

Monitoring The Trial Concerning The Murder of Munir

Session XXIV The Central Jakarta District Court Jakarta, Monday, 13 December 2005

Material: Reading counterplea arguments
Time: 14.00 - 14.30 Western Indonesian Time (WIB)
Place: The Central Jakarta District Court, Second floor, Courtroom V

I. The court

The court is scheduled to start at 10.00 Wib as mentioned in the previous court. Since the public prosecutor came late, the panel judges begin the other case (the case on business and corruption in religious ministry). The court for Munir's case finally begins at 14.00 WIT. Nearly 60 people are in the courtroom to see the court. They are among others the families and victims of May, 65 and Tanjung Priok and people from KOMIT. Around 20 journalists from newspapers and televisions cover the court.

The panel of judges are:

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

The public prosecutors are:

1. Edi Saputra
2. Supardi
3. Suroto

The legal advisers are:

1. Wirawan Adnan
2. Heru Santoso
3. Uki

II. Material of counterplea arguments

The prosecutor Ade Saputra read 8 pages containing the public prosecutors response against the defending arguments of the legal advisers and the defendant's plea. The public prosecutor did not answer one by one the things addressed by the legal advisers. The prosecutors did respond on each argument of the defendant but not of the legal advisers. The prosecutors put forward legal arguments and facts found in the court that is the criminal activity committed by the defendant. In general, the public prosecutors denied all defending arguments of the defendant as well as his legal advisers by mentioning the followings:

A. The defendant plea

The denial of the defendant

The prosecutors considered that it was normal if the defendant denied the charges against him since it was the defendant's rights as stipulated in Basic Law of The Authority of Justice (Law Number 4/2000)

Calling Munir would be totally unreasonable if the defendant really wanted to murder Munir

According to the prosecutors, the defendant really called Munir and Suciwati picked up the phone. The defendant wanted to be sure on Munir's departure to the Netherlands so that he could arrange everything to be in the same flight with Munir. Finally, he orchestrated his departure to Singapore. On his words, "If I really wanted to murder him, how could I called him and mentioned my real name?", the prosecutors believed that was the defendant's way to convince Munir so Munir would not be suspicious on him. By mentioning his real name, the defendant wanted to act as if he was a good person. The problem was why the defendant called Munir since the defendant had no relationship whatsoever with Munir.

On his complain to Brahmanie, Yeti dan Oedi

The facts found in the court confirmed that the defendant called Brahmanie, Yeti and Oedi to set up similar perceptions.

On the report received by Garuda

The problem was not about the approval or disapproval of the report. It was on how the report showed that the defendant manipulated the facts since there was no dumping fuel problem in Singapore. Moreover, the report was inappropriate since the defendant produced the report based on an interview with anonymous technician. During the trial, no witnesses ever said that Garuda received a report on dumping fuel problem as mentioned by the defendant.

B. The defending arguments of the legal advisers

The prosecutors disagreed with the content of legal adviser's defending arguments since the defendant met the first charge of article 340 and second charges of article 263 (2) of the Penal Code. Based on arguments of article 184 of the penal code, "The legally accepted exhibits are witness' testimony, expert witness explanations, letter, pointers and the defendant's statement".¹

Based on the legal arguments mentioned above, the public prosecutors stated:

1. The defendant's evident process already heard from all the witnesses presented² and the witnesses already conform to article 185 (2) of the penal code.
2. The explanations from all the witnesses and one original document of autopsy's result of Munir's body issued by dr. Visser as *Patholoogist* from NFI (Nederland Forensic Instituut) on the death of Munir due to arsenic poison already enough as legal pointers as stipulated in article 188 (1) and (2) of the penal code.

Based on the two legal base arguments, that is to say article 185 (2) and article 188 (1) and (2), therefore, criminal activities committed by the defendant were as follows::

- The defendant considered Munir's activities posed a threat to government programe and the defendant could not accept it.

¹ Moreover, the prosecutors referred to article 185 (4) of the penal code on the possibility to use several independence witness' testimony if there was connections among them, article 188 (1) (on the definition of pointers), article 184 (1) (on the letter possibly used as exhibits), article 1 points 28 (on expert witness's explanation)

² See the name of the witnesses on the report of monitoring Munir's case (www.kontras.org)

- The defendant changed his flight schedule to Beijing on 5-9 September to Peking and switched it to Singapore with checking dumping fuel as the reason.
- The defendant called Munir and received by Suciwati to make sure Munir's departure to the Netherlands.
- The defendant departed to Singapore with GA 974 without assignments from Ramelgia Anwar as Vice President of Corporate Security
- The defendant changed the seat by offering Munir a seat in business class (seat 3K) that supposed to be the defendant's seat. The defendant did not take Munir's seat (seat 40G) but on seat 11c in Premium class.
- After this, the defendant did not remain at his seat but walked around the pantry, met and greeted flight attendant Oedi Irianto when Oedi was preparing the welcome drink (orange juice and champagne). The defendant then poured the poison into one glass of orange juice. The glass then put in front row of the tray, separated from other glasses and the flight attendant Yeti Susmiarti served it to Munir.
- GA 974 arrived at Changi on September 7, 2004 at 01.30. The defendant did not check in together with other cabin crew when they stayed in Novotel Hotel, Singapore.
- The defendant arrived in Singapore on September 7, 2004 at 01.30 local time and returned to Jakarta on September 7, 2004 at 7.00 local time of Singapore. The defendant only spent few hours in Singapore.
- GA 974 stopped for transit at Changi Airport, Singapore for 45 minutes. The plane continued flying to Amsterdam afterwards. Ten minutes after take off, Munir made several trips to the lavatory and started vomiting. A doctor namely Tarmizi Hakim injected a medicine to calm Munir. Three hours before the plane landed in Amsterdam, Munir died.
- Based on the autopsy of the NFI, the cause of Munir's death was due to high dose of arsenic poison found in his blood and stomach.
- After Munir died, the defendant tried to make his departure as an official duty to check the dumping fuel problem although he had no expertise whatsoever on dumping fuel but made a report as if he checked the dumping fuel problem.
- To cover his action, the defendant asked Ramelgia Anwar as Vice President Corporate Security to write a letter to cover his travel expense to Singapore dated September 4, 2004 (before Munir died). The fact is, the letter was written and signed on September 17, 2004 or nearly two weeks after Munir died.

Based on those facts, the prosecutors stated, "the defendant are clearly manipulating facts and therefore convinced the prosecutors more that the defendant is really the murderer by pouring arsenic poison into orange juice during GA 974 flight from Jakarta to Singapore".

The closing statements

The prosecutors are then:

1. Requesting the panel of judges to reject the defending arguments of the defendant and his legal advisers.
2. Stating that the prosecutors stick to the charge read on Thursday dated December 01, 2005.