

**Monitoring the Trial concerning
the Murder of Munir**

**Trial VII
The Central Jakarta District Court
Jakarta, 20 September 2005**

**Material: Examination of Witness Rohainil Aini
and Karmal Sembiring**

Time: 10.25 -15.10 West Indonesia Time

**Place: The Central Jakarta District Court,
3rd floor, Room 1**

Situation of the Courtroom

I. Before the Trial

At 9.30 am, one brown minibus from Central Jakarta Precinct dropped off around 25 personnel from Samapta of Central Jakarta Resort Police. Afterwards, these personnel were seen spread around Central Jakarta District Court. Meanwhile, KontraS, together with around 50 victims, conducted a long march from Harmoni towards the District Court. The demonstrators in this long march wore black coats as a symbol of grievance and a white coat as a symbol of death (corpse). There was a coffin bearing the writing “the Corpse of the Laws, Died since 1965” and being carried by four of the demonstrators. They also carried posters such as “Why Was He Silenced?”, “Arrest the Master Mind Behind Munir’s murder”, “Protect Human Rights Activists”. Along Gajah Mada Street and in the area around the District Court, the demonstrators distributed leaflets containing “the demand for the protection of human rights activists and the resolution of Munir’s case”. This action was rigorously watched by around 20 police personnel from Samapta of Central Jakarta Resort Police. Upon arriving in front of the District Court, KontraS and the victims’ families conducted oration and sang fight songs. A group of youth claiming themselves as Committee of Eastern Students (KOMIT), who has always been present at trials and spread the propaganda of support for Pollycarpus and his counsels, was also there although they number in no more than five people only.

Approximately 150 spectators were crowded in the court room since 10.00 am. The families of Priok, 65, and Semanggi victims have taken their places in the room. Eight mass media (Indosiar, Metro TV, TVRI, Offstream and several print media) were covering the trial and waiting for Pollycarpus’ arrival. Pollycarpus came to the court at around 10.00 am, guarded by four fully-armed police personnel, in a green prisoner car, accompanied by one patrol car and one police motorcycle from the Regional Police.

II. During Trial

A. The Opening of Trial

At 10.25, the Panel of Judges head by Cicut Setiarso officially opened the trial and permitted the defendant Pollycarpus to enter the courtroom. Pollycarpus came in, guarded closely by four police personnel from Denma National Police Headquarters and approximately 10 personnel from Central Jakarta Precinct Patrol Unit. After the trial began, four fully armed personnel from Denma National Police Headquarters entered the courtroom, two of which carried guns and two others carried riffles. Afterwards, five personnel from Samapta of Central Jakarta Resort Police also entered the courtroom and take their positions in different locations within the room. This time, Pollycarpus was wearing black trousers and grey long-sleeved shirt.

The Panel of Judges Consisted of:

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

Prosecutors Who Were Present:

1. Domu P Sihite, SH. MH.
2. Suroto
3. Edi Saputra
4. Giyanto
5. Muhammad Rum
6. Saptani
7. Jefri
8. F. Eleyert L
9. Narendra Jatna
10. Hermawan

Defense Counsels Who Were Present:

1. Mohammad Assegaf
2. Suhardi Sumomuljono
3. Erman Usman
4. Uki Indra Budhaya
5. Dzulkifli
6. Santoso

B. Witness Examination

Today’s trial was scheduled to examine three witnesses:

1. Rohainil Aini (Flight Operation Support Officer and secretary to Chief Pilot Karmal Sembiring)
2. Karmal Sembiring (Chief Pilot Airbus 330)
3. Edi Santoso (Garuda employee)

4. Witness Rohainil Aini (Flight Operation Support Officer and secretary to Chief Pilot Karmal Sembiring)

Before the examination started, Cicut Setiarso asked the Prosecutors and the legal advisors to limit up to four spoke persons in the questioning and to give all their questions to those spoke persons, so that the process would not take too much time because there would be three witnesses to question. Afterwards, Prosecutor Domu P Sihite asked Rohainil to enter the courtroom.

Witness Identity:

Full Name : Rohainil Aini
Place/DOB : Jakarta, 8 February 1961
Age : 43 years old
Religion : Islam
Occupation : Employee of State Owned Company PT. Garuda Indonesia
Position : Flight Operation Support Officer
Address : Jl. Danau Dua VIII/5 RT 02/05, Kelapa Dua Sub-District, Curug,
Tangerang

Opening Questions by Chief Judge Cicut Setiarso

Rohainil said that she knew the defendant from their work relationship in Garuda. Cicut Setiarso, as the Chief Judge, reminded the witness to tell the truth honestly. Rohainil said that she had been examined more than once already, signed the documents of those examinations, and that remembered the contents of those examination and intended to stick to her statements.

Rohainil said that she knew who Munir was, although she did not know him personally, and that Munir had died in September.

Rohainil said that she had known the accused since graduating as pilot, more specifically since she worked in the airbus, and that she had not known Pollycarpus for long.

Rohainil said that in her line of duty as Flight Operation Support Officer she had, on occasions, changed people’s flight schedule. According to Rohainil, crews refer to: captain, co-pilot, cabin crew and extra crew.

4.a Questions by the Prosecutors (JPU)

Questions from Domu P Sihite:

- Regarding the time of Rohainil’s acquaintance with Pollycarpus. **Rohainil said** that she had known Pollycarpus since she started working in airbus, around 1998.
- Regarding her duties as Flight Operation Support Officer, **Rohainil read** her job description as follows:
 1. performing all administrative correspondence activities

2. making adjustments to the changes in cockpit crews’ flight schedule
 3. performing the changes in cockpit crews’ flight schedule by agreement of chief pilot
 4. preparing the schedule for cockpit crews day-off
 5. assisting her superior in terms of scheduling counseling time for cockpit
 6. preparing administration
 7. preparing itinerary for her superiors
 8. setting up meeting schedule with third parties
 9. preparing meetings for chief pilot
 10. performing other duties assigned by her superior
- regarding the connection between Rohainil’s duty and Pollycarpus’. **Rohainil said** that according to point 2 (*job description*) she was responsible to make adjustment to changes in cockpit crews’ flight schedule.
 - Regarding Rohainil’s knowledge on Pollycarpus’ change of schedule. (*before Rohainil answered the question, Chief Judge Cicut Setiarso asked for the questions to be focused on the incident in September and to direct he witness to tell her story*). Cicut asked Rohainil whether she knew about Pollycarpus’ other schedules before he went to Singapore. **Rohainil said** that she did not know. Rohainil also said that Pollycarpus was previously scheduled to Peking but the schedule was then changed upon Captain Karmal’s request to erase Pollycarpus’ schedule to Peking.
 - Regarding Rohainil’s superior and the time when Captain Karmal gave the order and the schedule was changed. **Rohainil said** that her superior was Captain Karmal. On 30 August 2004, Captain Karmal requested that Pollycarpus’ schedule be changed. The request was made orally at the office, face to face, but Rohainil said that she did not remember the exact time. The schedule that she was asked to change was Pollycarpus’ flight to Peking.
 - Regarding the mechanism of arrangement for Pollycarpus’ schedule to Peking, **Rohainil said** that Pollycarpus’ flight schedule to Peking had existed previously, arranged by Fauzi the planner. **Rohainil said** that Fauzi was her colleague and they were to coordinate with each other.
 - Regarding the mechanism of delivering messages from Karmal. **Rohainil said** that Karmal mostly gave his orders orally and oral instructions can be accounted for.
 - Regarding the change in Pollycarpus’ schedule to Peking. **Rohainil said** that she did not remember. (*Domu asked Rohainil to open the documents related to the question. The Chief Judge said “see the dossier”. Pollycarpus was supposed to leave for Peking on the fifth.*).

