

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

**Trial IX  
The Central Jakarta District Court  
Jakarta, 04 October 2005**

**Material: Examination of witnesses Hermawan, Sabur Muhammad Taufiq,  
and  
Alex Maneklarang**

**Time: 10.40 –13. 10 West Indonesia Time**

**Place: The Central Jakarta District Court,  
3<sup>rd</sup> floor, Room 1**

## **I. Before the Trial**

Since 9:30 am, one unit of Metro Regional Police patrol have been guarding in front of the main gate of the court. Around ten print and electronic media were in the courtroom. About 20 victims of the May Riot and victims of the Tanjung Priok case 1984 were present also in the courtroom. Prosecutor and Legal Counsel were seen preparing themselves for the trial. Today, the court staff and court spectators came earlier (around 9:00am), as agreed in the previous Tuesday court session that the session would start exactly at 9:00am. However, without clear reason, the session started late.

## **II. The Session**

At 10:40am, Chief judge opened the session, the defendant Pollycarpus Budihari Priyanto (PBP) was called into the courtroom. Today, PBP wore gray long-sleeved shirt with black trousers.

### **Panel of Judges that were present**

1. Cicut Setiarso (Chief Judge)
2. Sunaryo (Judge, Sugito's replacement)
3. Ridwan Mansur (Judge)
4. Agus Subroto (Judge)

5. Liliek Milady (Judge)

Judge Sunaryo temporarily replaces judge Sugito. According to the clerk, the change was because Sugito had other arrangements, without clearly stating what the arrangement was.

**Public Prosecutors that was present:**

1. Domu P. Sihite
2. F. Eleyert. L
3. Narendra Jatna
4. Muhammad Rum
5. Sartani
6. Sapardi
7. Giyanto

**Legal Counsels that were present:**

1. Muhammad Assegaf
2. Imron Halimy
3. Dendy K. Amudy
4. Zulkifli
5. Uki
6. Heru Santoso

After Chief judge asked the defendants' health condition, the judge asked the prosecutors to select witnesses that were to be called, considering the time limitation of the court session and the defendant's detention period.

**The public Prosecutor (JPU), Domu P Sihite said,** according to today's plan, 4 witnesses were to be called; Hermawan, Sabur Muhammad Taufiq, Alex Maneklarang and Agustinus Brismanto. Prosecutors were not able to present the witness Agustinus Krismanto, as in the note that was

received, that witness Agustinus Krismanto had died on 29 September 2005.

### III. Witness Questioning

#### A. Witness VII: Hermawan

When Chief judge asked the identity of the witness, the microphone did not work, that the dialog was only among the court staff (judge, prosecutors, legal counsels), and was not audible to the court spectators. Nevertheless, Chief judge continued with his questions.

#### **Witness Identity (according to the police investigation notes)**

Name : Hermawan  
D.O.B/place : Purworejo, 1 June 1963  
Religion : Islam  
Occupation : Manager *Crew Tracking*  
Address : Jl. Cempaka Putih Timur XVII, Jakarta

Hermawan confessed that he did not know PBP, had neither met nor spoken to PBP. Knew the name from the list. Then, Hermawan was sworn according to Islam religion and was reminded of the law and religious consequence of the oath. Witness confessed that he had been investigated 4 times and signed the police investigation notes, and said *Insyah Allah* (if God allows) still remember the content of the notes.

#### 1. Chief Judge questions regarding:

- PBP's name that was on the list. Hermawan said that, PBP's name was in the database as Pilot.
- Witness whereabouts on 6 September 2004. Hermawan said that at that time he was at his office.
- Witnesses' activity on 6 September 2004. Hermawan said that, on 6 of September received a letter from *chief pilot airbus* institution which stated that PBP was to fly to Singapore, made a letter and a pick-up was arranged. Then PBP was informed via SMS.
- Who made the letter? Hermawan said that, his staff wrote the letter.

- Receiving letter procedure (was the letter received as it was). Hermawan said, yes. Usually the administrator at the chief *pilot* institution on behalf of chief pilot's name, the signature was not the chief's.
- Whether there was something strange about PBP's Flight letter. (was the mechanism as it was supposed to be?) Hermawan said, yes (mechanism was as it was supposed to be)
- Whether there was anybody who made changes in the *schedule* beside PBP. Hermawan said, maybe. This was followed by a discussion; Judge confirmed, "not maybe, but what you experienced?" Hermawan said "officially, only PBP". Then judge continued, "not officially?" Hermawan said that, if it was Garuda crew, they could be informed via SMS, or telephoned. Then judge continued, "aside from that, you don't know?" Hermawan said, " yes, I do not know". Judge questioned; was he the only man?, what about woman?) Hermawan said, none.

