

**Monitoring the Trial Concerning
The Murder of Munir**

**Trial V
The Central Jakarta District Court
Jakarta, 6 September 2005**

**Material: Examining Witness Ramelgia Anwar
Time: 10.35 -15. 20 West Indonesia Time
Place: Central Jakarta District Court, 3rd Floor, Room 1**

Situation of the Courtroom

I. Before the Trial

At 9.30 am, some police personnel from Jakarta Regional Police were seen inside two green Police minibuses parked in front of the Central Jakarta District Court. About 50 policemen were scattered around the trial location. Fifteen of them took guard in front of the Court front gate. The other fifteen sit in front of the courtroom, while the rest were scattered around the Court. A TNI uniformed officer was seen taking guard in front of the Court front gate.

About 150 visitors filled the courtroom since 9.30 am. Families of victims of Priok, '65, and Semanggi incidents were ready to take the courtroom seats. About 20 journalists were waiting and preparing to take coverage of Pollycarpus' visit. In front of the courtroom, three Munir posters and a framed poster written "Mengapa Dia Dibungkam?" (Why was he silenced?) were leaned on the wall in front of the courtroom. Next to those were two people wearing shirts and masks of Munir on a silent protest in front of the posters.

II. Court Session

The Panel of Judges consists of:

- | | |
|-------------------|----------------|
| 1. Cicut Sutiarto | (Chief Judge) |
| 2. Sugito | (Member Judge) |
| 3. Liliek Mulyadi | (Member Judge) |
| 4. Agus Subroto | (Member Judge) |
| 5. Ridwan Mansur | (Member Judge) |

Eight Legal Advisers, among them were Mohammad Assegaf and Suhardi Sumomuljono, attended the court session.

Meanwhile, the Public Prosecutors were:

1. Domu, P Sihite, SH. MH.
2. Suroto
3. Edi Saputra
4. Giyanto
5. Muhammad Rum
6. Saptani
7. Meghanada
8. F Eyert L

A. Session Opening

At 10.35, the Panel of Judges, led by Cicut Setiarso, opened the session and let the accused, Pollycarpus, enter the courtroom. Pollycarpus, wearing grey shirt and brown trousers, entered the courtroom, accompanied by two public prosecutors (JPU) and two Policemen from the Jakarta Regional Police (Polda). As he entered, about 15 policemen from Polda entered the court room and scattered among the other visitors.

B. Witness Hearing

According to the agreed court schedule, the agenda at the day was to have the hearing of five witnesses:

1. Suciwati (Munir's wife)
2. Indra Setiawan (ex-director of Garuda)
3. Ramelgia Anwar (Vice President of Corporate Security)
4. Rohainil Aini (Garuda scheduling and secretary of Chief Pilot Karmal Sembiring)
5. Karmal Sembiring (Chief Pilot)

Cicut Setiarso, the Chief Judge, asked that Suciwati (the wife of late Munir) be presented to the courtroom as the first witness whose testimony as a victim was to be heard.

The judge reminded the Legal Advisors and the Public Prosecutors to prevent the witness from giving ambiguous answer.

1. Suciwati as Witness (The Wife of Late Munir)

The Judge started the hearing by questioning Suciwati's health and her identity. The following is her identity:

Name	: Suciwati
Place, Birthdate	: Malang, 28 March 1968
Occupation	: Secretary of a foundation in Jakarta
Religion	: Islam
Education	: Diploma II
Address	: Bekasi

The Chief Judge then asked the witness whether she knew the accused. Suciwati answered that she knew him by that time.

Before the hearing, Suciwati asked the Panel of Judges to let her read to the audience two pages of letters that she had prepared so that the people may hear it. The content was about the connection of State Intellegent Body (BIN) in the case and a demand of justice for Munir's death. Chief Judge, Cicut Setiarso replied by saying that "hopefully there will be the chance later on, but now she must be taken her oath". Suciwati restated her

intention of reading the letter. The Chief Judge, Cicut Setiarso, eventually promised to give her the chance to read her letter at the end of her hearing.