- Regarding Pollycarpus’ schedule to Peking. **Rohainil said** that Pollycarpus was supposed to go to Peking from 5 to 8 September but the schedule was changed on 30 August. The number of letter containing Pollycarpus’ schedule to Peking was OFA 210 04 dated 31 August.
- Regarding Rohainil’ communication with Pollycarpus related to the change of schedule. **Rohainil said** that there was no direct meeting between herself and Pollycarpus regarding the change of schedule. Rohainil claimed that on 6 September she had been in the office from 7.30am to 4p.m. Pollycarpus called the office at around 3p.m, Pollycarpus was asking “*is Captain Karmal at the office?*”, Rohainil answered “*he’s not in*”. Pollycarpus then said that he “*had an assignment from IS Ramelgia and Ramelgia will contact Captain Karmal*”. Rohainil said that, while listening, she wrote the message on a note, which she then sent to tracking. She had no knowledge of what happened with the note afterwards.
- Regarding Pollycarpus’ request for a change of schedule which was granted by Rohainil. **Rohainil said** that she immediately believed Pollycarpus because he said that he was on an assignment from Ramelgia and that Ramelgia will contact Captain Karmal.
- Regarding the communication between Rohainil and Captain Karmal and Ramelgia and what the notice of change was based on. **Rohainil said** that she had never been contacted by Captain Karmal and Ramelgia and that the notice of change referred to a letter from Indra Setiawan (*Rohainil claimed to have forgotten the content of the letter*)
- Regarding the relevance between the letter from the President Director and the change of Pollycarpus’ schedule. **Rohainil answered** that Pollycarpus said the letter had been from IS (internal security) and IS was Ramelgia, at the same time there happened to be an assignment letter from the President Director.
- **Regarding the witness’ knowledge about the letter from the President Director. Rohainil said that she saw the letter while she was writing a notice of change for Pollycarpus. Rohainil admitted that she had no idea who gave the letter; according to her “it was already on the table, I do not know who brought it in”.**

(The Prosecutor reminded Rohainil not to make things up about a letter being on her desk without her knowing who brought it in)

Cicut Setiarso took over the questioning:

- Regarding the communication between Rohainil and Ramelgia about Pollycarpus’ change of schedule to Singapore. **Rohainil said** that Ramelgia had never called her about Pollycarpus’ change of schedule.
- **Regarding the request for a change of flight schedule to Singapore. *Rohainil said* that the person who requested for a change of flight to Singapore was Pollycarpus himself. Pollycarpus mentioned that he was assigned by Ramelgia and that Ramelgia would contact Captain Karmal later.**
- **The mechanism of a request for a change of schedule. *Rohainil said* that when the request was made, Karmal was not in the office. The person who was authorized to order Pollycarpus to change his flight schedule to a country or any place was the Chief Pilot. If the Chief Pilot had been available, *Rohainil admitted* that she could have changed the schedule upon obtaining her superior’s approval first. Pollycarpus’ change of schedule was without an approval from Captain Karmal and the change of schedule was not reported to Captain Karmal.**
- Regarding Rohainil’s reasons for writing a notice of change without the Chief Pilot’s knowledge. **Rohainil said** that in her department, the Chief Pilot did not always know because he was often unavailable. Therefore, in daily activities any notices would be made first and everyday there would be notices of pilot changes.
- Regarding the procedure of reporting the change of schedule

Cicut Setiarso took over the questioning with the following question:

- Regarding the procedure for a change in the flight schedule. **Rohainil said** “the Chief Pilot does not always have to know because the Chief Pilot is often unavailable so that until the time of departure they will not know the changes that have been made”.

(Cicut Setiarso asked quite incessantly: the person responsible for a flight was the Chief Pilot and he was supposed to know, how could you neglect to inform him? Have you ever been reprimanded? **Rohainil answered** that for an ordinary flight a report was not a must unless there was a letter then she would have to report it. *Cicut requested Rohainil to answer honestly, **Rohainil said** that there is no obligation to inform the change).*

- Regarding the reprimand from Chief Pilot Karmal to blame her for not reporting a change. **Rohainil said** “yes, there was, but it was just a question. **Cicut confirmed** “how come there was no reprimand when an incident like this occurred, especially when a person died in the incident?”

Rohainil said that when Karmal asked her she told him that Ramelgia would call Karmal.

(Rohainil was inconsistent with her answer about: whether an approval was necessary and whether any changes of flight schedule had to be reported. In the beginning, Rohainil said that it did not have to be with her superior’s knowledge. She then said that it was because her superior was unavailable. However, when the Chief Pilot reprimanded her for not informing him about Pollycarpus’ change of flight schedule, Rohainil reasoned that Ramelgia would call Karmal; she did not say that it was because there was no obligation to inform him or because Karmal had been unavailable).

(The Chief Judge reminded Rohainil to answer the questions appropriately, without hiding anything, so that the answer would be easy to give and would not constitute as fake testimony)

Prosecutor Domu P Sihite continued with the following questions:

* regarding Rohainil’s report to Captain Karmal. **Rohainil said** that because Pollycarpus had said, “Ramelgia will call Captain Karmal” then she did not have to wait, she could make the notice of change immediately since it was already too late in the afternoon.

(The Judge told the Prosecutor not to repeat the question because the answer would still be the same; therefore, it could be used as assessment instead. The prosecutor should find out further why it had not been reported to Karmal as Rohainil and Pollycarpus’ superior)

- The Prosecutor asked Rohainil to explain the content of the letter no.OFA/210/04/31 August 2004 and who signed the letter.

Legal Advisor, Assegaf requested that the letter be read out instead because it would be a waste of time. The Chief Judge said not to read it because the letter was available.