## 2. List of questions by the Public Prosecutors.

### *JPU, Domu P Sihite, questioned regarding:*

- Staff who made the schedule changes, and report of the change. Hermawan said, the staff who made the schedule change was Charles Tambunan. Hermawan admitted, was not given the report of the schedule change.
- Hermawan's knowledge that Charles Tambunan made the changes. Hermawan said, from the *database* can be seen who made it.
- The content of the letter. Hermawan said, the content was PBP's flight schedule from standby to fly to Singapore. At the beginning on the 6th PBP was on Standby.
- Time of making the schedule. Hermawan said, schedule was made monthly, announced before the 29th of each month (August), and the changed schedule was to be sent on Monday. When the change was made on Monday, PBP Schedule was already made.

- Witness’s knowledge of PBP’s schedule that had already existed. Hermawan said, actually on the 5th PBP was scheduled to fly to Peking China, but based on OFA letter no 210, his schedule was changed into standby.
- Signing of the schedule change (Signed on behalf of chief pilot was allowed in Garuda regulation). Hermawan was silent for a while, then said “it usually done by administrator”.
- The authority and follow-up action of Rohainil, who signed the letter of change. Hermawan said, as usually done by administrator.
- Did Rohainil signing the letter have to have the permission from his superior? Hermawan said, “probably they have coordinated” (*Witness was not giving an answer but giving reason*).

**Cicut Setiarso took over the questions and answered as if he was the witness**

“when you received the letter, was there anything strange?” Hermawan was silence. The judge said “so that the direction is clear for the prosecutors, just mention the numbers. Witness said “both of the changes were from chief pilot on behalf Rohainil, then given to crew tracking and to be carried out. Prosecutors please ask other questions.”

\*The witness’s knowledge, on 6th of September about PBP’s status as an active crew or extra crew. Hermawan said, knew PBP as extra crew since the release of the letter from chief Pilot institution.

- Witness monitoring of PBP’s activity after the schedule was changed.. Hermawan said, did not monitor and did not receive any report of PBP’s activities.
- Names of crews who flew on 6 September flight destination Singapore and Amsterdam. Hermawan said, he had not read the list of names. Hermawan admitted, he himself carried the letter.
- Whether the witness studied the list or not. Hermawan said, did not study it (*witness looked nervous*).
- The witness’s reason for not studying the list, was it because he received it from somebody or just took it. Hermawan said, took it from *file*.

- Whether the witness read the list of not (after being cornered) Hermawan said, read the list of names of the crew.
- The list stated PBP’s name as *extra crew* flight destination Amsterdam. Hermawan said, PBP was in the crew list, PBP was only to go to Singapore (not Amsterdam), the list was in the “crew card” (Prosecutors asked witness to present the crew card/list of names of crews to Singapore)

*The taking side of Chief Judge, Cicut Setiarso:*

Judge Cicut Setiarso, said “what is the purpose of this list?”. Prosecutors claimed, they did not have the list.

Legal counsel. Moh Assegaf, said “ what is the relevance of asking for the letter?”. Chief judge said “we only have limited time, it is to ask whether PBP went to Singapore or Amsterdam”. Hermawan said , to Singapore

- The reason for changing the schedule of the extra crew and active crew. Hermawan said, active crew were the one on duty on flight. Aside from them, are called extra crew. According to the OFA letter, PBP was as extra crew.
- Whose initiative to decide PBP as extra crew. Hermawan answered , he did not know.

Legal counsel, Mohammad Assegaf said, “the question above is a repetition, the witness have said that it was done according to the procedure.”

The judge concluded and took side;

Chief judge Cicut Setiarso said, “We want to quickly examine, in examining the witness, witness is as witness, not to be examined whether they have faults of not, our previous witness also had the same information. This is to add the clarity of the facts. Maybe this can be a fact, whether PBP flew to Singapore or Amsterdam. Not to make any conclusion, but all this time he has been flying to Singapore. Then, was asked again if he flew to Amsterdam, it is a waste of time. I hope that the prosecutors have prepared a more relevant question.