Suciwati was taken her oath according to moslem way, under the guidance of the Chief Judge. He reminded her the value of the oath, and asked her to tell the truth and what she knew.

a. Judges' question matters

The Chief Judge, Cicut Setiarso, opened the hearing by questioning:

- Around the examination and the making of dossiers on Suciwati before the trial, and her consistency on the already made the dossiers. **Suciwati stated** that she will adhere to her testimony in dossiers and that she had been examined twice as a witness.
- Around her knowledge of the accused, Pollycarpus; and her intention behind the meeting with Garuda's representatives. **Suciwati said** that she had known the accused since November 8, 2004; when meeting with Garuda's representative, one of the people who were present was the accused, Pollycarpus. The meeting with Garuda's representatives was meant to convey her gratitude and to find out the chronology of Munir's death on the plane.
- Around the Suciwati's chronology of Munir's death. **Suciwati said** that on September 7, 2004, she received a phone call from Usman Hamid on Munir's death. Not believing it, she called Imparsial that were still cross checking the news. She called Garuda, and Garuda answered that there was no news on Munir's death. She called Schipol, but received the same answer – no news yet; and then to Lili (Munir was to stay at her place) and she said that she heard it but had not seen his body. She called Garuda again, but they still said that they hadn't heard the news. She called Garuda at Schipol and was given positive answer by Mr Yan, who said that he had seen the body but asked her not to be publicised as he was not working in the information section. Suciwati saw his body on September 9, 2004. Munir's body was later buried in Batu.
- Around Munir's health condition before leaving for the Netherlands. **According to Suciwati** Munir's health was good and he was in a very good spirit because in the next three months his family would leave for the Netherlands to live with him during his one year study. This had been planned ahead.

Agus Subroto (Member Judge) asked the questions below:

- Around Munir's activities and the possible intervention on his activities. Suciwati stated that Munir worked as a lawyer and at a social institution of human rights advocacy, Imparsial. There had been no complaining on Munir.

- Around the chronology of his leaving and other people's curiosity on his leaving. Suciwati said that Munir's leaving had been planned a year ahead. On Thursday, September 2nd, 2005, someone who identified himself as Polly called to Munir's cellphone saying that he would leave with Munir. Polly asked for her confirmation on the date of Munir's departure. Suciwati said to him that Munir would leave on Monday by Garuda.
- Around Suciwati's knowledge on the accused and Munir's response to Pollycarpus' call. Suciwati admitted that she didn't know Pollycarpus, and Munir regarded Polly as an odd, who pretended to know him (Munir) well. Munir told her that Pollycarpus once asked him to take his letter when he traveled to Switzerland and to post it as soon as he arrived there. Munir refused because it seemed strange that Pollycarpus, as a Garuda employee, must have many friends to take his letter. And Munir anticipated the possibility of the letter being a threat, on which his fingerprint would be easily identified. From Suciwati's story it was seen that Munir met with Pollycarpus before his departure to the Netherlands.
- Around the activity at the airport before and after Munir's departure. Suciwati testified that she and Munir were at Dunkin Donut for about half an hour, waiting for their friends who wanted to see Munir before leaving. Suciwati ordered a glass of white milk and Munir, a glass of chocolate milk. Half an hour afterwards, Pungky, Aal, Ratna, and Giarto came. Suciwati went out from the airport at past 8, and during her trip back home she and Munir sent SMS (short message service) to each other for a couple of times, and he was in good health.
- Around Suciwati's reaction and activity when hearing about Munir's death, and her activity in the Netherlands. Suciwati said that on the 7th she got a phone call from Usman about Munir's death and did cross check to look for confirmation. At the Schipol airport she got the chance to see Munir's corpse. She went to the Netherlands on September 8th 2004 with Rusdi Marpaung, Pungki Indarti, Usman Hamid, Rasyid (Munir's brother in law). But she did not meet with any Dutch forensic doctor.
- Around her meeting with Garuda's representative. Suciwati testified that she met Garuda's representatives three times. She did not remember when was the first meeting. The meeting intended to convey gratitude and to get the chronology of Munir's death. The meeting was attended by Chief Director of Garuda, Indra Setiawan; Operational people named Sony and Pujobroto. The Chief Director promised to give any information that she wanted. The Second meeting was on October 22, 2004; the third, on November 8, 2004. She met Pollycarpus at the third meeting. When Suciwati asked whether there is someone named Polly working for Garuda, Indra Setiawan answered right away that there is a pilot named Polly. When asked why he can remember that name because there were about 700 Garuda's crew, Indra answered that "Polly is a weird and unfamiliar name". Suciwati was convinced from his dialect and voice that it was Pollycarpus.

himself who called to her husband's mobile phone before his departure. Suciwati once asked Polycarpus whether he knew her husband. Polycarpus replied "Your husband was well-known". When Suciwati asked whether her husband knew him, Polly replied that Munir has a strong memory. He said that he met Munir just once at Bunderan Hotel Indonesia (HI Traffic Circle); at the time, Munir was handing out flowers in a campaign on Women's Day. Polycarpus told that "he met" with Munir at the gate near an Aquarium gate; he then asked him his destination and seat number. Munir replied at 40G; then Polycarpus admitted that he offered him to switch his seat to 3K, business class, under the name of Polycarpus. The reason of him giving out his seat was because Munir was a well-known person. At first, however Munir refused, but later he agreed, and Polycarpus seat at Premium class. At the time, Polycarpus went to Singapore for a standby connection to Shanghai, and returned to Jakarta the next day at 2 p.m.

