

Monitoring The Trial Concerning The Murder of Munir

Session XXV The Central Jakarta District Court Jakarta, Wednesday, 14 December 2005

**Material: Reading counter rejoinder arguments
Time: 13.40 - 14.00 Western Indonesian Time (WIB)
Place: The Central Jakarta District Court, second floor**

I. Before the trial

Since 12.30 Wib, nearly 20 journalists are ready in the courtroom to cover the trial. The crowds in the courtroom are estimated around 60 people. Polycarpus entered the courtroom at 13.00 WIT wearing a white shirt and black trouser. He entered the courtroom escorted by four police officers from the Indonesian Police Headquarters.

II. The court

The panel of judges opens the court at 13.40 Wib with the agenda reading counter rejoinder arguments. Polycarpus and Heru Santoso, one of his legal advisers, read the counter rejoinder arguments by turns.

The panel of judges are:

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

The public prosecutors are:

1. Edi Saputra
2. Saptani
3. Suroto

The legal advisers are:

1. Assegaf
2. Heru Santoso
3. Uki
4. Imron Halimy

III. Material of counter rejoinder

In addition to the counter rejoinder read by the legal adviser, Pollycarpus also read his own plea before the court.

1. Personal plea of Pollycarpus

The personal plea of Pollycarpus is in handwriting form. He uses one page of foolscap-size paper double sided. Pollycarpus read his plea carefully with low voice. He changes the volume of his voice to loud when he emphasizes something. It shows his seriousness and total comprehension.

Pollycarpus’ personal plea consists of the following:

The first page contains the following:

- He acknowledges the panel of judges.
- He said that he did not know about Law No. 4/2004 on “prosecutor’s statement that he had the right to deny all charges”. He admitted that he did not know about the law.
- He asked about the exhibits, time, place and how he poured the poison if he really was the murderer. How was the arsen, who bought it, when, where and what for.
- He mentioned about one NGO tried to investigate his past life by going to Papua. He also said that he was not interested in politics.
- He denied that he ever called Munir since he did not know Munir, he did not have Munir’s mobile phone number and he had no business with Munir.
- On a plane had dumping fuel problem in Singapore as mentioned by Ramegia Anwar and Garuda’s director, Indra Setiawan.

The second page contains the following:

- He contacted Brahmanie, Yety Susmiarti and Oedi to share his feelings since the news in the media disturbed him.
- He had difficulties in economic life since he was arrested for the case.
- He did not know anything on politics and he never against the law.
- He demanded the truth and he will report to Justice Comission, President and the United Nations since the prosecutor violated his human rights.
- He requested to be released from the jail and his name restored by saying that he did not commit murder activity.

On the remarks, Pollycarpus wrote his sorry if his handwriting could not be read since he wrote it in the jail with woven mat and his right finger broken due to an accident.

II. The counter rejoinder of legal advisers

The legal adviser's counter rejoinder consisted of 8 pages with two expositions. First, they discussed all the things not covered in prosecutor's rejoinder. Second, they highlighted all things necessary to respond the rejoinder of the prosecutors. Heru Santoso, one of the defendant's legal advisers, read the counter rejoinder and below are the main pointers:

1. The things not denied by the public prosecutors

The legal advisers told the court, as already mentioned in their defending arguments, the mathematical exposition on the reaction of arsen in Munir's body. If the arsen entered Munir's stomach when he was served welcome drink (orange juice), it would be difficult for Munir to get off in Changi Airport and then boarded again. The expert witness already explained that the first symptoms would appear in 20 up to 60 minutes with deviation around 30 minutes, it would be 90 minutes after the intake. If the prosecutor was right that the intake occurred when Munir had welcome drink, Munir should felt nauseous and vomited 28 minutes before landed in Singapore. Since the interval was 90 minutes after drinking the orange juice, also if with reference to data in Aircraft Flight Log (AFL), the plane was still in the sky, flying to Singapore. Moreover, according to witness dr. Tarmizi, Munir still looked fit when he entered the plane in Singapore.

The legal advisers then told the court that the prosecutors could not prove all the facts mentioned above. That is to say, Munir did not die because the poison during the flight from Jakarta to Singapore. Consequently, Yeti Susmiarty and Oedi Irianto have not been proved committed premeditating murder to Munir.