- Chief Directors' letter dated 11/08/04. Hermawan said, had never accepted such letter.
- The activity of monitoring the activity of extra crew and crew. Whether there was anybody else than PBP that had his schedule changed.

The judge took over.

Cicut Setiarso, said, "It has been asked. Does the witness know Tia Ambari. In the General Declaration (GenDec) there was the name Tia Ambari (in the dossier)". Hermawan said, Garuda used three months filing system. Data was recorded for three months, after three months it could not be used anymore. Judge Cicut Setiarso said, "So you don't know who Tia replaced?". Hermawan said, he did not know.

*Judge Cicut Setiarso, said "not all prosecutors have to ask a question."*

***Public prosecutor, Muhammad Rum, questioned regarding:***

- The content of the staff's SMS to PBP about the pick up. Hermawan said, the staff was Charles Tambunan. prosecutors asked, "Charles received the letter, who sent it?". Hermawan said "in Garuda, it was a one man system.". Prosecutors asked "does the witness know about the schedule change, if you don't know answer that you don't know.". Hermawan said "I was only their superior. Prosecutor asked, "yes, as a superior, was it reported or not, because you easily said that the staff sent the sms,....if witness does not know, answer that you don't know.".

***Chief judge was leading the witness;***

Cicut asked how he knew that the staff sent the SMS, was it from a report or from file. Hermawan said, from the report and looked up in the file. Prosecutor asked, "Where was the report from, how did the witness know the content of the report". Prosecutor asked, "in regard to Tia, did the witness receive a report?". Hermawan said "No", Prosecutor said, "why didn't you get the report, where it should have been reported", Hermawan said "No, I was not informed". The witness was silent.

*JPU, F Eleyert, asked regarding;*

- Change of schedule on the 6th, PBP was assigned as help-staff by Internal Security. Was it something new to Garuda. Hermawan said, he did not know.
- Witnesses' knowledge of Munir's death. Hermawan said, knew Munir's death from telex. Munir died on GA 974 on Tuesday 7th. Hermawan said, He confirmed by asking who died on the plane, contacted KontraS office, and was referred to Imparsial, his superior spoke to them. Hermawan said that, he does not know the cause of Munir's death.

*JPU, Supardi asked regarding;*

- Who made the Gendec. Hermawan said, he did not know.

3. Questions by the Legal Counsel

*Legal Counsel, Mohammad Assegaf, asked regarding;*

- Cabin crew and cockpit crew. According to Hermawan, cabin and cockpit crew are different. Hermawan said both were within his responsibility.
- Mechanism of changing the crew schedule. Hermawan said; 1) Schedule was announced if there were no changes, 2) If there were changes it would be noted and carried-out as requested. Note : This had been asked but was not stopped nor corrected by the judge.

*Legal Counsel, Imron Halimy, asked regarding;*

- Filling in a vacant schedule. Hermawan said, the procedure was, if there was vacant schedule, it was only to look up the employees' number, not the employees' name.
- The announcement of schedule change via SMS. Hermawan said, it was the formal regulation for making an announcement in Garuda. In the past, usually used pagers. This has been practiced for 2 to 3 years.

- Witnesses' knowledge of the crew who flew to Singapore. Hermawan said, he had to know the number of crew who were going to fly. For Singapore–Amsterdam, there were 4 cockpit crews and 18 cabin crews.
- Administration procedure for the letter of change that was usually done by Rohainil. Hermawan answered, yes, it was usually done by Rohainil.
- Whether PBP reported to the witness. Hermawan said, PBP had no obligation to report to him.

*Mohammad Assegaf (Legal Counsel) asked;*

- The witnesses' right to ask the reason for the note of change. Hermawan said, he did not have the right to know.

**Uki asked the following, regarding;**

- Whether it was possible for a standby pilot to fly. Hermawan said, they can.
- The time around picking–up the pilot from his residence. Hermawan said, minimum 6 hours.
- Can a pilot who have completed a flight, continue to fly if his flying hours still permit. Hermawan said, correct.

Legal Counsel showed letters to the panel of Judges, but the conversation between them could not be heard by the public (court spectators).

**Additional questions by the panel of Judges;**

*Chief Judge, Cicut Setiarso, asked regarding:*

- Reason for the schedule change at the time the note was given and the reason for refusing or accepting the note that was not signed by Chief Pilot, instead only signed by an administrator. Hermawan was silent then said, he could not refuse.
- Witnesses' knowledge of the requirement of having to have the signature of Chief Pilot for non–flight duty. Hermawan was silent for a

while (Judge said, if he did not know, he should answer that he did not know). Hermawan answered, he did not know.

