CENTRAL JAKARTA DISTRICT COURT VERDICT FOR CRIME CASE NUMBER: 1361/PID.B/2005/PN.JKT.PST OF DEFENDANT POLLYCARPUS BUDIHARI PRIYANTO DECISION MADE ON: 20 DECEMBER 2005

V E R D I C T No: 1361/Pid.B/2005/PN.Jkt.Pst "FOR THE SAKE OF JUSTICE BASED ON GOD THE ALMIGHTY" --------Central Jakarta District Court that examines and tries criminal cases on first degree in the usual procedure, has ruled as stated in the provisions below in the case of Defendant: POLLYCARPUS BUDIHARI PRIYANTO, place of Birth Solo, age / date of birth 44 years old / 26 January 1961, nationality Indonesian, gender male, address Pamulang Permai I Blok B No. 1 Rt 01 / 02 Pamulang Barat-Tanggerang, religion Catholic, occupation Garuda Indonesia Pilot;---------- -------The defendant has been put under custody from 19 March 2005 until now; --------- -------- The defendant is represented by the Defense Counselor Team consisted of MOHAMAD ASSEGAF, A. WIRAWAN ADNAN, SH., SUHARDI SOMOMOELJONO, SH., AKHMAD D DZAJULI, SH., HERU SANTOSO, SH., UKI INDRA BUDHAYA, SH., and ERMAN UMAR, SH., based on Special Authorization Letter dated 03 August 2005.-- --------The District Court;---------- --------Has read the case documents; ---------- --------Has read the Decree of the Head of Central Jakarta District Court No. 1361 / Pid.B / 2005 / PN.Jkt.Pst. dated 30 August 2005 on the exception by the Defendant's Defense Counselors Team; ---------- --------Has heard and consider the demand from the General Prosecutors that mainly demanded that the Panel of Judges give the following verdict: ---------- -------- 1. Declaring the defendant **POLLYCARPUS BUDIHARI PRIYANTO** proven

beyond reasonable doubt to have been guilty of committing ***"premeditated murder and the use of a falsified letter"*** as stated in ***Article 340 K.U.H.Pidana jo Article 55 verse (1)point-1 KUHP and Article 263 verse (2) K.U.H.Pidana. jo Article 55 verse (1) point-1 KUHP.*** ---------- 2. Sentencing the defendant **POLLYCARPUS BUDIHARI PRIYANTO** to life sentence, under the order that the defendant is kept under custody. ---------- 3. Declaring evidence consisting of number 1 which is 1 (one) piece of original letter with Garuda Indonesia Letterhead Number GARUDA/DZ-2270/04 dated 11 August 2004

regarding Assignment Letter for the Defendant POLLYCARPUS BUDIHARI PRIYANTO/ 522659 Flight Operation Unit (JKTOFGA) and signed by INDRA SETIAWAN (President Director of PT. Garuda Indonesia), to number 28 which is an Acer Travel Mate Notebook series 4000 Model ZL I including its case, **returned to the Central Jakarta Attorney General to be used as evidence in other cases**. ---------- ---------- 4. Instructing the defendant to pay the court fee of Rp. 2,500,-(two thousand five hundred rupiah). ---------- ---- --------Has heard and considered the Defendant's defense by his Defense Counselors which basically requested that the Panel of Judges rule as follows: ---------- ---------- A. The Defendant is not proven beyond reasonable doubt to have committed the crime as stated in the First and the Second Charges; ---------- B. Declare the Defendant is acquitted from all legal prosecutions; ---------- C. Instructing that the Defendant be released from custody immediately; ---------- D. Restoring the Defendant's dignity, respectability, and reputation;---------- --------Considering, that the Defendant was brought to trial by the General Prosecutor under the following charges:---------- ---------- **FIRST: --------**That the defendant POLLYCARPUS BUDIHARI PRIYANTO either alone or together with YETI SUSMIARTl and OEDI IRIANTO (in separate documents) from Monday 6 September 2004 until Tuesday 7 September 2004 or at least in a certain time within September 2004 aboard Garuda Indonesia Airways Plane Flight Number GA-974 destination Jakarta Singapore based on Article 3 KUHP juncto article 86 KUHAP, which gives the Central Jakarta District Court authorization to examine and try the case, has committed, instructed to commit, or jointly committed in an act that was intentional and pre-meditated to eliminate the life of another person which is the life of the victim MUNIR SH, which the defendant committed the following ways:---------- ---------- --------That the defendant POLLYCARPUS BUDIHARI PRIYANTO who since 1999 has been conducting various activities by reason of upholding the Unitary Republic of Indonesia, saw the victim MUNIR, SH as an NGO activist and the Head of Kontras who often identified himself as the motivator and the pioneer of democratic development, defending Human Rights and even often criticize the government's program, giving social criticism, comments, negative responses and other

activities that the defendant or certain parties judged as disturbing and serving as an obstacle for the government's program to run, resulting in parties, including the defendant himself, who could no accept it;---------- -------This assumption and judgment served as a background that encouraged the defendant to feel the necessity to stop the activities of victim MUNIR, SH by carefully planned ways to take the life of MUNIR, SH;---------- --------In order to realize the plan to take the life of the victim MUNIR, SH, the defendant started to monitor the activities of MUNIR, SH either directly or indirectly, until he found out about the plan in which MUNIR, SH was going to leave for the Netherlands to continue studying;---------- -------Furthermore, to ensure the departure of MUNIR, SH on 4 September 2004 the defendant has tried to call MUNIR, SH via the hand phone that belonged to MUN1R, SH, a call which was received by witness SUCIWATI (wife of MUNIR, SH), in which the defendant asked when MUNIR, SH would leave for the Netherlands, which was then answered by witness SUCIWATI that MUNIR, SH would leave on Monday 6 September 2004;---------- --------Upon knowing the exact departure date of MUNIR, SH., the defendant then looked for a way to be able to leave together with MUNIR, SH on 6 September 2004, for which the defendant asked for his assignment to be changed into extra crew, his assignment in the original schedule had been to leave for Peking china from 5 September 2004 to 9 September 2004, it was then changed to 6 September 2004 for Singapore. The change was stated in the Notice of Change number: OFA/219/04 dated 6 September 2004 made by ROHAINIL AINI under the reason that defendant stated at that time which is because of an assignment from witness RAMELGIA ANWAR as Vice President Corporate Security PT. Garuda Indonesia, for which in the execution Chief Pilot KARMAL FAUZA SEMBIRING will be contacted. The assignment never existed, but because of that reason General Declaration was made for the defendant's trip to Singapore as Extra Crew carrying out Aviation Security assignment although Aviation Security assignment was not the defendant's specialization in his work for PT. Garuda Indonesia as a Pilot or at least the defendant did not posses a special certificate as Aviation Security officer;---------- ---------- --------Afterwards, on 6 September 2004 the defendant went to Soekarno-Hatta International Airport to fly to

