi told the court** that it was only one time. **Cicut Setiarso said**, "What we already got, the witness already here, we would find and make additional things and draw personal conclusions"

On whether the witness ever contact the telecommunication company about the print out. **Muchdi said** that he never did that.

On who frequently use the mobile phone since the witness mentioned about his guard, his staff used it for a night. Could the witness explain that? **Muchdi said** that he hold the mobile phone only in the night since he had many social activities in the day and he should contact his friends. He had many positions in social activities. However, he used the mobile phone completely in the night.

On whether he ever tried to remind someone else beside Munir. **Muchdi said** "There are no one else".

On whether the witness has friends that also has job to remind the others. **Muchdi said**, "I often do like when I meet the legislators, I always said, "Please, do not be too critical". It is normal. It is not only to Munir but also to the member of parliament"

On whether he is still the agent of BIN. **Muchdi said**, "I am still the agent of BIN"

On whether the witness ever contact the defendant's wife. **Muchdi said**, "Never".

*The judge, Ridwan Mansur, asked the following:*

On who could borrow the mobile phone. Muchdi answered that anyone could borrow. He mentioned that when he was next to his director and the director wanted to use it, he would give since the company paid the bill.

On the company that paid the bill. Muchdi said that it was Barito Pacific but he did not know when the company paid the bill since the company never informed him. The company would asked him if he travelled abroad since in that case the bill would be millions rupiah.

On the person who usually use the mobile phone. Muchdi explained that anyone could use it since the company paid the bill. Anyone could use it until now. If his friends in the back of this courtroom wanted to use, he never refused. He never bring the mobile phone since his guard keep it for him.

Cicut Setiarso asked "Did the witness ever hear that BIN call Munir?" Muchdi said, " I never hear".

#### d. Additional questions

Assegaf asked: "Did the witness or BIN follow or know that Munir would go to the Netherlands for studying?" Muchdi answered, "I do not know".

Cicut Setiarso asked, "Did the witness know that BIN ever seize Munir?" Muchdi said, " I do not know".

#### e. The defendant's response

PBP said that he did not know the witness and he nver contacted him and just knew him today.

PBP also said that the witness was telling the truth.

#### f. Pointer of the testimony

- Muchdi admits that he knows Munir as KontraS' activists but it is because he reads the newspapers.
- Muchdi admits that he knows PBP from the media after Munir died.

- Muchdi considers Munir as a vocal person and therefore he asked Adnan Byung Nasution as Munir's senior to remind Munir not to be too vocal.
- According to Muchdi, Munir is not the target of BIN.
- The printout from the telecommunication company shows that there are 27 times communications from Muchdi's number 0811900978 and the defendant's number (081584304375). Muchdi said that he understood the print out but he refused to say that he ever contacted the defendant's mobile phone number and resident number since he said that anyone could use his mobile phone including his guard, driver, staff or even his director.
- Muchdi said that Barito Pacific Company paid the bill of his mobile phone.

### G. The examining process

*Muchdi tried not to answer very clear and tried to avoid questions on:*

- Whether he ever asked someone to remind Munir not to be too critical. He frequently said, "Mmmmm....", "In that case....", "I think...", "Maybe..."
- Whether he ever asked Adnan Buyung Nasution to remind Munir and what was the content of the discussion between Muchdi and Adnan Buyung Nasution
- Examples on Munir's activities considered to be critical.

*Muchdi vaguely answered :*

- Whether on his observation, Munir is a vocal person.
- On who usually uses his mobile phone.

*Muchdi changed the answer:*

- In the beginning, Muchdi said that he had only one number 0811900978, then he said later that he had also another number 0816818182.

*The legal advisers made their objections on the questions on:*

- Munir's activities considered by the witness to be too critical
- Whether Munir was in BIN target list

### III. Post Muchdi's examining process

After the chief judges said the court was closed to examine the witness Muchdi PR, Muchdi then walked out from the court and his guards were ready to escort him. Suciwati (Munir's wife) was ready to meet Muchdi in the door. She closely watched Muchdi and with trembling voices, she told Muchdi frequently, " You

are liar!, You are liar!, "You did kill him, did you?", "You did kill him, did you?". Muchdi did not reply and walked out with his guards.

This incident shocked the court and the journalists approached Suciwati shortly after that. The journalists tried to get Suciwati's statement until the car park of the court. However, Suciwati remained silent and left with the motorcycle driven by Usman Hamid and left all the journalists that wanted to ask why she was so sure that Muchdi was involved.