The Prosecutor showed the letter no.OFA/210/04/31 August 2004 regarding the schedule change that Rohainil made to the accused, the legal advisors and the witness as evidence.

- **Regarding the reference used in making the change in Pollycarpus’ flight schedule and who gave the letter. Rohainil said that the change was made based on a letter from the President Director Indra Setiawan. Rohainil said that she does not know who brought the letter to her desk.**
- Regarding the reporting of Pollycarpus’ change of flight schedule to Ramelgia and Karmal. **Rohainil admitted** that Pollycarpus’ change of flight schedule had never been reported to Ramelgia and Karmal.

- Regarding the purpose of Pollycarpus’ change of flight schedule, whether it was a change to fly to Singapore or a change in the extra crew. **Rohainil said** it was only a change in the extra crew.

The Chief Judge, Cicut Setiarso, cut the question and answer and said that “*the content of the letter can be seen instead because the proof is there in the letter, better change with other questions*”.

- Regarding the purpose of the accused’s flight to Singapore as written in the letter of change.

(The Chief Judge, Cicut Setiarso, said that in the dossier: 6 September Singapore, 7 September Singapore Cengkareng)

- Regarding the connection between the change of schedule that Rohainil made and the general declaration. **Rohainil said** she did not know.
- Regarding the work relationship between Rohainil and Edi Santoso. **Rohainil said** that Edi Santoso was the superior of the person who made schedule planning. **Rohainil admitted** that she was a person who could change the schedule based on information and request and the crew could ask for the change to her directly without going to planning beforehand, while the planning could be made in written form or orally.
- Regarding the planning mechanism. **Rohainil said** that the planning could be done via telephone or written on a schedule notice. Rohainil said that this was her daily activity.

Prosecutor F Eleyert asked the following questions:

- Regarding the note made about Pollycarpus’ change of schedule. **Rohainil said** that she first made the change to 31 August based on Captain Karmal’s request. Second, she made the change to 6 September based on Pollycarpus’ own request to be an extra crew to Singapore.
- Regarding the letter from the President Director that was on Rohainil’s desk, the Prosecutor intended to read Rohainil’s dossier.

Cicut Setiarso took over Rohainil’s supposed answer and intervened with the Prosecutor’s questions:

Cicut said “when on the phone, the letter was already on the table, first Rohainil explained that the letter was dated 6 September, but in the next examination Rohainil said that the letter was dated 31 August, therefore, there had been a change in Rohainil’s three examinations. **Prosecutor F Eleyert said** that “we also received changes”. **The Judge said (as if representing Rohainil)** “the correct one is that the letter that Rohainil saw was the one from the President Director on her desk, dated 31 August, containing an

assignment for Pollycarpus in Corporate Security. (red; in our knowledge, the letter of assignment from the President Director to Pollycarpus was dated 11 August 2004)

- Regarding the revoke of the dossier: on 6 September, around noon during working hours, Pollycarpus called the office to ask whether Rohainil had received his letter of assignment from the President Director of Garuda dated 11 August no.Garuda/DZ-2270/04 signed by Indra Setiawan and an assignment letter no.IS/1177/04, dated 4 September 2004 signed by Ramelgia Anwar. Rohainil answered that she had received those letters. Pollycarpus then asked Rohainil to change the flight schedule to Singapore. **The Prosecutor asked which letter was the correct reference. Rohainil said** that the correct one was the letter from the President Director. **F Eleyert said** that the dossier mentioned those two letters. **Chief Judge Cicut Setiarso** led the witness to understand the question. **Rohainil said** “the correct one is the letter from the President Director”. **Prosecutor F Eleyert asked** “you revoke this information again?” **Rohainil said** “I already told the investigators when I gave them my testimony”. **Prosecutor F Eleyert said** this dossier contained a conversation with the defendant about two letters, which one was correct and how did the conversation go? **Prosecutor F Eleyert** told Rohainil to be consistent and give firm answers about the two letters and the conversation. Rohainil was silent and did not give any answers.

Assegaf said that the question had to be clear so as not to confuse the witness. F. Eleyert responded by saying that the question had already been clear. According to the Chief Judge, the question had been answered: there were two letters. Furthermore, **Rohainil said** that the question at that time was only about one letter.

- **Regarding the letter dated 4 September 2004 no. IS/1177/04 signed by Ramelgia Anwar. Rohainil said that she received that letter but she could not remember the date; she only remembered that she received it after 6 September. Prosecutor F Eleyert said “according to the dossier, the letter was received on 6 September 2004. (Rohainil did not give any comments; she kept silent). Prosecutor F. Eleyert asked “does it mean that you revoke the statement in the dossier?”**

The Chief Judge told the Prosecutor not to use the words “revoke dossier”. If there are any differences, just ask about them, do not offer the witness to revoke the statement, and do not give any threats to the witness to be free to answer.

- Regarding Rohainil’s consistence in the dossier where she stated that he had received the letter dated 4 September 2004 no. IS/1177/04, signed by Ramelgia Anwar, on 6 September. Rohainil said that the correct date was after 6 September.

- Regarding Rohainil’s knowledge of Garuda flight Jakarta Singapore on 6 September. Rohainil said that she did not know. Prosecutor F Eleyert said that according to the dossier Rohainil stated that there were 5 flights to Singapore. Rohainil said that she forgot.

Prosecutor Muhammad Rum asked the following questions:

- Regarding the parties authorized to request for a schedule change. Rohainil said that only a pilot could request for a change by contacting directly; afterwards, it would not be necessary to report it to the superior.
- Regarding the mechanism of a schedule change. Rohainil said that a change in the schedule would have to be requested from herself (Rohainil)
- Regarding how Rohainil could tell whether the pilot requesting for a change had been permitted by the superior to do so. Rohainil said from information.

Because Rohainil did not address the question properly, the Chief Judge, Cicut Setiarso, said that the question referred to the normative ways/procedures, whether contacting Rohainil was the only procedure. Rohainil was asked by the Chief Judge to stay in the courtroom after giving the testimony in order to listen to the testimony from the Chief Pilot. Rohainil was reminded that she was examined not as a accused and that she should answer in honesty. Finally, Rohainil said that: the normal procedure would be to have permission from the Chief pilot and if the Chief Pilot was not available the pilot could come to her directly. Cicut asked whether there were there any regulations about adjusting a pilot’s change of schedule based on a superior’s permission. **Rohainil said that in Pollycarpus’ change of schedule, there had been no approval from the superior and it had not been reported to the superior either.**

Prosecutor Jefri asked the following questions:

- Regarding file checking by Rohainil related to the schedule change on the 6 September because Pollycarpus was not allowed to go anywhere on 6 and 7 September. **Rohainil said** that she did not check the files related to that change.