Singapore by Garuda Indonesia Airways flight number GA-974, the same plane that MUNIR SH was in;----------
--------After checking in. the defendant walked towards the plane through the corridor that connected the lounge with the airplane door. At that time, the defendant saw MUNIR, SH walking towards the airplane door;---------- --------The defendant then approached MUNIR, SH and greeted him and asked about the seat to be occupied by MUNIR, SH, who then showed him his seat number 40 G in economy class-
---------- --------After that MUNIR, SH asked about the location of the seat, which was answered by the defendant to be at the back. However, at that time the defendant offered his own seat in Business Class number 3K to MUNIR. SH, which was intended and aimed at making it easier for the defendant to carry out his plan to take the life of MUNIR, SH because there were only 18 seats in the 3K group in business class.----------
---------- --------That to eliminate any suspicions from other people, the defendant then informed witness BRAHMANIE HASTAWATI as the Purser of the plane about giving the defendant's seat in Business Class to MUNIR, SH, for which witness BRAHMANIE HASTAWATI came to MUNIR, SH and greeted him;----------
---------- --------Afterwards witness BRAHMANIE HASTAWATI invited the defendant to sit in the Premium Class and shortly before the plane took off, witness OEDI IRIANTO as the steward started his duty to prepare welcome drink for the passengers including MUNIR, SH. That when witness OEDI IRIANTO was preparing the welcome drink, the defendant immediately arose from his seat and walked towards the pantry near the premium bar. At this time the defendant probably intended to put something in the orange juice that will be served to MUNIR, SH which was in accordance with the result of lab analysis from the Dutch Ministry of Justice Forensic Agency on 13 October 2004, signed by dr. ROBBERT VISSER, a doctor and a pathologist working together with dr. B. KUBAT, who confirmed the presence of arsenic poison n deadly dose;---------- --------That the defendant put the arsenic poison into the orange juice drink because the defendant knew that MUNIR, SH did not drink alcohol, whereas the drink served as welcome drink was only orange juice and wine---------- --------Furthermore, witness YETI SUSMIARTI as the stewardess took two glasses containing wine and two glasses containing orange juice, which had

specifically been laden with arsenic, and arranged them on a tray, two glasses in the front row containing wine and orange juice laden with arsenic and two glasses with the same composition in the next row. Next, witness YETI SUSMIARTI walked towards seat 3 K of business class where MUNIR, SH sat to serve the drink. Upon arriving in front of MUNIR, SH witness YETI SUSMIARTI offered the drink to witness LIE KHIE NGIAN who was sitting next to MUNIR, SH first and wine was taken;----------
--------That while offering the drink, the defendant , witness OEDI IRIANTO and witness YETI SUSMIARTI all knew and could ensure that witness LIE KHIE NGIAN who is of Dutch citizenship would choose Wine;---------- --------After that witness YETI SUSMIARTI served drink to MUNIR, SH who seemed to have no suspicion and took the orange juice served in the front row, and it was the drink that had been laden with arsenic;---------- --------At the same time, what the defendant was doing was observing witness YETI SUSMIARTI's activities while serving drink to MUNIR, SH, observing MUNIR, SH who was sitting in his seat, drinking orange juice from the glass that was in his hand, and the defendant was walking back and forth in front of the pantry near the business class bar. After the defendant was certain that MUNIR, SH had drunk all the orange juice that had been laden with arsenic, the defendant then went up to the premium class upper deck and went to the pilot room to talk with witness PANTUN MATONDANG as the pilot;---------- --------
Around 120 (one hundred twenty) minutes after take off, at 23.32 WIB Garuda Indonesia Airways flight number GA-974 landed at Changi Airport Singapore and all the crew including the defendant left the plane to exchange crew, in which the crew from Jakarta then stayed at Novotel Hotel Singapore;----------Before continuing his trip to the Netherlands MUNIR, SH waited at Changi airport for more or less 1 hours and 13 minutes for transit. MUNIR, SH then boarded the plane again and had to sit in his own seat number 40 G in Economy Class and at 00.45 WIB on 7 September 2004 the plane took off from Changi Airport Singapore. About 15 minutes after take off, MUNIR, SH started to feel pain as a result of the arsenic poison reacting in his body, the victim then vomited so that his vomit smeared the T-shirt and the jeans that the victim was wearing at that time;----------Three hours after take off from Singapore witness PANTUN MATONDANG as a pilot received a report from purser MADJIB R. NASUTION that victim MUNIR, SH was sick and was

cared for by doctor Tarmizi. Next, witness PANTUN MATONDANG ordered purser MADJIB R. NASUTION to monitor his condition. At that time, victim MUNIR, SH had been taken to business class to lie down and had been given by witness Dr. TARMIZI 2 (two) New Diatabs tablets; 1 (one) Zantac; 1 (one) Promag and Primperam and Diazepam injection so that victim MUNIR, SH seemed to relax;-------- --------However, 2 (two) hours before landing, witness PANTUN MATONDANG again received a report from purser MADJIB NASUTION that victim MUNIR, SH had died, next witness PANTUN MATONDANG as the pilot immediately invited doctor TARMIZI to obtain explanation that MUNIR, SH suffered from stomachache and diarrhea, a shortly after receiving the report that victim MUNIR, SH had died, a certificate of death was made; ---------- --------Based on the result of visum et repertum made pro justitia from the Dutch Ministry of Justice Forensic Agency dated 13 October 2004 signed by dr. ROBBERT VISSER, a doctor and a pathologist working together with dr. B. KUBAT, it was explained that a corpse examination or autopsy had been performed on MUNIR, SH from 8 September 2004 until 13 October 2004 with the conclusion that MUNIR, age 38 years old, the cause of death can be explained because during toxicology examination “increased arsenic concentration” had been found in the blood while arsenic concentration “increased” in the urine and arsenic concentration “increased considerably” inside the stomach;---------- --------Next, the clothes worn by victim MUNIR, SH that was stained with vomit from aboard the plane, after examination at the Central Forensic Laboratory Polri Criminal Investigation Unit, based on the Police Investigation Note of Crime Laboratory Central Forensic Laboratory of Polri Criminal Investigation Unit Number LAB : 3952/KTF/2002 dated 14 July 2005, examination on evidence; grey and blue short-sleeved T-shirt, black jeans, blue socks and brown underwear belonging to the deceased MUNIR, SH it could be concluded that; the evidence 1 (one) grey and blue short-sleeved T-shirt and 1 (one) pair of black jeans were found positive to contain arsenic.---------- -------- --------The act that the defendant POLLYCARPUS BUDIHARI PRIYANTO committed is contained and punishable in article 340 K.U.H.Pidana jo article 55 (1) point-1 K.U.H.Pidana---------- **AND SECOND:** --------That the defendant POLLYCARPUS BUDIHARI PRIYANTO either alone or together with RAMELGIA ANWAR and