Liliek Mulyadi (Member Judge) asked the questions below:

- Around activities at the airport, when Munir was parting with his family and friends, the kind of food and drink that he had, and his health condition.
- Questions were few but repeating.

Ridwan Mansur (Member Judge) asked the questions below:

- Around Munir's latest high profile activities and the problems he faced. **Suciwati stated** that Munir was involved in the campaign against the army (TNI) and Intelligence Bill. Before leaving abroad, the matter was handed over to Imparsial. Some of his high profile advocacy works were on cases of Tanjung Priok and Talangsari. He was very recently busy taking courses.
- Around Munir's response to Polycarpus. **Suciwati stated** that Munir rarely described someone odd. Therefore that word reminds her of Polycarpus.
- Around specific relationship or communication between Munir and certain person. **Suciwati said** that after boarding he told her that he was once about to get listed as people whom were denied of leaving Indonesia. After he passed the immigration, he was told to stop; then there were green and red picture. He asked the officer "is there any important matter that made me denied of leaving?" The officer said that he did not know and will get a confirmation first, then Munir asked "Have I been black listed by Hendropriyono?" Finally, Munir called Hendropriyono to ask whether he was black-listed. Hendropriyono replied "Sir, you are not black-listed".
- **Repeated question (around any communication made after taking Munir to the airport).**

- Around the condition of Munir's corpse at Schipol; the causes of Munir's death according to Dutch forensic and autopsy results. **Suciwati stated** that the corpse was physically in a good condition. She did not ask about the causes of death as she was still waiting for the results of autopsy. The result was received around November 12 or October. The cause of death was arsenic poisoning in the digestion and blood.
- **(Questions were repeating the dossiers without any further elaboration).**

Sugito (Member Judges)

- Did not give any question, therefore not using the chance given to him.

Before proceeding to the Public Prosecutor and Legal Advisors, the Chief Judge considered that there had been many repeating questions, he asked that they were to be avoided in the next part of the hearing.

b. Public Prosecutor's question matters

Public Prosecutor, Domu P Sihite asked the following questions:

- The public prosecutor firstly asked about the identity of the person who called on September 2. The Judge warned him that the witness had answered the question, and that later on it should only be taken as a note.
- Around what Suciwati believe about the voice of the caller. **Suciwati believed** that it was Pollycarpus' voice.
- Around Munir's involvement in KontraS and Imparsial, as the board of executives of both organizations, and the effect of his work to himself. **Suciwati replied** that Munir had been in KontraS since 1998 and in Imparsial since 2002, and that she did not remember all the board member. Munir's activity had brought about positive outcome **(on the last question, the public prosecutor was reminded to not lead the witness to give opinion)**
- Around the problems faced by Munir due to his activities and the party that was involved in causing the problems. **Suciwati spoke** about two packages of bombs that they received at their house at different times; first in Malang, then in Bekasi on August 14, 2003. KontraS was attacked twice by paramilitary; once in March 2002. During the bomb package incident in Malang, he was threatened to stop giving advocacy for Aceh; in Bekasi, he was not allowed to criticize the Intelligence Bill. While a day before Kontras was attacked, Munir got a phone call from a thug who was not happy with families of victims protesting in front of Wiranto's residence.

- Around Munir's considering Pollycarpus as an odd, **Suciwati answered** that Munir considered Pollycarpus odd because he wanted Munir to take his letter, although as an international pilot he must have many friends to do it. Besides that he showed overtly friendly behaviour to Munir (**Judge warned the public prosecutor to not repeat questions**).

The Next public Prosecutor asked questions:

- Around Pollycarpus' (the accused) personality according to Suciwati's opinion after talking to him. **Suciwati said** that he talked in circle to avoid the subject of conversation; when asked about A he would reply B, both of which had no relevancy to each other.
- Around Munir's flight phobia as mentioned by Pollycarpus. **Suciwati replied** that it was true, what Pollycarpus said, that Munir was afraid of flying, but according to Suciwati, Munir did not have flight phobia. The last time he flew was on July. Suciwati also denied Pollycarpus' statement that Munir brought Antimo (medication for traveling sickness). Suciwati recalled that she did not provide him with medicine for his trip to the Netherlands.
- Around the terror experienced by her family after Munir's death. **Suciwati said** that her family in Batu, Malang received a letter expressing happiness on Munir's death. After Idul Fitri, Suciwati received a package of a chicken's head, feet, and dropping, written "beware, don't involve the TNI". The package was also found at her office. Suciwati said that she received a letter threatening not to go further with Munir's murder case.
- Around Munir's criticism of the BIN (State Intelligence Body) and the intelligence. **Suciwati replied** that Munir would discuss any things that are potentially harmful for the common public with his friends.