*Judge Agus Subroto, asked regarding;*

- Whether the signature format in the letter on behalf Chief pilot for extra crew and active crew was the same or not. Hermawan said, yes (it was the same).
- Follow up action of the witness after receiving the note of change from Rohainil. Hermawan said, changed PBP’s schedule according....one that already existed, an order was made for pick up, and then it was informed to PBP.
- Guarantee for the extra crew to be able to enter the plane. Hermawan said, from the tracking report.
- Change of schedule that happened on holidays, if was it signed by Tracking crew. Hermawan answered, yes.
- Time allowed before carrying out the changed schedule. Hermawan said, it could be one day or two hours before. For PBP it was done on the same day.

*Judge Ridwan Mansur, asked regarding :*

- How often there was an extra crew in a flight. Hermawan said, extra crew was often in a flight.
- Examples that can be an extra crew. Hermawan said, there were the Simulators, as Simulator in Bangkok, Simulator in Helsinki.
- How often an extra crew was present in the schedule. Hermawan said, extra crew was always included in a schedule. The frequency depended on the need of the pilot in the area for those who were scheduled.
- Length of time, the witness had been the manager of crew tracking. Hermawan said, it had been four years.
- Whether schedule change signed by an administrator had happened before. Hermawan said, It had happened before.
- Who had the formal legal authority to change the schedule. Hermawan was silent then said he did not know. (The judge reminded him that “witness is the manager”)

**Additional questions by the Public Prosecutors and Legal Counsel.**

***Prosecutor Muhammad Rum, asked regarding;***

- The release of crew list for Gendec. Hermawan said, yes. (*Prosecutor showed the Gendec*). Hermawan said, Gendec was made at the departure terminal, destination Jakarta–Singapore was made at Cengkareng Airport.

**Legal Counsel Dedy K Amudy, asked regarding;**

- Whether change of schedule based on a telephone call by Chief Pilot often happened. Hermawan said, it was correct.

**Defendants' Respond to Witness Hermawan Testimony.**

Change could happen from plane to plane.

*(The judge reminded the defendant to give respond to the testimony which was considered untrue)*

All of the Witnesses' testimony was true.

**Monitoring notes on Witness Hermawan Examination process.**

- \*Witness seemed to be hiding information that was related to the signing of the schedule which was signed by Rohainil, and the party who had the formal legality to sign the note of change. (read above).
- \*Witness was not cooperative in giving information. He had to be confirmed/pressured/confronted.
- \*Chief Judge often cut questions from the Public Prosecutor, intervened the questions, and answered the questions that were suppose to be answered by the witness, took the witnesses' side and concluded testimonials.
- \*Judge Sunaryo (temporary replacement for judge Sugito) and Liliek Mulyadi did not ask any question.

## Monitoring Pengadilan “Pembunuhan Munir

## **B. Witness VIII: Sabur Muhammad Taufiq.**

### **Witness Identity**

Name : Sabur Muhammad Taufiq  
Place/Date of Birth : Pekalongan, 12 May 1952  
Religion : Islam  
Position : Captain Pilot 747-400  
Address : Jl. Taman Giri Loka Blok B/23 BSD (Bumi Serpong Damai)

The witness was sworn in Islamic procedures. The witness claimed not to know the defendant and that he did not have any family relationship with the defendant.

### **Opening Questions from the Chief Judge**

- Regarding the witness' knowledge about flight GA 974 in September 2004, Jakarta-Singapore. **Sabur said** that he knew about it.
- The Chief Judge asked the witness to tell about flight GA 974. **Sabur said** that he was serving as the Captain Pilot for that flight, with a co pilot. Departure was at a little after 9pm. The length of flight was 1 hour 20 minutes and then returned from Singapore on day 3, 8 September.
- Regarding the captain who flew the plane from Singapore to Amsterdam. **Sabur said** he did not remember.
- Regarding Sabur's meeting with PBP during the flight. **Sabur said** that he never met PBP during the flight; instead, he met PBP on the ground before the flight and again in Singapore because they were on the same bus.
- Regarding PBP's status in flight GA 974. **Sabur said** that PBP was an extra crew.
- Regarding a Captain Pilot's obligation to extra crew. **Sabur said** that actually, Captain Pilot did not have to know because the important

thing for Captain Pilot was how many passengers there were and who they were. Extra crews were handled by crew tracking.