ROHAINIL AINI (in separate documents) on Monday 6 September 2004 or at least in a certain time in September 2004 at the office of PT. Garuda Indonesia Airways Soekarno-Hatta Cengkareng Airport, for which based on article 84 verse 2 KUHAP Central Jakarta District Court is authorized to examine and try the case, has committed, instructed to commit or jointly committed using a fake or falsified letter and the use of such letter can cause losses , such act was committed by the defendant in the following ways:---------- -------That the defendant on 6 September 2004 from around 15.00 WIB until 16.00 WIB or at least in the afternoon had called witness ROHAINIL AINI, during which the defendant asked about the whereabouts of the Captain, which was then responded by witness ROHAINIL AINI "What for?"---------- -------The defendant then said that the defendant had been assigned by witness RAMELGIA ANWAR to go to Singapore and would be boarding flight GA-974, whereas the defendant knew that witness RAMELGIA ANWAR was out of town. Upon hearing the request witness ROHAINIL AINI then asked how about KARMAL (witness Capt. KARMAL FAUZA SEMBIRING) as the defendant's superior and the defendant answered that witness RAMELGIA ANWAR would call KARMAL. Then witness ROHAINIL. AINI before ending the phone conversation up said that "Do you promise that RAMELGIA has to contact Capt. KARMAL?" and the defendant answered "Yes";---------- -------Based on this conversation, witness ROHAINIL AINI believed and was certain because the defendant's status as a senior pilot of Garuda so that witness ROHAINIL AINI finally made a Notice of Change regarding Schedule number: OFA/2l9/04 at that very moment signed by the witness ROHAINIL AINI herself although witness ROHAINIL AINI did not have the authority to do that. The notice of change was made as a change for note OFA/210/04 dated 31 August 2004 containing cancellation of the defendant's flight schedule as extra crew to Peking. The belief that witness ROHAINIL AINI had was also based on the letter from Garuda President Director number: DZ/2270/04 dated 11 August 2004 in which the defendant was assigned as an assisting staff at Corporate Security/IS led by witness M. RAMELGIA ANWAR;---------- -------Based on the notice of change for schedule number OFA/2l9/04 dated 6 September 2004 which turned out to have been falsified because prior to the letter being made there had never been any instructions from witness RAMELGIA ANWAR assigning the defendant to Singapore, but the defendant then left

for Singapore as if as extra crew to carry out Garuda Aviation Security duty by flying with Garuda plane Boeing 747 - 400 flight number GA-974;---------- -------That upon the defendant's return from Singapore to Indonesia, the trip to Singapore has incurred expenses such as for transportation and accommodation. Therefore witness Capt. KARMAL FAUZA SEMBIRING summoned the defendant and asked the defendant to report to witness RAMELGIA ANWAR. Next the defendant requested witness RAMELGIA ANWAR to write a letter of assignment for the defendant, witness RAMELGIA ANWAR then wrote such letter and signed the assignment letter number: IS/1l77/04 dated 15 September 2004 and gave it to the defendant. The purpose of the assignment letter was so that the expenses incurred by the defendant's trip would be borne by witness RAMELGIA ANWAR and not by witness Captain KARMAL FAUZA SEMBIRING;--- -------- Considering that the defendant took his trip on 6 September 2004, declared as extra crew, in order to make it seem that the assignment had really been performed by the defendant, the defendant again requested witness RAMELGIA ANWAR to write an assignment letter dated before 6 September 2004, based on which request, witness RAMELGIA ANWAR finally wrote an assignment letter with the same number and content which is number: IS/1177/04 dated 4 September 2004; ---------- -------Afterwards, based on the falsified letter number: IS/ll77/04 dated 4 September 2004, PT. Garuda Indonesia finally bear all expenses incurred by the defendant's trip so that PT. Garuda Indonesia has lost at least the amount of return trip Jakarta Singapore plus hotel accommodation while the defendant was in Singapore;---------The defendant's act is contained and punishable based on article 263 verse (2) K.U.H.Pidana jo article 55 (1) point-1 K.U.H.Pidana. ---------- --- --------Considering, that in the trial evidence had been put forward in the form of: ---------- 1. 1 (one) original letter with Garuda Indonesia letterhead number GARUDA/DZ-2270/04 dated 11 August 2004 regarding Letter of Assignment, directed to P. BUDIHARI PRIYANTO/ 522659 Unit Flight Operation (JKTOFGA) and signed by INDRA SETIAWAN (President Director of PT. Garuda Indonesia). ---------- ---------- 2. 1 (one) photocopy of the letter from Chief Pilot A 330 signed by ROHAINIL AINI Note OFA/210/04 dated 31 August 2004 regarding Request of Change on Flight Schedule for DEFENDANT POLLYCARPUS

BUDIHARI PRIYANTO.---------- 3. 1 (one) photocopy of the letter from Chief Pilot A 330 signed by ROHAINIL AINI Note OF A/219/04 dated 6 September 2004 regarding Request for Change of Flight Schedule for the defendant POLLYCARPUS BUDIHARI PRIYANTO---------- 4. 1 (one) original Interoffice Correspondence letter with Garuda Indonesia letterhead, directed to OFA No. Ref: IS/1177/04 dated 4 September 2004, the assignment signed by M. RAMELGIA ANWAR (Vice Corporate Security). 5. 1 (one) original Interoffice Correspondence Letter with Garuda Indonesia letterhead, directed to OFA No. Ref: IS/1177/04 dated 15 September 2004 regarding the assignment, signed by RAMELGIA ANWAR (Vice Corporate Security) with serial number 00781.---------- 6. 3 (three) original letters dated 8 September 2004 signed by POLLYCARPUS BUDIHARI PRIYANTO BHP addressed to VP Corporate Security PT. Garuda Indonesia.----------

7. 2 (two) original letter dated 8 September 2004 signed by POLLYCARPUS BHP addressed to the Flight Operational Manager of PT. Garuda Indonesia.---------- 8. 1 set of original letter dated 8 September 2004 addressed to V.P. CORPORATE SECURITY PT. GARUDA INDONESIA signed by DEFENDANT POLLYCARPUS BUDIHARI PIRYANTO No. 522659 about Assignment Report PDZ-2270/04.---------- 9. 1 (one) ID Card bearing the name of POL. BUDlHARI PRIYANTO No.522659 Position Aviation Security issued on 16 June 2004 signed by VP.HR.MANAGEMENT DAAN ACHMAD.---------- 10. 1 (one) original Tax Invoice Novotel Apollo Singapore bearing the name of DEFENDANT POLLYCARPUS BUDIHARI PRIYANTO F/O Garuda GA 826 Room No.1618 arrived on 6 September 2004 left on 7 September 2004.---------- 11. Monthly Schedule Original under the name of DEFENDANT POLLYCARPUS BUDIHARI PRIYANTO dated 1 August s/d 26 September 2004.---------- 12. 1 (one) original set of Kininklijke Merechaussee Distric Schiphol Algemene Recherche, Dossier Onderzoek Niet Batuurlijke Dood MUNIR Geboren : 08-12- 1965 te Ma1ang, Indonesia.---------- 13. Copy of the letter “Verslag betreffende een niet natuurlijke dood”, issued by HB Dammen as “de Officer van Justitie in het arrondissement Haarlem”, 7 September 2004.---------- 14. The letter