The next Public prosecutor asked the questions below

- Around the telephone numbers on Munir's mobile phone's memory besides that of Pollycarpus. Suciwati stated that Munir's mobile phone (081199058) did not contain any number besides Pollycarpus'.

On her own initiative, Suciwati added her testimony. After the investigation, she found out that Pollycarpus also called Yeni Rosa and wanted to give free ticket to Hendaridi. According to Citra, a reporter of Jakarta Post, Pollycarpus broke his hand and went for a vacation to Aceh. When the judge wanted to confirm the news, Suciwati said that she got the news from some people whom Pollycarpus had personally contacted.

c. Evidences

During the hearing of Suciwati, the Prosecuting Attorney showed evidences below:

1. Black shirt (used by Munir on the plane).
2. photographs taken at Sukarno-Hatta airport before his departure
3. Munir's handphone

All evidences were confirmed by Suciwati.

d. Legal Advisors' question matters:

Suhardi Sumomuljono, asked the questions below:

- Around Munir's decision to fly with Garuda to the Netherlands. **Suciwati said** that Irma Nurjanah from Imparsial bought the ticket for him. Munir himself chose Garuda because he saw himself as a nationalist and buying Garuda plane ticket will bring income to his country.
- Around the sponsorship of Munir's scholarship. **According to Suciwati**, Munir received a scholarship from a Dutch private institution, ICCO. Suciwati stated she never read the letter from ICCO, and didn't know whether the letter from ICCO had been seized or not.
- Around the offer to have a second autopsy of Munir's corpse; the corps condition; and the autopsy result. **Suciwati stated** that second autopsy ever had been thought and discussed; they had planned to bring expert doctors; but they said that it was not necessary, because they also learned from the Dutch forensic. There was a request for second autopsy, but the police itself considered it unnecessary. The autopsy showed that all of Munir's body members were healthy. The autopsy result was given to the Police first, and then to me (Suciwati).
- Around the sickness that Munir suffered, and the treatment at St. Carolus Hospital. **Suciwati stated** that in March 2003 Munir suffered from fatty liver problem, but the result of the medical check-up that he took before leaving for the Netherlands showed that he was healthy.
- Around the result of medical check up, whether it was confiscated or not. **Suciwati stated** that she forgot whether it was confiscated or not.
- Around those carried out the autopsy. **According to Suciwati**, the autopsy was carried out by and under the initiative of the Dutch authority and it was Suciwati herself that gave them permission and that there had been permission requested to her by the Dutch authority.

The Next Legal Advisors asked such question matters as below:

- Around Suciwati's belief that it was Pollycarpus who made the phone call. **Suciwati believed** that it was Pollycarpus' dialect that she heard on the phone, and Suciwati admitted that she did not do any cross-check on Pollycarpus phone call.
- Around the suspicion on the fried noodle and orange juice that Munir had had four days before the incident as the cause of his death. According to Suciwati, a week before his leaving, he always spent time together with his family, a habit that he had before leaving for a long trip. Since 2 September, Suciwati had always accompanied him.
- Around Munir's fatty liver problem. Suciwati stated that his fatty liver was curable in 6 months and can be back to normal.
- Around the fried noodle that Munir ate on the plane, Suciwati said that it was Yety who gave him the noodle during the flight from Jakarta to Singapore

Muhammad Assegaf asked such question matters as below:

- Around Munir's trip to Switzerland. Suciwati said that it was a story in the past that Munir once told her.

e. Additional Question from Public Prosecutor (JPU)

- Around reconfirming the statement made by Indra Setiawan, Director Executive of Garuda, on Polly, during the meeting to convey gratitude to Garuda's representatives. **Suciwati stated** that she remembered that Munir received a phone call from someone named "Pollycarpus from Garuda". When she brought that up in the meeting, Indra Setiawan instantly said that he remembered him, as the name Polly is very uncommon.
- Around the meeting between Pollycarpus and Munir, as told by Pollycarpus to Suciwati. The meeting happened during Women's Day campaign. Pollycarpus was at a car when Munir was handing out flowers and leaflets at the traffic light.
- Around Pollycarpus behaviour and attitude. **According to Suciwati**, Pollycarpus was overtly and pretentiously friendly.