- Regarding the witness' knowledge of the number and the names of extra crew who were in flight GA 974. Sabur said he did not know.
- Regarding the change of seat. Sabur said he did not know.
- Regarding the purser's presence. Sabur said that every flight always had a purser.

### Questions from the Prosecutors

*Domu P Sihite asked the following questions:*

- Regarding whether or not there were special arrangements for extra crew. Sabur said that special arrangement for flight duty and extra crew are handled by certain unit.
- Regarding the witness' experience in being extra crew. Sabur said that he had ever been an extra crew.
- Regarding PBP's status during the flight on 6 September. Sabur said PBP was an extra crew.
- Regarding the procedures to take or permission to get in order to become extra crew. (Sabur admitted that he did not understand the Prosecutor's question)

*Chief Judge Cicut Setiarso took over the question and asked* what the procedures were that PBP must take to become extra crew. Sabur said that there were already special regulations, i.e. crew schedule arranges who would be the pilot, co pilot and extra crew.

- Prosecutor said, "So you are confused when asked about permission, meaning that you only know about schedule. Sabur said schedule assignment to be exact.
- Regarding the person who signed the assignment. *(Sabur was silent for a long time. Prosecutor asked why it was difficult to answer if he*

*had ever been an extra crew, compared with PBP, who would make the assignment letter)*

*(Assegaf (Legal Counsels) cut in and asked that the witness be given a chance to answer; do not give another question before the previous one is answered)*

**Chief Judge directed:**

- Regarding PBP's work and superior in Garuda. **Sabur said** that he just found out that PBP was a co pilot of air bus 330.
- Regarding the procedures for PBP to become extra crew (whether directly through administrator to the witness, or is it necessary to inform the superior when one wants to be a non-flight extra crew). **Sabur was silent for a while and finally said** that there are two kinds of extra crew: extra crew for duty and extra crew for other assignments such as for flight training *(the witness was not giving direct answers and he did not address the questions properly)*. **The Chief Judge directed again** by saying that if PBP was assigned as non-flight extra crew, does PBP need reference from his superior or whether he could directly tell the witness (what is the procedure). **Sabur said** if there was another duty besides flight duty then a letter assigning the duty must be available; if the crew was on a flight duty then he does not need such letter, he could use *SMS system*.
- Regarding who makes SPPD (a letter containing the order for a duty trip). **Sabur said** that it is usually done by the superior (chief pilot).
- Regarding SPPD. **Sabur said** that there is already a special form for SPPD; overseas trip will require a signature from the Operational Director *(The witness was hesitant in giving testimony, proven by his following statement, "that's what I know, forgive me if it's wrong)*. The Judge asked the witness to confirm and to tell stories based on his experience. **Sabur said** that he makes trips as an extra crew every 6

months to Bangkok to perform flight simulation training duty and he requires SPPD signed by the Operational Director.

- Regarding whether Simulator would be classified as flight or non-flight duty. Sabur said that flight training simulator was included as non-flight duty.

After leading about the focus of the question, the Chief Judge asked the Prosecutor to carry on.

*Domu P Sihite asked the following:*

- Regarding whether non-flight extra crew had to report to Garuda representative. Sabur said as far as he knows, yes.
- Regarding Brahmanie's report about PBP to the witness before the flight.

*The Judge led the court by asking:*

- Whether the witness knew Brahmanie and who Brahmanie was. Sabur said that he remembered Brahmanie because she was the purser.
- Whether Brahmanie had ever communicated about PBP in the form of report. Sabur said no.

*Domu P. Sihite asked the following:*

- Whether or not there was a report from Brahmanie about PBP's change of seats. Sabur said there was not.
- Regarding the witness' knowledge about Munir's death. Sabur said that he heard about Munir's death on the third day before he went back to Jakarta. He got the information from a telex; before he left the hotel room, there was a message under his door.
- Regarding the contents of the telex that the witness received. Sabur said that he forgot what the contents were but the point was that in the flight Singapore-Amsterdam there was a passenger named Munir who died.

- Regarding whether there had ever been any information or telephone calls directed to the witness so that the witness did not comment or responded too much about Munir's death. **Sabur said** no.