Cicut Setiarso explained that 5 September was erased and on 7 September he had to be in Jakarta. The Prosecutor showed a letter about Pollycarpus’ change of schedule during a dialog in front of the judges’ desk between the prosecutor, the witness, the accused and the legal advisor (*dialog could not be heard*).

Prosecutor Jefri said that 5 and 6 September were erased, 7 September was for a meeting, and 8 September was standby (the change on 31 August). The dates 6 – 7 September were changed into going to Singapore (the change on 6 September)

- Regarding the time of the 6 September schedule change and the reason why the notice of change was made. **Rohainil said** that the notice of change was made at 3 pm when the office was about to close. The notice was issued because Ramelgia would call Karmal.
- Regarding the person who could request for a notice of change. Rohainil said that people other than pilots could not ask for a notice of change.
- Regarding the content/points in the letter from Indra Setiawan which stated that Pollycarpus was assigned to Singapore on 6 September. Rohainil was silent.

The Chief Judge, Cicut Setiarso, asked whether on the letter dated 11 August from the President Director, there was any points that stated Pollycarpus went to Singapore. **Rohainil said** there were not.

4. **B. Questions from the Defense Counsels**

- Regarding the terms used in the schedule. **Rohainil said** there were words such as flight schedule, day-off, standby (could fly anytime), free day off; holiday after returning from a flight and guarantee for free day off.
- Regarding the mechanism to request for day off because of illness or other duties. **Rohainil said** that a pilot could ask directly for a leave or others from her. Rohainil admitted that it was the habit that she often did (the answer was obtained after being directed by the legal advisor/not the witness’ direct answer).
- Regarding standby position. Rohainil said that standby meant that a crew could do any activities but flying (again directed by the legal advisor).
- Regarding the content of OFA letter dated 30 August from Captain Karmal. **Rohainil said** that the schedule to Peking was erased and that there was a meeting on the 7. Pollycarpus’ schedule of 6 September was erased, which meant that he was on standby position and he could fly anytime.
- Regarding the mechanism for crew payment. **Rohainil said** that the payment was based on the length of flight (there was a special term from Garuda).
- **Regarding the parties who chose Pollycarpus to fly to Singapore in the 974. Rohainil said that it was Pollycarpus himself.**

- Regarding reasons for schedule changes in Garuda, Rohainil said that they were intended for the sake of operational smooth running.

Legal advisor Mohammad Assegaf asked the following questions:

- Regarding things that could be used as reasons to change a schedule. **Rohainil said** these could be family affairs, other activities outside and etc.
- Regarding the mechanism to ask for permission from an unavailable superior. Rohainil said that based on habit at the airbus, it could be done without permission from the superior.
- Regarding the knowledge of the superior (Karmal) about the notice of change. **Rohainil said** that her superior did not know and that she was reprimanded because of Pollycarpus’ case, but no reprimands for other things.
- Regarding the mechanism to ask for a schedule change. **Rohainil said** that it could be done via fax, telephone, coming directly to the office or via SMS if the pilot requesting the change happened to be abroad. If the Chief Pilot was available then the permission could be obtained directly from him but if he was not available then the change could be asked from her (Rohainil) directly.
- Regarding Pollycarpus’ intention when he asked Rohainil about Captain Karmal’s availability at the office. **Rohainil answered** that she did not know.

Legal advisor Suhardi Sumomuljono:

- Regarding the schedule change of 5-8 that was supposed to be for a flight to Peking. **Rohainil said** that Karmal had told her that Pollycarpus’ schedule to Peking was changed because Pollycarpus would have a meeting on the 7.

4.C Questions from the Panel of Judges.

Judge Ridwan Mansur asked the following questions:

- Regarding Pollycarpus’ request, whether he mentioned that he wanted to fly with Flight GA 947 or simply mentioned that he wanted to go to Singapore. **Rohainil said** that Pollycarpus mentioned Flight GA 947 to Singapore.
- Regarding the route of flight GA 974, Cengkareng-Changi-Schipoll Amsterdam. **Rohainil said** that she was not aware of the route.

Judge Agus Subroto asked the following questions:

- The Judge showed the notice of change form. **Rohainil confirmed** that the form was indeed used for notice of change.
- Regarding the normal time interval normal to ask for a schedule change. **Rohainil said** that it could not be determined. This uncertainty would not confuse whoever takes over the pilot’s schedule because a change could be done in just several hours. If it were a holiday, then the pilot would go to tracking directly while still using the form.

4.D Pollycarpus’ Response

- Pollycarpus said that for 18 years in Garuda, he had received assignment in written form, orally and through pager, and he could be called in anytime.
- Pollycarpus denied that he had asked nor mentioned flight GA 974. According to Pollycarpus, he simply asked for the first flight out and it would be fine if it had not been available.
- Pollycarpus said that during standby, he could be assigned to fly anytime, even during his day off or when he just arrived at Cengkareng.
- Pollycarpus said that Rohainil had the authority to change schedule even via telephone.

The Chief Judge reminded Pollycarpus that he could state his defense when he was being examined himself and at the moment he should stick to responding to the witness’ testimony.

- Pollycarpus said that he called Rohainil because of an assignment from Ramelgia. He took it considering that Ramelgia was a high official and if he had not been assigned he would have stayed home to sleep.

4. E. Rohainil’ Response to the Accused’s Denial

Rohainil maintained her testimony although it was denied by Pollycarpus. According to Rohainil, when Pollycarpus asked to change his schedule to Singapore on 6 September he mentioned flight GA 974.

4. f. Important Facts from the Testimony

1. Rohainil wrote a notice for Pollycarpus’ schedule to change it from standby position on 5 and 6 into extra crew position in flight 974 to Singapore without any permission and report to Karmal Sembiring as Pollycarpus’ superior at Airbus 330 and Ramelgia Anwar (as Pollycarpus’ superior at Corporate Security) despite the procedure that said a pilot’s schedule change should be under the Captain Pilot’s approval.
2. Rohainil was not convincing in giving her answers regarding the reason why she changed Pollycarpus’ schedule.