f. Additional question matters from the Judges

Head of Judges, Cicut setiarso, asked:

Around visits made by Garuda's representative to Suciwati's house after the death of Munir. According to Suciwati, there were two women named Widya and Linda who visited, but recently there has been no one from Garuda visited her.

g. Letter Reading by Suciwati

After no more question was made by the Judges, Public Prosecutor and Legal Advisors; Cicut Setiarso the Chief Judge let Suciwati as the witness read the letter that she had prepared, as was asked by her in the beginning of the hearing. The following are some points of the content of Suciwati's letter as addressed to the Panel of Judges of Central Jakarta District Court.:

1. Pollycarpus is just a perpetrator on the field.
2. BIN (State Intelligence Body) is involved in Munir murder.
3. The Jakarta District Court was asked to act for the truth and to reveal the mystery of Munir murder.
4. The way Munir's case is handled would measure how far Indonesia has improved
5. The solving of Munir's case will determine the future of Human Rights and Democracy

According to the procedure, the Public Prosecutor (JPU) then handed over her letter to the Panel of Judges

Cicut Setiarso said that he admired Suciwati's strength and gave her a philosophical advice while reminding her to take care of her health. Cicut also reminded her to make a report to the Public Prosecutor whenever anything or anyone bothers her.

h. The accused's (Pollycarpus) comments

- Pollycarpus said that the meeting between Suciwati and Garuda (including his meeting with her) after Ied'l Fitri was for socialising purpose.
- Pollycarpus denied that he called Munir because he did not know him personally.
- Pollycarpus denied that he entrusted a letter to Munir to be posted when he went to Swiss.
- Pollycarpus admitted that he accidentally met Munir in the departure gate. The door opened to the inside and Munir was behind him.
- Pollycarpus asserted that he did not have any boarding pass because of his position as an extra crew.
- Pollycarpus asserted that he didnot call Munir on the said date.
- Pollycarpus denied that he told Suciwati about his meeting with Munir at HI traffic circle. According to Pollycarpus, it was a total traffic jam, he just took what was handed out to him; no words exchange. At the time, he was still driving Panther 2000; Pollycarpus asserted that he did not know what kind of event that was happening, but the traffic was surely jammed.

i. Suciwati's comments on Pollycarpus' denial.

- Pollycarpus called on the 6th , Suciwati asserted that she found out from TPF (fact-finding team) member that Pollycarpus' number was making incoming call few times.

- On the denial of Pollycarpus' meeting with Munir at the HI traffic circle, and on the meeting with Garuda's representatives, Suciwati said that there is a recording that record the conversation in the meeting with Garuda, including Pollycarpus. She was willing to give the recording to the Panel of Judges.
- About pollycarpus that entrusted a letter to Munir to be posted in Swiss, Suciwati said that based on Munir telling to her.

After the hearing, the Judge mentioned the possibility of Suciwati being brought again to testify in case more information was needed. Suciwati's hearing went for about three hours. At 12.30 the court was on lunch break, and to be proceeded at 13.30 for the hearing of Indra Setiawan, the Former Chief Director of Garuda.

2. Witness Indra Setiawan (Former Director of Garuda)

Head of Judges, Cicut Setiarso, re-opened the court in 13.30 p.m after an hour of break. Indra Setiawan was taken his oath according to moslem way. The Head of Judges reminded Indra to answer the truth.

The Judge opened the hearing by questioning the identity of the witness, Indra Setiawan. The following is his identity.

Name	: Ir. Indra Setiawan
Palace/Date of Birth	: Jakarta, 23 November 1951
Occupation :	: Garuda's Employee, Divison of Corporate Advisor
	(Former Chief Director of Garuda)
Religion	: Moslem
Office Address	: Jl Merdeka Selatan 13
Home Address	: Taman Meruya Ilir Blok 1 Kembangan, Jakarta Barat

To the judge, Indra Setiawan said that he recognizes Pollycarpus and has a work relation with him. Indra knew him as a Pilot of Airbus 330.

Head of Judges informed that the examination of the witness, Indra Setiawan, was to be started from the Public Prosecutors, then to the Legal Advisors, and then to the Panel of Judges. The Judge opened the hearing.

a. Public Prosecutor's Question Matters

Domu P Sihite, asked such matters:

- Around Pollycarpus assignment to Singapore by Indra Setiawan as Chief Director, and Indra Setiawan's position when Pollycarpus conducted his activities in Singapore. Indra said that he has never ordered Pollycarpus to go to Singapore or to do any activity there.