***F Eleyert asked the following:***

- The Prosecutor read the police investigation note, "did you receive a report from Brahmanie Hastawatie about a change of seats from economy class to business class under the name of Munir SH and if yes, when? What do you think about the change of seats?" **The witness said**, "I did not know and I did not receive a report and if there was such change then it should be reported to the Captain". The Prosecutor asked the witness to make up his mind about the contents of the police note.

**Assegaf interrupted** and said that the questions were read, it was obvious what the opinion was. **The Prosecutor said** that this was the police note, they were simply asking about the contents. **The Judge asked**, "Is it true that you said those things written in the note?" **Sabur said** yes.

- Regarding PBP's report to the witness as the Chief Pilot of 747 about his change of seats with Munir. **Sabur said** it never happened.
- Regarding how long the witness had been a pilot. **Sabur said** it had been 31 years.
- Regarding the witness' duties apart from being a pilot. **Sabur said** he had been a simulator.
- Regarding the witness' co pilot in the flight from Jakarta to Singapore. **The witness said** that he forgot.
- Regarding whether the status of a co pilot was permanent or not. **Sabur said** co pilot was permanent.
- Regarding where he stayed in Singapore. **Sabur said** that he stayed at Hotel Novotel and **Sabur claimed** that he did not know where PBP's room was.
- Regarding the pilot who continued the flight from Singapore to Amsterdam. **Sabur said** he did not know.

***Supardi asked the following:***

- Regarding the witness’ meeting with PBP in the plane (the Prosecutors were repeating questions). **Sabur said** he did not meet PBP.
- Regarding the authorization for passengers’ change of seats. **Sabur said** that such thing was not allowed according to rules.

**The Judge said**, “The witness should answer first”. **The Prosecutor asked**, “Who was authorized for it?” **Sabur said** nobody because according to procedures, it was not allowed.

- Regarding where such rules exist. **Sabur said** that he could not show where such rules were said.

***Narendra Jatna asked the following:***

- Regarding the sanction given for an unauthorized change of seats. **Sabur said** that he did not know.

***The Chief Judge Cicut Setiarso took over the question:***

- Regarding the witness’ reprimand to Brahmanie about the change of seats that occurred. **Sabur said** that it was difficult for him to answer that question. **The Judge said**, “If you don’t answer it, you’re not giving information either”. After he was silent for a long time, **Sabur finally said** that if something was against the rules then it had to be reprimanded but **Sabur admitted** that he did not reprimand Brahmanie.

The Judge reminded the witness about his status as a witness and his obligation to tell the truth in his testimony and that he must be confident (the witness often sounded hesitant in giving answers).

**b. Questions from the Legal Counsels**

***Muhammad Assegaf asked the following:***

- Regarding the witness’ examination by the investigators. **Sabur said** that he had been examined once, that he was not pressured and that the content of the police note was correct.
- Regarding the length of time in the flight from Jakarta to Singapore and the witness’ position during the flight. **Sabur said** that it was one hour and 20 minutes and that he was in the cockpit the whole time.
- “Because he was in the cockpit, he did not know what was happening in the cabin; he did not know about the change of seats; he did not know that PBP was an extra crew at that time; he did not know PBP’s activities in the airplane. **Sabur said** yes, I did not know those.
- **In the police note; PBP went to the cockpit at one time”.** **Sabur said** that it was not true.

The Prosecutor asked the Legal Counsel to read the police note if he was referring to it. The Judge led the witness by saying, “try to remember whether PBP said, “Captain, I’m coming as an extra crew”.

- In the police investigation note dated 30 September, the answers were at no. 11 and 34; “both were correct, that PBP reported to me both in the cockpit and at the Crew Center”. **Sabur said** that it was correct (*the witness was being inconsistent*). **Sabur admitted** that he remembered after he cross checked it with the crew.
- Regarding the investigators’ reconstruction at Cengkareng airport. **Sabur said** that he joined the reconstruction.

Assegaf showed photos from the reconstruction and asked whether the contents of the photos were correct.

- Regarding the photo where PBP was sitting in the cockpit behind the witness. **Sabur said** it was correct.

**Chief Judge Cicut Setiarso read the Police investigation note no.11 dated 30 Nov. (see dossier).**

“As far as I know, PBP was Garuda extra crew. At the crew center, PBP reported to me that he was joining flight Jakarta–Singapore. I did not know what PBP’s assignment was. Gendec should always contain the

names of Garuda crew serving the flight Jakarta–Singapore, both active and extra crew. Sabur confirmed the contents of the note.