The following are reasons behind the notice of change according to Rohainil:

- Because Pollycarpus had said that Ramelgia Anwar as Vice President Corporate Security will contact Captain Karmal Sembiring regarding Pollycarpus’ assignment in Singapore from Corporate Security). However, based on **Ramelgia’s testimony**, Ramelgia said that he never assigned Pollycarpus to Singapore to check dumping fuel. Ramelgia said that the letter dated 5 September (backdated from 15 September) only contained a request to permit Pollycarpus to be assigned to assist at Corporate Security.
 - Because there was a letter from the President Director on Rohainil’s desk when Pollycarpus was asking via telephone for his schedule to be changed to Singapore. However, when confirmed about the time she received the letter and the content of the letter, Rohainil said that she did not know (this was blurry considering that the letter was the basis for the notice of change to be issued. It is regrettable that the Prosecutors and the Judges did not look into the issue any deeper).
3. The person who determined, mentioned and requested to fly to Singapore in Flight GA 974 was Pollycarpus himself. This information was denied by the accused Pollycarpus. According to Pollycarpus, he only asked for the first flight out if possible. Rohainil maintained her testimony that Pollycarpus had requested to fly to Singapore in flight GA 974.
 4. Rohainil was inconsistent in answering the questions about whether or not there was an obligation to report to the Chief Pilot regarding any changes in a pilot’s schedule. In the beginning, Rohainil said that informing the superior about Pollycarpus’ change of schedule was not necessary. Afterwards, she said that she did not report the schedule change because Captain Karmal Sembiring was not available and because of it the Chief Pilot reprimanded her. A while later Rohainil said that she made the notice because Ramelgia would call Captain Karmal Sembiring (meaning that the permission from the superior/Chief Karmal Sembiring must be obtained to change Pollycarpus’ schedule to Singapore).
 5. Rohainil revoked several things in the dossier:

- **In the Dossier**, Rohainil said that on 6 September, around noon, during working hour, Pollycarpus called the office to ask whether Rohainil had received Pollycarpus’ assignment letter from the President Director of Garuda, dated 11 August Garuda/DZ-2270/04 and signed by Indra Setiawan, and an assignment letter no.IS/1177/04, dated 4 September 2004 and signed by Ramelgia Anwar. Rohainil said that she had received those letters. Pollycarpus then asked Rohainil to assign a flight to Singapore. **During the trial** Rohainil claimed that there was only one letter that she received and talked about with Pollycarpus, a letter from the President Director dated 11 August 2004 (**the reason behind the revoke was not questioned by the prosecutor**)
 - **In the Dossier**: Rohainil claimed to have received a letter from the Corporate Security dated 4 September on 6 September 2004. **During the Trial** Rohainil said that she received the letter after 6 September (**again, the reason behind this revoke was not questioned by the Prosecutor**)
6. When confirmed about the contents of the letter dated 11 August from the President Director that Rohainil used as a basis to change Pollycarpus’ flight schedule into Singapore, **Rohainil said** there was nothing.

4.g Hearing Process

- Rohainil was often inconsistent and unconvincing, as well as taking a long time before giving answer. As a result, she was often reprimanded by the Chief Judge (see important facts in the testimony)
- Similar to witness examination, Judges Liliek Mulyadi and Sugito did not quarry any information from the witness.
- The Chief Judge often cut or took over the questions that the Prosecutors were asking before the witness had a chance to answer them. When Prosecutor Domu P Sihite asked about the purpose of Pollycarpus’ change of schedule to Singapore, Cicut Setiarso cut the witness’ answer by saying “*the content of the letter can be seen instead because the proof is there in the letter, better change with other questions*” (see the Prosecutors’ materials)
- The Chief Judge, Cicut Setiarso, took over questions that Rohainil should have answered and intervened with the questions from the Prosecutors. When Prosecutor F Eleyert asked about the letter from the President Director that was found on Rohainil’s desk and when he was about to read Rohainil’s dossier related to it, **Cicut Setiarso said** that “when she was called, the letter was already on the table, first Rohainil said that the letter was dated 6 September, but in the next examination

Rohainil said that the letter was dated 31 August; therefore, there were changes during Rohainil’s three examinations”. **Prosecutor F Eleyert said** “we also received the changes”. **The Judge said (as if representing Rohainil)** “the correct one is that the letter that Rohainil saw was the one from the President Director on her desk, dated 31 August, containing an assignment for Pollycarpus in Corporate Security”. (red; in our knowledge, the letter of assignment from the President Director to Pollycarpus was dated 11 August 2004)

- The Prosecutors and the Judges did not question the reason for revoking the Dossier or any testimonies that were different from the one in the Dossier.
- When Rohainil said that the letter from the President Director was already on her desk without her knowing who had brought it in and when it came, and that she forgot the content of the letter, the Prosecutor and the Judges did not question her further whereas the letter was supposed to be the basis that Rohainil used to change Pollycarpus’ schedule.

At 12.20, the trial was **adjourned** for a break until 1.20p.m, when the examination would continue with witness Karmal Sembiring.

5. Witness Karmal Sembiring (Chief Pilot Airbus 330 Garuda)

Witness Identity

Name : Karmal Fauza Sembiring
Place/DOB : Medan/ 2 November 1955
Religion : Protestant
Occupation : Captain Pilot Garuda
Position : Chief Pilot Airbus 330
Address : Jl. Otista III No. H.103 Rt.005/02 East Jakarta
Office address : Soekarno Hatta Airport, Central Operation Building, 2nd floor

Opening questions from Chief Judge Cicut Setiarso

Karmal said that Pollycarpus was his subordinate as a co pilot at airbus Garuda Indonesia. Karmal was then **sworn**. Karmal said that he had been examined as a witness 3 times before, that dossiers had been made and that he signed them, and that he would maintain his testimony in the dossiers.

Karmal said that he had known Pollycarpus for years since Pollycarpus joined Garuda. The last time Pollycarpus was positioned as a co pilot airbus 330. According to Karmal, he knew Pollycarpus closely since becoming Chief Pilot airbus 330 since 5 years ago. Pilot of Airbus 330 could not fly other airbus.

According to Karmal, as a co pilot, Pollycarpus could serve as an extra crew.

- Crew refers to pilot, flight engineer and cabin crew.
- Co pilot refers to a pilot.
- Extra crew means facilities that flight crew used to travel from one point to another as a passenger and the flight crew had to have seat number and boarding pass but the seat number did not have to be given tele

Karmal said that structurally, his subordinates were Base Training Deputy, Technical Deputy and 2 secretaries.

Karmal claimed to know Rohainil Aini and Munir, since Munir was quite well known. He learned that Munir had died on 6 September from print and electronic media around 8/9 September.

5.a Questions from Prosecutors

Prosecutor Domu P Sihite asked the following questions:

- Regarding Pollycarpus’ activities on 6 September 2004. **Karmal said** that he did not know and he was never contacted about by Pollycarpus regarding Pollycarpus’ assignment as extra crew to Singapore.
- Regarding the coordination from Ramelgia about Pollycarpus’ assignment to Singapore. **Karmal said** that Ramelgia never contacted him about Pollycarpus’ trip to Singapore.
- Regarding Rohainil Aini’s report about Pollycarpus’ departure to Singapore. **Karmal said** that it was never reported until he called Rohainil Aini and asked about Pollycarpus’ departure to Singapore.
- Regarding the accountability of Pollycarpus’ trip to Singapore. **Karmal said** that Pollycarpus as a pilot was under his responsibility.
- Regarding permission for Pollycarpus to fly and serve as an extra crew. **According to Karmal** for an assignment as a flight extra crew, it can be done by Rohainil, but if it was non-flight then it should be permitted by himself as the Chief Pilot.
- **Regarding Rohainil Aini’ authority to determine a schedule change as extra crew for Pollycarpus. Karmal said Rohainil was**

not allowed to make a schedule change for non-flight extra crew, it had to be done through the Chief Pilot’s (Karmal) permission.