- Around Pollycarpus' letter of assignment to Singapore. Indra replied that all work activity abroad requires assignment letter. Pollycarpus' assignment letter was issued by Ramelgia. He was sent to look around the events in Singapore on August 13th, while he still predominantly works as a pilot.
- Around Ramelgia's report to Indra Setiawan about the information on dumping fuel in Singapore. According to Indra, there was no information about that. Ramelgia gave the instruction to Pollycarpus on August 30th that there was a happening in Singapore when Pollycarpus was about to fly to Singapore.
- Around the international civil flight regulation on dumping fuel. According to Indra, when it occurred, it can be seen from the landing gear during take off.

The Judge reminded the addressed question must be relevant with the case.

- Around Suciwati's meeting with Garuda, when Suciwati asked about Pollycarpus to Garuda and Indra Setiawan admitted that he knew him. **Indra Setiawan confirmed the statement.**
- Around Pollycarpus' superior as a pilot. **Indra said** that Pollycarpus' status as a pilot was under Karmal Sembiring, the chief pilot of Air bus 330
- Around the consideration of assigning Pollycarpus to be assigned in corporate security. **Indra answered** that he knew the defendant since 2003 as a diligent person. He was a member of APG (Garuda Pilot Association). To work in corporate security, a person must have wide access in Airport. The defendant has been a pilot for 16 years, and accepted the offer pleasantly. Therefore Indra issued an assignment letter for him to be assigned.
- Around the job description to be assigned. **According to Indra**, the letter stated that he assigned Pollycarpus to help the corporate security identify the existing problems, especially those connected with aviation and internal security. For that reason, he did not assign the defendant to be a security officer, but only to be assigned in security.
- Around the tasks of an aviation security officer and the criteria to become an aviation security officer and the probability of Pollycarpus working in the Aviation Security. **According to Indra**, Pollycarpus's main duty was not for aviation security but merely to assist Ramelgia especially during investigation

The Judge interrupted Indra Setiawan because he was considered not answering the questions asked by the Public Prosecutor and instead giving irrelevant reasons

- Finally Indra answered that Pollycapus can be assigned to work in Aviation Security
- Around Pollycapus' position in Aviation Security, while being a pilot of Airbus 330. **According to Indra Setiawan**, in 2003 and early 2004, Ramelgia was at the head office for an investigation and he spoke of the need of someone who had access on the field. That made Indra seek help from someone who was able to fly and had access. Ramelgia did not give any name recommendation in requesting help.
- Around the mechanism and initiative in assigning job in Garuda. **According to Indra**, initiative for assignment comes from the superior.
- Around the mechanism and work procedures in unit to be assigned with other superior, such as in the case of Pollycarpus, who as a pilot has his own superior (whether his role in the unit or his position as a pilot that becomes priority). **According to Indra**, he has no knowledge of the matter because it was arranged by Ramelgia as the chief pilot.

Questions from the next Public Prosecutor

- Around the letter dated August 11th 2004 from the witness to the defendant. The Judge asked whether Pollycarpus had been assigned in corporate security before August 11th 2004. **Indra replied** that formally he was not in that position yet, but according to informal report Pollycarpus had already been in touch with some people.

Due to Indra's circuitous reply, the Public Prosecutor firmly reminded him that what was meant it was not report but the rules/regulation in Garuda. As the chief director of the big company, he was supposed to know it.

- Around Indra Setiawan's career in Garuda (due to his lack of knowledge on the regulation mechanism in Garuda), **Indra confessed**, that he started his career in Garuda as a staff-Manager-Assistant Director-Vice President- Chief Director
- Around the signing of the assignment letter dated August 11th 2005. **Indra confessed**, that he signed the letter once.
- Around the letter written "P. Budiharto Priyanto". According to Indra, the letter was included in the dossier, but due to Kukuh's (Chief Director staff) mistake, the original copy was not available when the Police requested it, and Kukuh asked for his signature, ***(When the Public Prosecutor insistingly asked whether the paper was not filed so that he must sign it once and could not give the original one, Indra answered nervously and talked in circles by saying that "I have the original copy because I got it when it was printed"***. The attorney interrupted him again by questioning the meaning of the original copy that he referred to. He replied ***"the staff has the original copy"*** and the attorney interrupted again by

saying that the file does not exist. *Indra replied “the file was copied by the staff and its in the secretary office” The Public Prosecutor pointed out “if so then you signed it twice”, finally Indra agreed to the public prosecutor’s statement by saying that he signed the letter twice while saying that he was sorry for the mistake and took back his last statement which stated that he signed the letter once.*