*Imron Halimy asked the followings:*

- Regarding extra crew’s obligation to report to the witness as the captain pilot. Sabur said that a crew had to report, but an extra crew did not have to report.
- Regarding the length of time the witness had served as a captain pilot. Sabur said 29 years.
- Regarding whether there had ever been a change of seats during flight, whether with additional charges or not, such as in PBP’s case. Sabur said never.
- Regarding whether or not the witness heard about the change of seats. Sabur said he forgot.
- Regarding the time of when the witness learned that there had been a change of seats. Sabur said maybe on the way back, he did not know exactly the time but he definitely knows about the change now.

*Dedy K. Amudy asked the following questions:*

- Regarding the length of time the witness had known PBP and about PBP’s activities asides from being Garuda employee. Sabur said more or less 10–15 years. Sabur claimed to have no knowledge of PBP’s activities apart from being Garuda employee.
- Regarding the length of transit time in Singapore. Sabur said he did not know.

When the judge asked whether the witness knew about the schedule and the judge pressed on the issue, Sabur finally said that transit was around one hour.

*Uki asked the following:*

- Regarding Gendec preparation. Sabur said that Gendec Jakarta–Singapore was made in Jakarta. Gendec Singapore–Amsterdam was made in Singapore.

- Regarding the error in Gendec preparation based on the witness' experience. **Sabur said** it never happened.
- Regarding standard etiquette in Garuda, such as salute to senior crew, introduction before the flight. **Sabur said** yes.
- Regarding whether an extra crew's visit to the captain pilot at the cockpit is part of standard behavior or not. **Sabur said** no.

**c. Additional Questions from the Prosecutors**

*F Eleyert L asked the following questions:*

- Regarding PBP's report to the witness at the cockpit and the crew center. **The witness said** "PBP met me at the cockpit and said, "Captain, I'm going to Singapore with this flight".
- Regarding the time of the meeting between the witness and PBP at the cockpit. **Sabur said** it was before take off.

*Muhammad Rum asked the following:*

- Regarding the outfit that PBP was wearing at the crew center. **The witness said** that PBP was wearing his uniform, white and blue, with a jacket.
- Regarding the witness' assignment at another division in Garuda during his employment. **Sabur said** never.

**d. Additional Questions from the Legal Counsels**

Assegaf asked that the reconstruction photos be shown because the witness took part in the reconstruction (this was discussed between the prosecutors, the legal counsels and the judges in front of the judges' bench; the witness and the defendant could not hear).

Chief Judge Cicut Setiarso reminded the witness to be honest in giving testimony, if he knows, then say that he knows.

*The Chief Judge confirmed the witness:*

“The witness found out that PBP was in the plane when they met at the crew center. But the witness is still hesitant about the meeting at the cockpit. According to the co-pilot’s testimony, PBP was there and the witness could not remember who his co pilot was. Such big incident like this should have been unforgettable”.

**e. The defendant’s response**

- It is not true that he (PBP) did not go to the cockpit. As a subordinate to his senior, there are rules about not going to the cockpit and not greeting each other. It was a rule for extra crew or ordinary passenger, junior staff must always greet their senior.

**f. The witness’ Response to the Defendant’s Denial**

The Chief Judge reminded the witness to be honest. **Sabur said** that he forgot about his meeting with PBP at the cockpit.

Assegaf asked, “was the reconstruction photos based on the investigators’ request?” The Chief Judge said that the following should be used as an assessment only:

1. The witness met PBP at the crew center and not in the cockpit.
2. When being confronted, the witness said that he only met PBP at the crew center and he did not remember about the meeting at the cockpit.

**g. Important Pointers from the Testimony**

1. Other duties apart from flight duty must be accompanied with SPPD and there is a special form provided for it that will be signed by the chief pilot (**PBP did not have SPPD**).
2. Non-flight extra crew must report to Garuda representatives about where the extra crew is assigned (it must be clarified whether PBP reported to Garuda’s representative in Singapore).

3. The change of seats should have been reported to the Chief Pilot by purser Brahmanie, but Brahmanie did not do so.
4. The witness received a telex and a message but he could not remember the contents of the telex and message, he will have to find them first.