“Voorlopige Bevindungen” issued by dr R. VISSER as Patholoog of Menisterie van Justitie - Nederlands Forensich Instituut, in Rijkwijk 8 September 2004.---------- ---------- 15. 16 (sixteen) pages of containing photos of Mr. MUNIR during Sectie dated 8 September 2004.---------- ---------- 16. The letter from dr R. VISSER of NFI to Mr. E. VISSER official of Arrondissementsparket Haarlem dated 13 October 2004.---------- 17. The letter of postmortem examination report Pro Justitia No.04-419/R102 made by dr R. VISSER from Ministerie van Justitie-Nederlands Forensisch Instituut dated 13 October 2004.---------- 18. The letter “Deskundigenrapport, voorlopig rapport” issued by dr. K.J.LUSTHOV, apotheker-toxicoloog from Ministerie van Justitie -Nederlands
Forensisch Instituut, Zaaknummer 2004.09.08.036, Uw kenmerk BPS/XPOL Nummer PL278C/04-08133, Sectie Nummer : 2004419, dated 1 October 2004. 19. Letter “Deskundigenrapport, voorlopig rapport” issued by dr. K.J.LUSTHOV, apotheker - toxicoloog from Ministerie van Justitie – Nederlands Forensisch Intituut, Zaaknummer 2004.09.08.036, Uw kenmerk BPS/XPOL Nummer : PL278C/04-08133, Sectie Nummer : 2004419, dated 4 November 2004.---------- ---------- 20. Copy of letter containing transfer of legalized documents from Ministerie van Justitie to the Republic of Indonesia Embassy dated 25 November 2004.-- 21. 1 (one) NOKIA Hand Phone with brown and black casing and sim card number 081596690617. 22. 1 (one) photocopy of legalized General Declaration for flight Jakarta-Singapore dated 6 September 2004.---------- 23. 1 (one) original General Declaration for flight Singapore-Amsterdam dated 7 September 2004.---------- 24. One Memo Pad belonging to the Defendant POLLYCARPUS.---------- 25. Acer Travel Mate Notebook series 4000 Model ZL I and its bag.--------- 26. Nokia 9210 Hand Phone, CE 168 type RAE-3N.---------- 27. Sim card Telkomsel No. 621010 0013006566.----------Considering that the General Prosecutor has brought forward their witnesses in trial and provided testimonies under oath with the following main points:---------- ------- **1. Witness SUCIWATI** í That the witness knew that Defendant did not possess family relationship;------- í That the witness was the wife of the deceased MUNIR and

the witness knew that Munir was an activist who, among others, was opposed to the Draft of Bill on the National Army and policies regarding Aceh;---------- ---------- í That MUNIR's activities during his life had earned him a lot of challenges such as letter bomb terrors, threats from military and thugs both at home an in the office;---------- í That MUNIR had been hospitalized for 7 days in 2003 due to heart problem;---------- ----------

í That in 2004 victim MUNIR had undergone Medical Check Up and was declared healthy overall;---------- í That for 1 week before his departure to the Netherlands, victim MUNIR always ate with the witness;---------- ---------- í That the plane ticket for victim MUNIR was bought by IRMA NURJANAH and Garuda was chosen based on the victim MUNIR's desire and it was in Economy Class;---------- ---------- ---------- í That MUNIR during his flight Jakarta Netherlands did not carry antimopills.- í That the witness knew and met the Defendant on 8 November 2004 at Garuda Office for the purpose of asking about the chronology of the death of Munir, who was the witness' husband;---------- í That the witness on 2 September 2005 received a call in Munir's Hand phone from someone who claimed to be Poli from Garuda, asking if Munir would really go to the Netherlands, to which the witness answered yes he would on Monday 6 September 2004 in Garuda flight;---------- í That upon the witness' answer, the person claimed to be Poli said that he would fly together with Munir;---------- í That the witness then informed MUNIR of the phone conversation, and asked whether he knew Poli from Garuda, to which the witness' husband said that it was strange and Poli acted as if he had known the victim well;---------- í That on 6 September 2004 at around 19.00 WIB, the witness and Munir were at Dunkin Donuts Soekarno-Hatta Airport for the victim's departure to Netherlands, Munir's friends came, such as: PUNKY, RATNA, UPIK IRMA, SUGIARTO and AAL, the victim then drank his chocolate milk but did not finish it so the witness finished it;---- í That according to the witness' observation in the airport before the departure, Munir looked healthy and a while later after the witness bid farewell, at around 21.00 WIB Munir sent an SMS informing that his boarding went smoothly and that he was fine and well; ----------

---------- í That the witness learned about MUNIR's death on 7 September 2004 via telephone from Usman Hamid after Maghrib Prayer call;---------- í That in order to confirm the death of victim MUNIR the witness called Garuda but was unable to get confirmation, after which the witness called Ibu Lili who owned the place where Munir was supposed to reside in the Netherlands, and Ibu Lili explained that it was true that Munir had died;---------- í That on 8 September 2004 the witness together with PUNKY, INDARTI, RUSDI MARPAUNG, USMAN HAMID and RASIM went to the Netherlands and arrived in the Netherlands on 9 September 2004 and met the Netherlands Police and ICCO;---------- í That the witness saw her husband's corpse at the Martorium Schipol already dead and was wearing long white clothing that showed only the face, hands, hair and feet and while the witness was waiting she received explanation from the Netherlands police that victim MUNIR had undergone autopsy; ---------- ---------- í That for the autopsy the witness had given her permission.---------- í That on 9 September 2004 Munir's corpse was buried in Malang attended by the deceased's friends and family, meanwhile from Garuda there was no representative present;---------- í That the witness planned to visit Garuda to express gratitude and it happened in October 2004 during the first meeting, accompanied by Pungky, Rachlan, Rusdi Marpaung and T. Mulya Lubis, met with Garuda officials such as Indra Setiawan as President Director of Garuda and asked if there was a man named Poli from Garuda, to which Indra Setiawan said "Yes there was, an Airbus Pilot".---------- í That when the witness asked again to witness Indra Setiawan whether Poli was assigned to the Netherlands, lndra Setiawan said that "He was an Airbus pilot, not a Pilot for large airplanes to the Netherlands."---------- í That the witness had a second meeting with Garuda still in October 2004 to talk about the food that the victim had taken during the flight, which according to Garuda's explanation, victim Munir during the first leg Jakarta Singapore had fried noodle, 2 glasses of orange juice, while during the second leg Singapore-Amsterdam only had one glass of warm tea but did not had food because of stomachache.---------- í Still in October 2004 the third meeting was held in which the defendant was present, here the witness asked the defendant whether he had known the victim Munir and the defendant said that

the witness' husband had a good memory because they had only met once at Bundaran HI but he still remembered it.;---------- í That when the witness was in the waiting room the witness asked the defendant again why he gave his seat to Munir, to which the defendant said that Munir was a famous person and the defendant wanted to give him comfort and the defendant has obtained a permission from Purser Brahmanie;---------- í That on 9 October 2004 the witness received a letter extending congratulations for the death of Munir, may he not be beaten up by the spirits of the nation's heroes; -- í That on 12 November 2004 the witness received information about the autopsy result on Munir from the investigators which concluded that in the victim's stomach very high concentration of arsenic was found;---------- í That the witness in November 2004 received a package containing a severed chicken head, cow's legs and a note saying "beware! Do not prosecute Munir's case";---------- ---------- í That the witness still remembered clearly the voice that the witness heard on 2 September 2004 via MUNIR's hand phone asking about Munir's departure was the same voice that the witness heard when the witness met the defendant Pollycarpus face to face at Garuda office;---------- í That the evidence of shirt and trousers shown in court truly belonged to victim Munir, worn during his trip Jakarta-Singapore;---------- ---------- í That the witness' testimony in the police dossier during examination in front of the investigators would be maintained by the witness;---------- ---------- í That the witness requested that the defendant be punished equal to his crime and that the mastermind or the real perpetrator be brought to trial immediately according to the law, and the witness requested to be given permission to read her statement (attached to case documents) in front of the Panel of Judges; --------Upon the opportunity given, the defendant responded that it was true there was a meeting in Garuda with the witness and her friends with the purpose of good hospitality. The defendant never contacted or called Munir and the defendant had only met Munir at the glass door before his departure and the defendant felt that he had never given Munir a letter or anything to be posted in Switzerland or any other places, that it was true that the defendant had seen Munir at Bundaran during the distribution of flowers by Munir and his friends to car drivers or people at Bundaran HI;----------