2. The most important things

- a. No witness ever said during the court explaining that **"the defendant considered Munir's activities had disturbed and became obstacles for government's programme and the defendant could not accept that"** According to legal advisers, the statement came from the prosecutor's assumption after listening explanation from the witness, Hian Tian. Since Hian Tian, also known as Eni, could not appear before the court, a test on the material explanation by the prosecutors could not be held
- b. The prosecutor had added several manipulated data on the fact that the plane with dumping fuel in Singapore never existed. Ramelgia Anwar mentioned that there was a plane, Boeing 747-400, flying to Europe but it had a problem since the body did not want to move up. Therefore, the plane went back to Singapore.
- c. The defendant sat in premium class based on suggestion from the purser, Brahmanie. It was not the defendant's personal initiative to be in premium class.
- d. "The defendant walked around the pantry and met flight attendant Oedi who prepared the welcome drink (orange juice and champagne).The defendant then poured the arsen into one glass of orange juice. They put the poisoning glass in the tray separated from other glasses. The flight attendant Yety Susmiarto then served the passengers and he chose Munir who eventually drink them up.
 - The legal advisers said that pantry was not similar to mini bar. The witnesses already explained that Pollycarpus was not in pantry but he walked around the mini bar for two times to take something to read. The location of pantry was on the reverse side of mini bar in premium class separated by partition. The distance from the premium bar and the pantry is about 3 meters.
 - The legal advisers mentioned that there were no witnesses saying that the defendant entered the pantry or saw the defendant poured the arsen into one of orange juice glass prepared by the witness, Oedi Irianto.

- e. The legal advisers rejected the prosecutor's argument that the defendant did not join check in process with other active crew when staying in Novotel Hotel, Singapore. The legal advisers told very clearly that the defendant joined the other crew in a bus to Novotel Hotel, Singapore. The active crews led by Captain Sabur did the check in collectively while the defendant did separately since the defendant had different flight with the other crew in the next flight. As consequence, the defendant will have different wake up call with the other crew since they should fill in wake up call column when check in.
- f. On the fact that the defendant only spent few hours in Singapore, the legal advisers explained that the defendant went to Singapore to collect information from ground technician using regular interview to get the real story. It took only few hours since basically he just wanted to make sure that there was a plane (Boeing 747) that had a problem with its wheel after takeoff so the plan must released gasoline to the sea around 100 tons (dumping fuel). Garuda then had big loss since the company must cover the expense of the fuel released to sea as well as accommodation expense for 400 people. According to the legal advisers, it was a normal procedure for Garuda's pilots to collect information by interviewing technician.
- g. On the time for transit in Singapore, according to prosecutors, it took only about 45 minutes. According to the legal advisers, it should be more than 45 minutes since there were 8 passengers in business class, 45 in premium class and 305 in economy class (data taken from AFL-ed). It would be impossible for all passengers to finish boarding and sat on their seats only in 45 minutes

Based on the arguments above, the legal advisers told the court:

- 1. The prosecutors could not find arguments against prosecutor's arguments mentioned in defending statements.
- 2. The prosecutors failed to find strong evidence that the defendant committed the murder as charged by the prosecutors.

IV. Response from the prosecutors

The chief judges said that based on the penal code, the public prosecutors would decide the date and time for a reply. The prosecutor, Ade Saputra, said that the prosecutors would keep the previous charges and would not change it. The prosecutor would not give more responses.

V. Response from the defendant

The defendant said that he would not response since he believed his legal advisers, the panel of judges and God for the justice that he seek.

V. Response from the panel of judges

The chief judges said that since the counter rejoinder process was over, it showed that questions and answers session already finished and the debate between the prosecutors and legal advisers was over. Therefore, the final stage was preparing the verdict by the panel of judges.

Cicut Setiaraso mentioned that the verdict, scheduled on December 16, 2005, would be on Tuesday, December 20, 2005 instead since the panel of judges needs to take into account some considerations.

With regard on the verdict on December 20, 2005, Cicut said:

- A legal effort was still available if one side still had unsatisfied feeling about the verdict.
- There should be no excessive respond to the verdict.
- Staging demonstration is welcome but it should follow the law and order to make sure the rights of everyone not violated. Respecting others would make God put us as respectful people.

VI. After the court

With regard the fact that December 16, 2005 was the last day for detaining the defendant and the verdict would take place on December 20, 2005, Yanwitra, the clerk in the court, said that it was possible to adjourn the verdict until December

20, 2005. This was because there was already ten days extension in detaining the defendant before the last day of the detaining period. The Chief of District Court had extended the detaining period and already informed The Chief of High Court. However, Yanwitra did not remember the date when the extended process took place.