#### **h. Hearing Process**

1. The witness seemed restless, his legs kept moving the whole time.
2. The Chief Judge limited the number of people to ask the questions from both the Prosecutors and the Defense Counsels.
3. Judges Sunaryo and Liliek Sugito did not ask any questions at all.
4. The witness appeared to try and cover who should have given permission and signed PBP's assignment letter to Singapore
5. The witness was not cooperative, the Chief Judge often had to remind him to be honest, confident and certain in giving testimony (because the witness often said "maybe," "from what I remember", "if I'm not mistaken")
6. The witness was inconsistent about whether or not there was a meeting between him and PBP in the cockpit; after being confronted with the police investigation note and photos from the reconstruction, the witness said that:
  - He met PBP at the crew center, not in the cockpit
  - He only met PBP at the crew center but he does not remember about the meeting at the cockpit.

### C. Witness IX Alex Maneklaran

#### Witness Identity

Name : Alex Maneklaran  
Place/Date of Birth : Jakarta, 6 October 1965  
Religion : Christian  
Position : Garuda Executive VP Finance  
Address : Jl. Villa Regensi Tangerang II Pasar Kemis, Banten

The witness claimed that he does not know the defendant yet, he never met and talked with the defendant and he had no family relationship with the defendant. He had been examined by the investigators once and was sworn in Catholic procedures.

The Chief Judge reminded about the full consequence of the oath. The witness then said that he is Garuda Executive VP Finance. His responsibilities include:

1. monitoring financial information system and financial reporting
2. planning the company's budget
3. managing the company's cash flow
4. signing expenses

(Read by the Chief Judge)

#### a. Questions from the Prosecutors

*Domu P Sihite asked the following:*

- Regarding the financial information related to PBP's document to Singapore. Alex said that he had never seen the documents. The Prosecutor asked, "Is it because you don't have time for it or it is not in your schedule to check PBP's activities related to the financing that he used. Alex said it was because he has not look at it.

The Chief Judge asked that if the witness said he has not looked, will he look for it and can he do so. Alex said he will look if he is asked to do so.

- Regarding the normative rules for the expenses resulted from extra crew activities. Alex said that they are borne by the company.
- Regarding the normative regulations for reporting and its carbon copies upon returning from extra crew duty to be given to the witness. Alex said that he does not know about it in terms of crew because there is a special unit handling that matter for crew, the same applies to extra crew. Alex said he only handles ground employee.
- Regarding the witness' acquaintance with PBP. Alex said that he had just met PBP a while ago.

*Narendra Jatna asked the following:*

- Regarding financial facilities for extra crew. Alex said that extra crew will get allowance and accommodation which will be managed technically by the operational unit.
- Regarding the basis for granting allowance and accommodation. Alex said the finance unit technically calculated the flight hours and the rules of payment are with the personnel department.
- Regarding a letter containing the instruction for a trip. Alex said for ground employee, every duty trip has an SPPD and a voucher; special for crew, it is handled by crew tracking unit.
- Regarding the difference between crew and ground employee. Alex said that the crew has different regulations but Alex said that he does not know what the regulations are; ground employee will get transport money, accommodation....

- Regarding the unit covering PBP's allowance and accommodation as an extra crew on 6 September. Alex said that he does not know because he handles financing for ground employee; expenses should be borne by the unit that gives the order for the trip.

*Sapardi asked the following:*

- Regarding PBP's status, whether he was a ground crew or not, Alex said he does not know.
- Regarding the length of time the witness had served as Executive Finance. Alex said since 31 March 2005.

*F Eleyert asked the following:*

- Regarding the witness' position before serving as Executive Finance. Alex said that he used to serve as Director of Garuda Retirement Fund.

*Muhammad Rum asked the following:*

- Regarding the party signing the SPPD for overseas trip. Alex said that SPPD for overseas trip is signed by corporate security.
- Regarding SPPD on PBP's name signed by the Corporate Director. Alex said such SPPD was not found.

**b. Defendant's Response**

PBP said that he had nothing to say.

*The Chief Judge reminded that:*

- PBP's detention period will end shortly
- Witnesses must be selected and limited in numbers
- Witness *a de charge* should be prepared.

Domu P Sihite asked for the testimony from witness Agustinus Krismanto (deceased) to be read and the Chief Judge said later at the end of the trial.

**e. Hearing Process**

- Related facts about the funding for PBP's trip could not be obtained from the witness because the witness claimed to specify in ground financing (the Prosecutor should have brought the special unit responsible to managing crew financing)
- Because it was considered as unrelated to PBP's case, the judges and the legal counsels did not ask any questions.