---------- **2. Witness Ir. INDRA SETIAWAN, M.BA :** í That the witness confirmed his testimony in the dossier that was made and signed in front of the investigators.----------

í That the witness knew the defendant as the witness' subordinate, but there was no family relation;---------- í That the witness never assigned Pollycarpus to Singapore ; -- í That on 6 September 2005 the witness never issued a letter containing order for Pollycarpus ;---------- ---------- í That Pollycarpus as well as other Garuda employees were the witness' subordinates but not direct subordinates, the witness' direct subordinates were the directors;---------- ---------- í That related to Pollycarpus the witness had issue a letter to supervise assisting a work unit dated 11 August 2004 called Corporate Security unit and with this assignment the defendant would follow the existing procedures within the work unit as a temporary assistance but the defendant would stay with his profession as pilot, so the assignment that the witness wrote in the letter was under the principle of policies in which a person is assigned from one directorate to another directorate;---------- í That with the letter the defendant could perform work without permission from the witness again but still had to follow procedures which was his superior Ramelgia ;-------

í That witness received a report related to Pollycarpus' work in October 2004 from Ramelgia Anwar in which witness Ramelgia asked Pollycarpus to check a Garuda plane that was dumping fuel in Singapore ;-- í That the witness' reason to assign Pollycarpus at Corporate Security were based on several consideration: first that the witness knew him since 2003 and as a pilot he was diligent and in 2003 there was a pilot strike and Pollycarpus was one of the people who helped the witness; the second was that in corporate security there was Ramelgia Anwar who needed people especially who have access to the airport and that could only be done by a pilot, and Pollycarpus had been a pilot for 16 years, therefore the witness in August issued a letter regarding an assisting staff;---------- í That the witness did not know if the assistance assignment to Pollycarpus could be adjusted to the flight schedule;---------- í That the letter dated 11 August 2004 had been issued two times, first was signed and 11 August 2004 and the second was after that date when the police asked for the original, which was dated 17 February 2005;- í

That when shown the ID Card the witness confirmed that he knew that the IC Card was issued by personnel department;----------

í That there was a mistake in the writing of the date in Pollycarpus ID Card because the letter of assignment was different from the ID Card that said June while the letter of assignment said August, and there was a mistake in the personnel department in making that ID Card because the old format of June was not changed so that although it was made in August it still said June;---------- í That the witness obtained a report from Ramelgia that there had been dumping fuel in Singapore;---------- ---------- í That in Garuda Company there was no standard mechanism of a reporting, and that the letter given to Pollycarpus had indeed been dated 8 September 2004 and the witness had only read it by late September 2004;---------- ---------- í That the witness had never been asked by Pollycarpus to commit murder on Munir;---------- í That Garuda employee was not allowed to join as administrative in organizations/politics;---------- í That the witness picked up the victim Munir in Cengkareng and met the victim's family and the witness as the President Director immediately extended condolences;-- In response to the witness' testimony the defendant responded as follows: ------ í That it was true that the defendant wrote a report dated 8 September and the Defendant only submitted it on 15 September or 16 September via the Director of Operation, the Operational Manager and its carbon copy to the President Director who was busy at that time and it was given to Ramelgia first;---------- í Regarding ID Card the defendant was less meticulous to notice that it had stated an old date;---------- ---------- **3. Witness M. RAMELGIA ANWAR**

í That the witness knew the defendant but there was no family relations;--- í That the witness had been examined by the investigators and that all the testimony that he had given before would be maintained;---------- í That the witness was on a duty trip on 2-4 September 2005 in Balikpapan for airport survey and on 4-7 September 2005 was in Ujung Pandang and on 8-11 September was on duty in Denpasar;---------- í That every time the witness had a duty trip the witness always received an Assignment Letter from the Director of Strategy and General Affairs;----------

í That on 16 September 2005 the witness received a report from the defendant, then he called witness Captain Karmal for coordination purposes with the intention to explain about the follow up for the letter from the President Director;---------- ---------- í That witness Captain Karmal explained that Pollycarpus had departed without assignment letter and that he did not want to bear the expenses arising from the defendant's trip, and this was from the witness' initiative and not based on report from Captain Karmal;------ í That the letter from the President Director addressed to Pollycarpus dated 11 August 2004 No. GARUDA /dz-2270/04 stating that Pollycarpus was assigned to assist at Corporate Security apart from carrying out his main assignment as a pilot;---------- í That every assignment must have permission from superior and that the instructions must be clear, in this case had to obtain from Captain Karmal either written or oral permission and the schedule would be adjusted with Captain Karmal's permission;-------- ---------- í That it was Rohainil Aini who managed flight schedule;-- ---------- í That Rohainil had no authority to issue a note for the defendant to carry out an assignment without permission from Karmal and if this happened then it would be the responsibility of the one executing the assignment;---------- í That the defendant said that Karmal requested a correction on the letter dated 15 September. That on 17 September the witness corrected the letter dated 15 for expenses purposes;---------- ---------- í That the letters that the witness corrected were interoffice letter from the witness to Chief Pilot Captain Karmal without any carbon copies based on the communication via telephone on 15 September with the purpose of charging the cost/ budget allocation. The cost was probably borne by my unit;---------- ---------- í That the letter dated 15 September I wrote on 15 September 2004, and for the one dated 4 September was written on 17 and dated 20 September 2004 was in the file; í That the defendant was assigned to assist at corporate unit not based on the witness' request;---------- í That the witness had once talked with the defendant after the Letter of Assignment from the President Director was issued, but the witness had never assigned the defendant to go to Singapore on 6 September 2004;---------- í That the report from the defendant on 16 September 2004 was about dumping fuel, and as far as the

witness' knowledge the defendant did not clarify dumping fuel to anyone in Singapore;----------

í That the defendant was assigned at Aviation Security without having any specific requirements;---------- í That Dumping Fuel was not part of the assignment from Aviation Security;---------- ---------- í That in Garuda there was a standards of reporting, and the Defendant's report did not meet the existing standards;---------- ---------- í That Rohainil had no authority to change schedule;---------- í That the defendant departed on 6 September 2004 to Singapore not to carry out assignment as assisting staff at Aviation Security;---------- ---------- í That the defendant's ID card had the wrong date, and after the mistaken ID Card a new ID Card had not been made;---------- í That when performing assisting assignment the defendant still used the wrong ID Card;---------- ---------- í;---------- ---------- í That when the witness issued the letter he had not coordinated with Ramelgia, but 2-3 weeks prior to that the witness did talk to Ramelgia. And the witness maintained his testimony;---------- í That the briefing to the defendant on 13 was as the defendant's superior as a follow up to the letter from the President Director;---------- í That during the time the witness knew and worked with the defendant, the defendant had never talked about Munir;---------- í That regarding the letters in debate, none of them was destroyed but none of them was used;---------- ---------- í That the witness never instructed to destroy one of the letters and the witness put the letter dated 15 in file and the one dated 4 was made on 17 but there was no file so the one made on 20 was prepared for the file;---------- ---------- í That the three letters were all signed by the witness himself;----- í That the initiative to change the letters were based on Captain Karmal's request;----------