- The mechanism of the normative procedures in schedule changes. **Karmal said** that in Pollycarpus’ case, he was assigned to another unit and for another unit’s interest. If he had been assigned as a non-flight extra crew then he had to get permission first, but if the schedule change was caused by sickness or other reasons then it can be done through Rohainil.
- Regarding report from Rohainil. **Karmal said** that he never received any reports from Rohainil about Pollycarpus’ change of schedule whether in writing or orally.
- Regarding Karmal’ meeting with Rohainil on 30 August 2004. **Karmal said** that at that time, they were talking about Pollycarpus’ request for a schedule change on 5-8 to Beijing because Pollycarpus was ordered by IS (Internal security) to attend an APG (Garuda Pilot Association) event on the 7th.
- Regarding the reasons behind the change in Pollycarpus’ schedule on 5-8 to Beijing. **Karmal said** that Pollycarpus would have to depart on the night of the 5th, arrive in Beijing on the 6th, leave Beijing on the 7th, and arrive in Jakarta on the 8th. Therefore, if he had to leave on the 7th from Beijing, one series would have to be erased. Being erased meant that someone else had to substitute for him.
- Regarding the effect of the schedule change in Pollycarpus’ activities on 5-6 September. **Karmal said** that he never issued any orders for Pollycarpus for 5 and 6 September.
- Regarding Karmal’s action in response to Pollycarpus’ unauthorized activities on 5 and 6 September. **Karmal said** that an action would be taken on Pollycarpus if he performed inappropriate work.
- Regarding the reprimand that Karmal gave on Pollycarpus’ departure on 5-6 September to Singapore. **Karmal said** that he called Pollycarpus and asked him who gave the permission to go to Singapore. Pollycarpus answered that he was assigned by IS to audit Boeing 747 in Singapore.
- Regarding IS’ authority to instruct Pollycarpus and IS’ coordination with Karmal. **Karmal said** that on 15 August he was called by his superior, Captain Ronggo (Vice President for Operation). Ronggo told him the President Director assigned Pollycarpus to assist at Internal Security (IS).

- Regarding the coordination about Pollycarpus between IS and Karmal’s unit. **Karmal said** that flight assignment or anything related to flight operational assignments must come from him. Assignments for other purposes could come from IS. Assignment to assist at other places must be done by informing him.
- Regarding Pollycarpus’ notification about his activities on 6 September. **Karmal said** that Pollycarpus did not inform him about the trip to Singapore. Pollycarpus knew Karmal’s mobile number. Rohainil never reported to him about Pollycarpus’ departure to Singapore on 6 September.
- **Regarding permission for Pollycarpus as an extra crew to Singapore. Karmal said that Pollycarpus would have to get his permission first to go to Singapore as an extra crew. Pollycarpus’ notice of change would have to be made with his permission based on *Protap* (fixed procedures).**
- Regarding Rohainil’s responsibility and authority in writing a notice of change for Pollycarpus. **According to Karmal** Rohainil was not allowed to write such note because his permission was required. It was regulated in *Protap* and the procedures are applied in general.
- Regarding the contents of *Protap*. **Karmal said** “at that time, Pollycarpus was assigned as an extra crew to Singapore with a notice of change made by Rohainil, therefore all expenses were covered by operational unit, not IS, and this was the problem. It was related to expenses and permission because it incurred loss.
- Regarding Pollycarpus’ uninformed departure. **Karmal said** that Pollycarpus’ departure should have been reported but Rohainil never made the report.
- Regarding the letter from the President Director dated 11 August 2004. **Karmal said** that he never received such letter, no carbon copied was ever sent to him.
- **Regarding the coordination about Pollycarpus’ assignment at IS by Indra Setiawan. Karmal said that he had never been invited by the President Director to coordinate about Pollycarpus’ assignment at IS. According to procedure, there should have been a discussion about the placement of his subordinates.**
- Regarding the President Director Indra Setiawan’s prerogative right to assign Pollycarpus at IS. **Karmal said** he did not know.

- Regarding the content of the letter signed by Ramelgia Anwar. **Karmal said** that he received two letters, the first was 15 September 2004, via fax, sent by Ninik (Rohainil Aini). The second was the letter dated 4 September that he received on 17 September directly from Pollycarpus. The contents and the format of both letters were the same; the only difference was the date. The content of the letter was about an assignment for Pollycarpus to be an extra crew to Singapore, Surabaya, and that all expenses were covered by IS.
- **Regarding the relevance between the content of the letter and the time Pollycarpus’ departure on 6 September. Karmal said that IS should have contacted him to assign Pollycarpus as an extra crew.**
- Regarding the letter that was dated 15 September but then backdated into 4 September; Karmal received this on 17 September. **Karmal said** that as a trainer for airbus pilots, technical and non-technical problems at the airbus are under his responsibility. It would not matter if Pollycarpus went to Singapore because he was assigned to do something or because he had other plans such as trading or affairs with women, etc (*the court spectators laughed at this*)
- Regarding the seat number for extra crew. **Karmal said** that an extra crew must have a seat number.

Prosecutor F Eleyert asked the following questions:

- Regarding the letter dated 15 September and 4 September 2004. **Karmal said** that he received the letter dated 15 September on 15 September via fax at around 3.30 p.m. The letter dated 4 September was received on 17 September, brought directly by Pollycarpus. According to Karmal, the letter dated 4 September was not based on his request.
- Regarding Pollycarpus’ meeting on 7 September. **Karmal said** it was a meeting of Garuda pilots association. Pollycarpus did not have to write a report about that meeting.
- Regarding the format of a schedule change. **Karmal said** that such format was readily available.

Prosecutor Jefri asked the following questions:

- Regarding the instruction to have a schedule change on 31/08. **Karmal said** that the change was based on his oral instruction. Pollycarpus had requested to be in Jakarta on 7 September. On 6 and 7 September

Pollycarpus was not supposed to go to Singapore because he had asked Karmal to be in Jakarta on the 7th.