(Indra answered the question circuitously and nervously)

- Around who issues Pollycarpus ID Card and the date it was issued. **According to Indra**, the ID card was issued by the Vice President of employee affair. The ID card was supposedly issued after the issue of assignment letter on August 11, 2004. **The Public Prosecutor showed the ID Card and its date of issue, although the assignment letter was issued on August 11, 2004.**

The Judge warned the witness to give correct statement and to not have any intention of protecting anyone. (The Judge said that the assignment letter was dated in August, but the ID card was from May-June 16, 2004), Indra Setiawan said that there were thousands of employees within an issuing period of ID Cards. It was therefore the mistake of the employees. They usually come and have their pictures taken for ID card but do not change the template, therefore there was administration mistake in not changing the validity date. (The Judge reaffirmed that the date of issue on the assignment letter and the ID Card’s validity date was different)

- Around the reason of issuing an ID Card. **According to Indra Setiawan**, Pollycarpus’s ID Card was issued based on the assignment letter of August 11th 2004. The employee affair is allowed to make an ID Card based on job assignment.
- Around the existence of more than one ID card, its validity period, and the time tolerance for ID card. **Indra said** that there is a red ID Card for pilot when flying, and there is this one (the Corporate Security ID Card) used during assignment on ground. The assignment letter is temporary, not permanent. Another ID Card is needed for assignment on the ground, although it is only good for two month. A consultant in Garuda, for example, can also be given an ID Card.
- Around the report and the capacity of Pollycarpus who gives report directly to Chief Director. **Indra said** that the report was not given directly.
- Around the standard of report. **According to Indra**, there is standard of report in Garuda. Pollycarpus report had not fulfilled the standard. Indra said that he once criticize his report, but according to Ramelgia Pollycarpus was still in training.

- Around Pollycarpus' capacity to be assigned in Corporate Security. **Indra said** that Pollycarpus has the capacity.
- Around the person who recommend Pollycarpus to become an Aviation Security and Internal Security officer, as requested by Ramelgia. **(Public prosecutor read aloud the content of dossier no 24: before signing a letter for Pollycarpus, Indra met with Ramelgia Anwar and talked of appointing Pollycarpus to help Ramelgia's unit.) Witness' previous answer was different from that in the dossier. Indra's answer was going nowhere and eventually the defendant confessed that Indra was the one who appointed him.**
- Around the existence of assignment in Garuda before Pollycarpus' case. **Indra answered** that he did not know.
- Around the signing of Pollycarpus' assignment letter. **Indra answered** that the first signing was on August 11, 2004, the second was when the Police came, on February 17th. (at first, the witness insisted that he did not remember)
- Around the report from Garuda office in Singapore to Garuda office in Jakarta. **Indra said** , that there was a report from Singapore on the operation movement.
- Around the connection of Pollycarpus' report and the report on dumping fuel operation. **Indra said** that he did not know anything.
- Around the content of formal report on the damage in Singapore. **According to the witness**, at the time it happened he received an sms from the operational and a technical from Singapore. It was handled directly by maintenance.
- Around the report used, between that made by Pollycarpus and other reports. **Indra answered**, the reports used were from formal units; reports from Garuda office in Singapore; technical section in Cengkareng, operational section in Cengkareng: there were three reports.
- Around the format and system of report in Garuda and Pollycarpus form of report that used typewriter. **According to Indra**, in Garuda the system and the format of report uses computer. **(The Judge requested Pollycarpus' type-written report to be used as evidence)**

Cicut Setiarso asked such questions:

- Around the use of more than one ID card in Garuda. Indra Setiawan said that it is possible.

b. Legal Advisors' Question Matters:

Mohammad Assegaf's Questions:

- Around witness' observation on Pollycarpus' activities after the issuing of letter on August 11, 2004, and the party who was responsible for Pollycarpus' activity, and witness' position after issuing the assignment letter. **The witness answered**, that he did not follow Pollycarpus activity furthermore. The one who is responsible further was VP Corporate Security, the witness admitted that he was only supervising the policy. *(the answer was led by the legal advisor)*
- Around defendant's ID Card that did not match with the issuing date of the assignment letter. **Witness said** that there was a mistake on the ID Card template (changing format) which was not changed, and pilot and security may carry more than one ID Card. **(the answer was led)**

Suhardi Sumomuljono's question :

Around Pollycarpus who does not receive payment in Corporate Security, and Pollycarpus' work quality. Indra Setiawan confirmed it. The witness admitted that in June-July he talked to Pollycarpus about the need to be assigned without pay, but if the job was performed well he would get a training **(answer was being led)**. The defendant's work quality could not yet be measured.