í That the color of the ID Card for crew was red and for ground officers was blue;---------- ---------- --------That the witness objected regarding several issues: flight permission could be obtained in writing, orally and via SMS; the defendant had requested permission for his departure to Singapore; the

motive was the a promised opportunity to have a chance to study in Singapore;---------- **4. Testimony from witness: ROHAINIL AINI,** í That the witness knew the defendant but there was no family relations;---------- í That the witness had been examined during investigation level and that the witness would maintained her testimony stated in the investigators' dossier;---------- í That the witness knew who Munir as but did not know him personally and learned about Munir's death in September;---------- í That the witness was assigned as Flight Operation Support Officer in charge of flight scheduling;---------- í Previously there was a schedule on 30 to go to Peking, I was asked by Captain Karmal to change and erase the defendant's flight schedule to Peking;---------- í That the witness' superior was Captain Karmal and the Captain had given her order orally to change the schedule on 30 August 2005 while the witness was at the Office and was face to face with Captain Karmal;---------- í That the departure to Peking was supposed to be on 5 to 8 September 2004 and the schedule change was dated 31 August 2004 No. Letter OFA 210 04;---------- í That the defendant contacted the witness at her office number at around 6 pm, and the defendant asked for Captain Karmal, "Is he in the office?", and the witness said no. And the defendant then informed her that he had an assignment from IF Ramelgia and that Ramelgia would contact Captain Karmal about the defendant's assignment in Singapore;---------- í That the witness made the notice of change and sent it to tracking unit for scheduling change via office boy;---------- í That the witness immediately responded and trusted what the defendant said because the defendant had said that the assignment was from Ramelgia and that Ramelgia would contact Captain Karmal;----------
í That the witness trusted and did not argue the defendant, because the defendant was a respected person as a senior pilot in Garuda;---------- í That the witness had never been contacted by Captain Ramelgia or Captain Karmal;-------
í That the witness issued the letter based on the letter from Indra Setiawan, but the witness did not remember the content and the letter was on the witness' desk;---------- í That the change of schedule was requested by the defendant himself;---

---------- í That if the Chief Pilot was not available the witness could make the notice upon the superior's approval;---------- ---------- í That the witness made the change of schedule without the approval from Captain Karmal;---------- -------- í That the witness was reprimanded by the superior and that she defended herself by saying it was because the defendant informed her that Ramelgia would call Captain Karmal;---------- í That the letter mentioned in the dossier was confirmed by the witness, which was the letter dated 6 September 2004 No. OFA/219/04, the one that the witness changed;---------- ---------- í That the notice of change related to defendant was made twice, the first was dated 31 August 2004 upon Captain Karmal's request and the second was dated 6 September 2004 upon the defendant's own request to fly as Extra Crew to Singapore in flight No. GA 974;---------- í That a change of schedule was usually made for various reasons such as family or other needs;---------- ---------- í That the act of changing the schedule was habitually authorized for airbus pilot in general and the writing of the notice of change to the tracking unit was not always known to the witness;---------- -- í That the change of schedule could be via fax, telephone, a direct visit, or an SMS could be acceptable because operational had to go on;---------- í That during the witness's conversation with the defendant related to the request for the change of schedule the defendant had mentioned Flight GA 974;---------- -------- For this witness' testimony the defendant responded: Defendant:---------- --- í That it was not true that he had said flight GA 974, what he said was the first flight out;---------- **5. Witness KARMAL FAUZA SEMBIRING;** í That the witness knew the defendant and the defendant was his subordinate as Garuda Indonesia airbus co-pilot and there was no family relation between the witness and the Defendant ;---------- ---------- í That the witness had been examined 3 times during investigation and a dossier was made based on the witness' testimony and that the witness signed it and that the witness maintained the content of the dossier;---------- ---------- í That airbus pilot could not fly other airplanes;---------- ---------- í That the witness knew Munir because Munir was well-known and the witness

learned about Munir's death from printed and electronic media on 8 September 2004 that the death had occurred on 6 September 2005;---------- í That the witness knew about the defendant's departure to Singapore from Captain Ronggo;---------- ---------- í That the witness did not know and was never contacted by the defendant and had never been informed about the defendant's purpose in his assignment as extra crew to Singapore on 6 September 2004;---------- ---------- í That on 06-09-2004 the witness returned from a flight to China;---------- í That the witness had not been contacted by Ramelgia about the defendant's assignment to Singapore. The witness summoned and reprimanded Rohainil Aini about the defendant's departure to Singapore;---------- ---------- í That the witness never gave either an assignment or permission to the defendant to depart to Singapore on 6 September 2004, and the witness never received a report from Rohainil Aini about the defendant's departure;---------- í That if the defendant wanted to carry out a non-flight assignment then he had to obtain permission from the witness as the chief pilot;---------- ---------- í That Rohainil Aini was not allowed to issue a letter without the witness' knowledge and approval and this standard procedure applied generally. In the defendant's case the expenses incurred had to be borne by the operational unit;---------- ---------- í That in normative terms for the change of schedule if there was a change, extra crew had to obtain permission from the witness as the chief pilot and if it was because of sickness or other reasons then it could be via Rohainil. For the defendant's case where he performed assignment from another unit and not a flight assignment then he had to obtain permission from the witness;---------- í That the witness during the first change of the defendant's schedule was talking about the defendant's request for a schedule change on 5-8 to Beijing, because on that date the defendant had an order from the IS to attend an event by Asosiasi Pilot Garuda (APG) at Hotel Ambara. Based on the order from the witness, Rohainil changed the defendant's schedule;---------- í That for the defendant's change of schedule on 5-6 September 2004 the witness had not instructed the change and if that change had been made by the defendant then the defendant would be sanctioned;---------- - í That the witness summoned the defendant and asked who permitted him to Singapore and the defendant said that he was assigned by IS to perform an audit on Boeing 747

plane in Singapore;---------- í That around 15-8-2004 the witness was summoned by the witness' superior Captain Ronggo as vice president of operation, and he reminded the witness that the President Director had assigned the defendant at the IS;---------- í That the defendant's departure to Singapore without the witness' permission had given disadvantage to the operational unit because the expenses for the trip were to be borne by the operational unit;---------- í That the witness never received the letter dated 11 August 2004 from Indra Setiawan because the carbon copy did not reach the witness;---------- í That the witness received two letters signed by Ramelgia Anwar, the first was dated 15 September 2004 via fax, received by Rohainil at 15.30 WIB and the second letter was received on 17 September 2004 dated 4 September 2004 delivered by the defendant to the witness, with an explanation that there was a mistake in the first letter;---------- í That the witness read both letters and there were no differences, same contents, only the date was different, one was dated 15 September and the other was dated 4 September 2004;---------- ---------- í That the content of the letter was assigning the defendant as extra crew to Singapore, Denpasar, Surabaya and that the expenses would be borne by IS;--------- í That basically the defendant could perform flight activities outside schedule the on 7, and the defendant was not allowed to fly, and on 7 the defendant had to be back in Jakarta, the schedule could not be changed anymore;---------- í That a pilot could perform other assignments and report to the superior from other units that assigned him;----------