- Regarding a telephone call from Ramelgia informing about Pollycarpus’ trip to Singapore. **Karmal said** that he never received any telephone calls from Ramelgia about it. After the incident occurred (Munir’s case), Karmal said that he called Pollycarpus and Pollycarpus told him that the trip to Singapore was assigned by IS and that Ramelgia would call. Ramel told Pollycarpus “assigned or leave on your own”. Pollycarpus then met Ramelgia and at 3 p.m Karmal received a phone call from Ramelgia apologizing about Pollycarpus’ departure to Singapore, at which time Karmal asked Ramelgia to write a letter. Karmal said that at 4 pm he received a fax from Ramelgia in the form of a letter dated 15 September. **Karmal said** that he did not know anything about Pollycarpus went to Singapore. He only learned about it from Captain Ronggo on 12th or 13th or 11th of September 2004. Karmal was out at that time. Captain Ronggo asked whether he knew and had permitted Pollycarpus to go to Singapore. Ronggo said that at that time he was with the crew returning from Amsterdam. It was from this conversation that Karmal found out about Pollycarpus’ trip to Singapore. At the same time, Ronggo asked him to clarify the matter.
- Regarding the form of clarification from Karmal about Pollycarpus’ trip, which was unknown and without permission from Karmal. **Karmal said** that the form of clarification was by calling Rohainil and asked about Pollycarpus’ trip to Singapore. Rohainil said, “Pollycarpus was assigned by IS to Singapore and he had said via phone that Ramelgia would call Karmal”. **Karmal claimed** to have reprimanded Rohainil by saying “for a non-flight assignment, you are not authorized to give permission; the permission must come from me”. **According to Karmal** Rohainil has violated internal administrative regulations and he asked Rohainil to summon Pollycarpus to see him. Pollycarpus came and saw him the next day.
- Regarding the reason why Pollycarpus’ change of schedule could take place. **Karmal said** that according to Rohainil, Pollycarpus told her that he was assigned to Singapore and that Ramelgia would ask for permission from Captain Karmal. Rohainil also read the assignment letter from the President Director to Pollycarpus so that Rohainil agreed to write the change.
- Regarding the request for Pollycarpus’ activity report for his trip to Singapore. **Karmal said** that when he asked Pollycarpus about this, Pollycarpus said to have gone to Singapore to perform an audit on a Boeing 747 which had experienced an *Airtibi* (a term referring to a

plane that was supposed to go to Europe but returned to Singapore) and that the report was given orally.

Prosecutor Giyanto asked the following questions:

- Regarding Karmal’s participation at the APG (Garuda Pilot Association). **Karmal said** that he did not join it.
- Regarding the preparation of a general declaration (Gendec). **According to Karmal** Gendec was prepared by a team officer support in Jakarta. If a plane left from Jakarta-Singapore, then it would be prepared in Jakarta. If a plane left for Singapore-Amsterdam then it would depend, if the plane left from Jakarta-Amsterdam then it would be made in Jakarta but if it left from Singapore-Amsterdam then it would be made in Singapore.
- Regarding crew arrangement. **Karmal said** that all names listed in Gendec should be the names of the crew on board.
- Regarding the definition of Gendec. **Karmal said** that a General Declaration contains the names of people who were in the plane.
- **The prosecutor showed Gendec of Jakarta-Singapore-Amsterdam with Pollycarpus’ name. Karmal said that he knew nothing about it.**
- **Regarding Gendec Singapore-Amsterdam that listed Pollycarpus’ name. Karmal said that if Gendec listed his name then his destination would be to the Netherlands.**
- Regarding letter backdate from 15 September into 4 September. **Karmal said** that Pollycarpus delivered the letter dated 15 September but it was the wrong date. Then on 17 September he received the letter dated 4 September.
- Regarding extra crew. **Karmal said** that extra could only be performed by flight crew for flight assignment such as from Jakarta-Singapore, and then from Singapore the extra crew could perform active duty somewhere. The payment would be counted since extra crew from Jakarta.
- Regarding giving other assignment to pilots. **Karmal said** that it was possible to assign pilots for other duties such as trainer at Durikosambi or at scheduling. The work report would be given to the new superior and the Chief Pilot did not have to receive report.

Chief Judge Cicut Setiarso asked;

- regarding the notification from Captain Ronggo about Pollycarpus’ assignment at Corporate Security. **Karmal said** that he was told in mid August that the President Director had placed Pollycarpus to assist at Corporate Security.
- Regarding a person who flew GA 974. **Karmal said** that he did not know because at that time he had just returned from a flight to China.
- Regarding Karmal’s knowledge about Pollycarpus’ assignment at Internal Security. **Karmal said** that he knew about it but he did not know that Pollycarpus was assigned to Singapore.

5.b Questions from the Legal Advisors

Muhammad Assegaf asked the following questions:

- Regarding the hierarchy between Captain Ronggo and Ramelgia. **Karmal said** that Ronggo and Ramelgia were his superiors, but Ramelgia and Ronggo were at the same level of positions. In terms of position, Karmal said that he answered to Captain Ronggo.
- Regarding the letter that Ramelgia signed, dated 15 September, and received by Ramelgia. **Karmal said** that the letter contained a request.
- Assegaf said that in the letter Pollycarpus was requested as an extra crew for sectors: Jakarta-Surabaya-Jakarta, Jakarta-Singapore-Jakarta “at the first opportunity” and this expression means that he could fly anytime with the first flight. **Karmal said** that it was correct.
- Regarding a phone call from Ramelgia informing Karmal that he had forgotten to tell Captain Karmal about Pollycarpus’ request for permission. **Karmal said** that he knew.

Assegaf concluded by saying “Ramelgia clearly said to you (Karmal) that Pollycarpus had asked for permission to fly to Singapore but he forgot to tell you”. Karmal said that was what it meant, forgot.”

Suhardi Sumomuljono asked the following questions:

- Regarding the approval to Pollycarpus’ schedule on 7th to Beijing. **Karmal said** it was because there were a lot of substitutes.
- Regarding the loss due to Pollycarpus’ trip to Singapore. **Karmal said** that as an extra crew there would be hotel expenses, transportation, etc and it all should have been covered by Internal Security.

- Regarding Pollycarpus’ assignment as a pilot and assisting at Corporate Security. **Karmal said** that as a pilot Pollycarpus had to answer to him.
- Regarding refusal of Pollycarpus as an extra crew. **Karmal said** that he did not know that Pollycarpus was assigned as an extra crew to Singapore.
- Regarding Pollycarpus’ Internal Security assignment in JKT-Singapore, etc. **Karmal said** that there was the letter dated 15 September.
- Regarding Karmal’s objection to Pollycarpus’ placement at Internal Security. **Karmal said** that he did not know the purpose of placing Pollycarpus at Internal Security, and if it did not interfere with his work as a pilot then there would be no problem. If it interfered then he would object to it.