The Next Legal Advisors asked:

- Around the defendant's position at the time of the third meeting with Garuda. **Indra Setiawan answered** that he only had one meeting in Hilton Lagun.
- Around the conversation between the defendant and the witness on the departure and murder of Munir. The witness answered that such conversation did not exist. **(led by legal advisor)**
- Around Garuda's employee's membership in political organisation and NGO. **Indra Setiawan answered** that they are not allowed to be executives, but are permitted to be members. For NGO, the witness did not know the rule. He has never heard of Pollycarpus joining a political party or youth organisation.
- Around the authority and procedure to produce assignment letter to Pollycarpus, which was directly issued by the Chief Director (witness). Indra said that he had the authority **(led by the legal advisor)**. Based on the letter dated August 11, 2004, Ramelgia had the authority and the procedure to make the letter on September 4, 2005 **(led by the legal advisor)**
- Around Pollycarpus report letter to the Chief Director. The witness said that it was being done according to the procedure **(led by the legal advisor)**

c. Panel of Judges' Question Matters

Before posing questions, Cicut Setiars the Chief of Judge reminded the consequences of giving answer.

- Around the mistaken ID Card. **Indra Setiawan** confirmed positively
- Around defendant's request to the witness to be given the job assignment. **The witness said** that such request is inexistent.
- Around the time Ramelgia said that he needed help. **The witness answered** that it started in July
- Around defendant's job as a pilot. **The witness answered** that the defendant is assigned while working as a pilot (the judge said that "it seemed there are two jobs")
- Around the sending of the defendant to Singapore. **The witness said** that he did not know that the defendant went to Singapore and did not order him to go there.
- Around witness' knowledge of the time of Munir's death. **Indra Setiawan knew** Munir's death the day after.

d. The Evidence:

- Polycarpus' ID Card assigned in Corporate Security.
- Polycarpus' report letter to the Vice President of Corporate Security and its carbon copy to Indra Setiawan (former Chief Director).

e. The Defendant's defence matters

- The operational letter dated September 8, 2004 was carbon copied to Chief Director.
- Aviation Security is not similar to police security, but more to knowledge.
- Around payment, the defendant said that he still has 179 days of paid leave.
- Many of his friends in Garuda have more than one ID Card. For instance, if he was to go to Kosambi, he would have used the staff ID Card.
- When the ID card was made, the defendant filed a protest because his new ID card still have the old validity date.

- On the question of report format, there is certain format for report in Aviation Security. He said that it was good to learn the format, but what was more important was to have an accountable report content.

C. Session Closing

Three other witnesses:

1. Rohainil Aini
2. Ramelgia Anwar
3. Karmal Sembiring

Were presented to the court, but due to time limitation, the only told them that they were to be heard on the next session on September 13, 2005.

The Public prosecutor proposed to the Judge that Indra Setiawan be present during the hearing of Ramelgia, for the purpose of cross checking the answers. The Judge, by referring to the criminal Code (KUHP), ordered Indra Setiawan to attend the next session on the upcoming Tuesday. At 15.15, the Chief Judge closed the session.

D. Some important points of the testimonies

- Pollycarpus was directly appointed to work to be assigned in Corporate Security by Indra Setiawan, instead of through a recommendation in advance from Ramelgia, the Vice President of Corporate Security.
- The assignment letter by Garuda's Chief Director to Pollycarpus to be assigned staff in corporate security were made twice and signed twice; first on August 11 2004 and second on February 17, when the police requested the original copy.
- Pollycarpus' report assigned in corporate security was type-written and did not conform to the standard report format, and was not carbon copied to the Chief Director.
- Pollycarpus' ID Card assigned in corporate security was issued before the assignment letter issued. The ID Card was valid from May-June 16th.

E. Hearing Process

1. Many questions are repeating those of the dossier
2. Less exploration. During the hearing, the witness, Suciwati, took more initiative to give testimony on the terror experienced by Munir's family and on Pollycarpus' activity.

3. The Public Prosecutor did not thoroughly examine the basis or qualification and measurement of appointing Pollycarpus as helper in corporate security.
4. Member Judge Liliek Mulyadi were often found sleepy and posed the same questions over and over.
5. Member Judge Sugito did not asked any question.
6. The witness, Indra Setiawan, was circuitous in giving testimony and was often warned by the Judge to give correct answer.

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