í That the witness had 2 (two) ID Cards, blue for when he was on the ground and red for flight crew;---------- í That the witness had been serving as a chief pilot for 5 years and that prior to this incident there had never been lack of communication between Ramelgia and the witness; --------For the witness' testimony the defendant responded:------- í About airbus pilot, they could not only fly airbus but also Boeing 747 and for other part the defendant did not have any objection;---------- **6. Witness EDY SANTOSO;---------- ----------** í That the witness did not know the defendant but knew the defendant's name, schedule, address and the position that the defendant held because such data was in Garuda computer. The witness did not have any

family relations to the defendant;---------- í That the witness had been examined twice by the investigators and the witness still remembered his testimony and would maintain its content;---------- í That the witness knew that the defendant's occupation was a Garuda pilot and that his position was as a co-pilot;---------- ---------- í That the witness had heard Munir's name on TV, that Munir had died on board Garuda plane;---------- ---------- í That the witness had seen the Gendec for the flight on 6 September 2004 from Jakarta – Singapore with Boeing Garuda 974 plane when he was examined by the investigators;---------- í That the content of the Gendec was individual flight schedule, leave, day-off and stand by, as well as the names of the crew;---------- í That the witness never saw the schedule and the change of schedule for flight 6 September 2004 with the defendant's name on it and he had not signed the schedule on that date because crew scheduling was done via SMS now and the hardcopy was made, especially because it had been Lebaran holiday and not signed;---------- í That the witness learned about the defendant's activities as a pilot/co-pilot on 5-8 September 2004, that he was supposed to go to Peking according to schedule;-------- í That the change of schedule on 31 August 2004 was via a letter signed by Rohainil Aini;---------- -------- í That the defendant's activities was changed from the flight schedule to Peking on 5 as the original, the activities on 5 and 6 were erased, a meeting on 7 and stand by on 8;-------- í That the schedule was applicable and binding;---------- -------- í That the budget for flight crew flying according to schedule was borne by the company;---------- í That the regulations must be the same between schedule and Gendec, and this was the only incident where there were differences;---------- í That usually Gendec was clean from any notes;---------- í That the schedule change was authorized by the chief pilot and usually happened minimum 6 hours before departure or, in case of emergency, 3 hours;---------- ---------- í That the witness received a letter from Rohainil Aini via an office boy about the defendant's change of flight and the witness did not read it because it was immediately handled by the witness' staff and the witness read it only after being examined by the police and afterwards he checked and it was true that there

was a change;----- í That if there was a change in the Gendec and it was not the same as the schedule then it would be reported to crew tracking and passed on to Gendec unit;----- ----- í That the system to create a schedule was after receiving crew operating pattern / PID, which could reach 60-70 PID per day and PID contained a 1 day flight, 2 day flight and et cetera and the program would process it, the input was manual but the process is done by computer;---------- í That in Pollycarpus' assignment as extra crew on 6 September 2004 Jak-Sing and then from Sing-Jak on 7 September 2004 his status was as Extra Crew;---------- --------For the witness' testimony the defendant responded as follow:---------- í That a schedule change can occur 30 minutes before departure;---------- **7. Testimony of Witness: ACHIRINA, SE;----------** í That the witness does not know the defendant and does not have family relations;------ í That the witness has been examined by the investigators and that she maintains her testimony as stated in the dossier;---------- -------- í That every flight crew must have an assignment letter to perform the flight in the schedule. If there is another assignment besides flight assignment then it must have a letter explaining about the trip for flight duty;---------- í That SPPD is issued by the assigning unit; that if an employee wants to perform duty trip then the trip must be acknowledged via SPPD and from the SPPD the trip expenses will be paid and the one issuing the departure tickest had rules. So if an employee has no SPPD that means the trip is not for duty;---------- í That the witness does not know about Pollycarpus' departure on 6 September 2004 from Jakarta to Singapore because the witness has only been in the position since April 2005;---------- ---------- í That the witness learned about the defendant's case from printed and electronic mass media;- For this witness' testimony the defendant has no responses;---------- **8. Testimony of WITNESS HERMAWAN;----------** í That the witness has been examined 4 times by the investigators and a dossier was made and the witness had signed it;---------- ---------- í That the witness knew the defendant because the defendant's name is in the computer's database;- í That on 6 September 2004 the witness received a letter from the Chief Air Base that said Pollycarpus was going to fly to Singapore;-------- í That based

on the letter No. 219 that the witness received and carried out, the result was informed via SMS to the defendant and the pick up was arranged;---------- í That there was a change of schedule performed by a staff named Charles Tambunan, the witness saw in the monitor screen of the witness' computer that the change of schedule occurred for Pollycarpus from standby into Singapore;---------- í That the witness learned about Munir's death when there was a report via telex from the plane that one of its passengers had died during flight Singapore Amsterdam;---------- í That Pollycarpus' change of flight had been requested and it was according to the proper mechanism that every time there is an open fly, we only see the employee number but not the name and;----------

í That if a pilot is on standby then the schedule can be changed on the same day;---------- í That minimum 6 hours before flying a crew has to be picked up in his home;---------- í That after the witness received the administrative note from Rohainil Aini, the witness then change Pollycarpus' schedule according to the existing ID Card, next a Crew Card On Order was issued for a pick up and our duty was to send news to Pollycarpus;---------- í That the witness has been on duty as Crew Tracking for 4 years;---------- í That the witness knows that Gendec is prepared at the departure station;---------- For the witness' testimony the defendant confirmed and had no response;---------- **9. Testimony of Witness: SUBUR MUHAMMAD TOPIK;----------**

í That the witness has been examined by the investigators and that all the information that he gave was correct;---------- í That the witness works as Garuda Indonesia employee and now is serving as Captain Pilot Boeing 747-400 Garuda;---------- í That on 6 September 2004 the witness was on duty as Captain pilot in the flight to Singapore for 1 hour and 20 minutes and that there was no incident during the flight;---------- í That the witness did not meet the defendant during the flight but he did meet the defendant on the ground because they were n the same bus on their trip to the hotel;---------- í That during the flight the defendant was as Extra Crew;---------- í That the witness does not know that the

defendant was walking around in the plane during the flight;---------- ---------- í That the witness doe not know Munir was supposed to sit at the back but then moved to the front;---------- ---- í That the witness does not know that during the flight the defendant went to the cockpit;---------- The defendant's response:---------- ---------- í That the defendant did come to the cockpit;---------- í It was ethical for us to always pay our respect to seniors;----------

10. Testimony of Witness: ALEK MANIKLARON ;----------

--- í That the witness has been examined by the investigators and a dossier was made and that the witness signed it;---------- ---- í That the witness knows the defendant because they are both Garuda Indonesia employee and they have no family relation;---------- í That the witness work at Garuda serving as VP Finance;---------- í That an SPPD for an overseas trip must be signed by the Corporate Director ;---------- ---------- For the witness' testimony the Defendant had no response;---------- **11. Testimony of witness : BRAHMANIE HASTAWATI;----------** í That the witness knows the defendant and has no family relation to him;---------- ---------- í That the witness has been examined by the investigators and that she still remembers the contents and that she maintain her testimony;---------- í That the witness was in flight Garuda GA 974 from JKT to Amsterdam transit in Singapore on 6 September 2004 as a purser;---------- í That among the active crew and extra crew the defendant was one of the extra crew and she saw the defendant entering the plane;---------- í That extra crew are plane crew who fly for assignment on the next duty and that for the defendant the witness does not know what the defendant's next assignment was after being extra crew;---------- í That in flight 974 there was one set of extra crew who would be active plus the defendant, totaling 21 extra crew;---------- í That the witness knows that the defendant got off the plane in Singapore and they were in the same bus in the trip to the hotel and during check in at hotel Novotel Apolo;----------