The next prosecutor asked the following questions:

- Regarding Karmal’s activity on 6 September, upon returning from China. **Karmal said** that he was in China for 3 days, 4 or 5 days.
- Regarding the mechanism for the permission to have a schedule change if Karmal was unavailable. **Karmal said** that if he was not available then it could be done through Deputy II.
- Legal Advisors asked Karmal to show and name the fixed procedures for a request of a schedule change.
- Regarding the planning and establishment of flight schedule and those who would take part. **Karmal said** that a schedule was applicable for 2 weeks. For example, the schedule for the 16th would come out on 13th-15th. An hour and a half prior to a flight, the list of people could be seen at crew info.
- Regarding the definition of crew info. **Karmal said** that crew info refers to a kind of schedule code. As for flight number, it could be seen one and a half hour prior to departure.
- Regarding Avsec (Aviation Security) education. **Karmal said** that every pilot received Avsec material. Karmal said that he did not know the case for ground officers.

- Regarding two ID cards at Garuda. **Karmal said** that he possessed a blue ID card for ground and red for a flight crew. Karmal said that he did not know the boundaries between red and blue ID cards.

The defense counsels asked Karmal to show those two ID cards.

5.c. Questions from the Panel of Judges

The chief Judge, Cicut Setiarso, asked the following questions:

- Regarding Karmal’ experience as a Chief Pilot. **Karmal said** that he had been a chief pilot for five years and there had never been any such incidents and this was the first of such incidents.
- Regarding the meaning of “first chance and anytime”. **Karmal said** that if there was a request from IS on the first chance after all preparations were made, the departure could be made anytime.
- Regarding the time he called Rohainil and receiving the letter dated 15 September. **Karmal said** that chronologically, around 12/13 he called Rohainil because he received info from Ronggo that Pollycarpus went to Singapore. The next day, he called Rohainil to ask who made the schedule and Rohainil admitted to have made the schedule. Karmal then called Pollycarpus on 15 September and ordered him to see Ramelgia. In the afternoon of 15 September 2004, at around 3 pm, Ramelgia called.
- Regarding Munir’s time of death when Ronggo gave the information. **Karmal said** that when Captain Ronggo told him he had already known that Munir was dead.

Judge Agus Subroto

- Regarding two deputies that Karmal had. **Karmal said** one of them was for base training, Captain Marthinus, and the other was a Technical Deputy, Captain Jojo.
- Regarding the mechanism for permission to deputy. **Karmal said** permission to deputy did not have to be in a written form, but Rohainil would later send a notice to another unit. The notice will be made by Rohainil and given to the planner if the previous schedule had not come out yet. If the on-going schedule had started then it will be directly to tracking. Whoever gave the permission, Rohainil was the one who would make the notice.

Chief Judge Cicut Setiarso asked the following questions:

- Regarding APG meeting. **Karmal said** that APG meeting was on 7 September in the afternoon.
- Regarding extra crew flight and non-flight. **Karmal said** that non-flight crew had to have his permission while flight crew had to get permission from the operational department and the change could come from the scheduling unit or from the pilot’s request.
- Regarding any incidents where non-flight extra crew did not ask for Karmal’s permission but still had their schedule change made by Rohainil. **Karmal said** that such incident was very rare.
- Regarding upgrade (change in seat class) mechanism. **According to Karmal** upgrade did not incur any charges and it could be done within the flight or on the ground before boarding. During a flight, upgrade would be allowed upon certain agreements with the company.

5.d. Additional questions from the Prosecutors and the Legal Advisors and the Judges

Legal Advisor, Muhammad Assegaf asked the following question:

- Regarding Rohainil’s position and duties. **Karmal said** that Rohainil was a flight operation support dealing with cancellations from pilots. If there are any cancellations, Rohainil worked with OFC but in Pollycarpus’ case, Karmal said that he was not available at that time and neither was his deputy.

Prosecutor Domu P Sihite asked the following question:

- Regarding the General Declaration of the flight Singapore-Amsterdam (Pollycarpus’ name was in that general declaration) and regarding Pollycarpus’ whereabouts on 6 and 7 in Amsterdam. **Karmal said** that he did not know whether Pollycarpus went to Amsterdam but based on the general declaration, it can be seen that Pollycarpus’ destination was Amsterdam.

5.e. Legal Advisor’s Response

- **Pollycarpus denied that he requested for a schedule change of 7 September. The event on the 7 had been planned through a questionnaire about who wanted to join APG seminar** (in contrast to Karmal’s testimony).
- Pollycarpus said that the change in the letter dated 15 September into 4 September was because the Chief Pilot (Karmal Sembiring) asked for it.

- Pollycarpus said that based on his experience flying to other countries, *Gendec* is often wrong. Pollycarpus went to Hong Kong once and his name was not listed in its general declaration and he claimed to still possess the data.

5.f Karmal Sembiring’s Response to Pollycarpus’ Response

- Gendec had been applied more strictly since 2000.
- The change on the 7 September in order to attend APG was based on Pollycarpus’ direct request when he came to see Karmal on 30 August 2004. (Pollycarpus again denied coming to see Karmal).

5.g. Important facts from the witnesses’ testimonies:

- Karmal, as Pollycarpus’ superior, did not know about Pollycarpus’ trip to Singapore and he never ordered Pollycarpus to go there in the first place.
- Karmal, as Pollycarpus’ superior, was not asked for opinion or confirmation by the President Director, Indra Setiawan, regarding Pollycarpus’ assignment at Corporate Security unit. According to procedure, Karmal was supposed to be involved in the coordination.
- Rohainil Aini and Pollycarpus did not follow the mechanism for Pollycarpus’ change of schedule to Singapore on 6 September whereas as a non-flight extra crew in flight GA 974, there should have been permission from Karmal as the Chief Pilot.
- Pollycarpus’ statement that Ramelgia would call Karmal to inform about his trip to Singapore for an Internal Security duty was not proven. Instead, Ramelgia made a call on 15 September and that was after Karmal called Rohainil Aini, and Pollycarpus. Karmal called them because around 12/13 August he was told and asked by Captain Ronggo regarding Pollycarpus’ departure to Singapore and the permission for it.
- Two letters dated 15 September and 4 September (the result of backdating the letter dated 15 September) both contained the same issue regarding the request for permission to assign Pollycarpus at Corporate Security for sector JKT-SUB-JKT or JKT-DPS-JK or JKT-SIN-JKT. The letter was received on 15 September and 17 September (the one backdated) whereas the assignment from the President Director had been given since 11 August 2004.

- Karmal Sembiring did not know Pollycarpus’ purpose of being assigned to assist at Corporate Security.
- Pollycarpus’ name was listed in the general declaration of Singapore-Amsterdam, whereas the checking for dumping fuel only took place in Singapore because Boeing 747 plane that experienced dumping fuel was in Singapore.