---------- í That the witness knows there was a passenger who died during the flight to Amsterdam, which is Munir;----------
í That the witness knows Munir and shook hands with him during boarding at seat 3 K and she bid him a good trip when she left the plane;---------- í That the crew boarded the plane first before any of the passengers;---- í That in general the seats for crew and extra crew depend on their ranks, business class for purser above. The defendant was supposed to be in business class;---------- í That the witness knew Munir's seat was in economy class no. 40G and the defendant asked for permission and about seat 40G;---------- í That passengers often moved but it is not a habit in Garuda flights;----------
---------- í That the witness showed the defendant to sit in premium class because there were many empty seats;----------
---------- í That the witness before take off saw Polly just sitting in his seat, and at that time Polly was wearing white pilot uniform with no ranks on it;----------
---------- í That during welcome drink Eva was on duty in premium class and Yeti in business class and it was done before the plane take off;---------- í That the witness did not see when the welcome drink was served to Munir;-- í That in Gendec the defendant's status was as extra crew, destined for Singapore and the witness read it;--
---------- í That meal serving was carried out by Yeti and prepared by Oedi in business class while in premium class Eva was with Tri;----------
---------- í That the witness does not know about the time the service the in business class was carried out because the witness was checking the economy class;----------
---------- í That during the flight the witness saw the defendant always around the business class and walking near the premium bar back and forth and was standing in front of the toilet in business class, and at that time the witness was about 1-1 ½ m from the defendant's seat in number 11 B;----------
------ í That the witness saw the defendant walking towards the upper deck before the curtain was drawn;----------
--- í That when Eva served the passengers in the premium class including the witness she did not see the service given to the defendant;----------
--------- í That after Munir died the witness did have direct contact with the defendant via HP when the witness was in Puncak. They talked about the report for flight GA 974

Jakarta-Singapore, where a passenger named Munir died, that the witness made and had to submit to the management.---------- í That the defendant contacted the witness via home telephone number several times and asked the witness to meet to match their perception and invited her to get a lawyer for when they are called to be examined, but the witness refused and said that Polly should not be afraid as long as he is not guilty because God is all-knowing;---------- í That apart from the defendant, Yeti also called the witness to say that the defendant had been calling Yeti;---------- í That meal service in the first leg Jakarta-Singapore was given once;---------- í That the witness saw the defendant went to the cockpit, but the witness does not know what he was doing;---------- í That during welcome drink there were orange juice and champagne and during meal service there were fried noodle and pasta while the drinks were orange juice, apple juice, tomato juice, beer, and others;---------- í That a change of seat from business to economy is allowed but economy to business is not allowed;---------- í That gendec is a document that has to be carried by an international flight containing the plane's data, registration, names of crew, route and this is obtained from the ground officers. Upon arriving in Singapore, Gendec was given to the ground officer in Singapore;---------- í That the defendant had swapped seats with Munir when the plane was still on ground, the authorization for an upgrade is with the KSU so it is not the witness' authority;---------- í That the witness saw Munir getting off the plane when they arrived in Singapore;---------- í That during meal service business class could not be seen from the premium bar because there was a curtain between them;---------- í That in flight 974 there were two active pursers and two pursers in extra crew 2, the active ones were the witness and Metry;---------- í That extra crew during the flight were sleeping except the defendant who was walking around, according to the witness' experience extra crew should sit nicely so that they do not disturb their colleagues on duty;-

í That the food and drink served during the flight was supplied by a caterer;---------- í That when the defendant called the witness and wanted to get a lawyer, as far as the witness remembers that was before the

witness and the defendant were examined by the police;---------- For the witness' testimony the defendant responded as follows:---------- í The defendant called the witness after he had been examined by the investigators because he was upset with the news in the media that cornered the defendant and because the defendant was not allowed to say anything by the company;---------- í I called Brahmanie so that the report could be finished quickly;---------- í About walking around in the cabin, I had a trauma of being beat up by passengers who were drunk when my parents died;----------

12. Testimony of Witness Oedi Irianto í That the witness knows the defendant and that he has no family relations to the defendant;---------- í That the witness has been examined by the investigators as a witness and as a suspect and in the defendant's case the witness will maintain his testimony as stated in the dossier;---------- í That the witness was in flight 974 GA on 6 September to Singapore as a steward whose work area included business class cabin and pantry;---------- í That the witness knew that the defendant was in the plane because they had met in the lavatory once;---------- í That the witness knew Munir was in the plane because he had seen the list of passengers and had seen him in mass media. The witness does not know Munir's seat number but he remembers that it was a window seat;---------- í That the witness had seen the defendant standing in front of the lavatory;---------- í That the witness prepared welcome drink by taking aqua and soft drink buavita and pouring them into the glasses that were on the tray. On the tray there were 3 champagne, 3 apple juice and 3 orange juice and the witness prepared around 16 drinks although he did not serve the drinks in business class because Yeti took the tray herself and the passengers could choose what they want and take the drink from the tray;----------

í That during meal service the witness did not know what kind of food was asked and eaten by Munir;---------- í That before welcome drink and after take off during safety belt instructions the witness saw Munir;---------- í That for the change of passengers' seats above the plane it was the purser's authority;-- í That the witness learned about Munir's death after returning from Singapore, when the Captain pilot gave

briefing on 8 September participated by one set of crew;---------- í That the witness does not know the defendant's next destination after the flight;---------- í That the witness was called via hand phone by the defendant 4 times around March. The calls were about complaints regarding the examination and the defendant's discomfort and damaged reputation in the media, there was a call from the defendant's wife. The first was about the examination, The second was about the discomfort, the third was about his damaged reputation and the fourth was from his wife;---------- í That during the flight the witness left the pantry for 5 minutes to stand by door 2.1;---------- í That the witness had not known he was going to fly and be on duty together with Yeti and the defendant, because he only found out he was going to fly with Yeti and the defendant 1 ½ hours before check in after being picked up;---------- For the testimony of the witness the defendant stated no objection;---------- **13. Testimony of Witness: TRI WIRYAMADI:----------** í That the witness has been examined by the investigators and the testimony that he gave was correct;---------- í That on 6 September 2004 the witness was assigned as a steward onboard Garuda GA 747 final destination Amsterdam but the witness's assignment was only until Singapore;---------- í That the witness was on duty to supervise the grouping of seats from No. 10 to 17 in the Pemium class under the lower deck;---------- í That the witness saw Pollycarpus sitting in seat No. 11 B;----------

í That the witness saw Pollycarpus three times during controlling time, twice standing near the Premium Bar, once standing in front of the toilet near door 21;---------- í That during welcome drink the witness had a duty to control and to service passengers on 12 while receiving other documents and he did not see Pollycarpus during welcome drink;----------

í That in the plane they had talked but only briefly, the witness asked "How are you, Mas Polly?", the answer was "Fine", then he asked where the defendant was going and the answer was "to Singapore";---------- í That when the witness saw the defendant he was standing at the Bart and he was not

doing anything;---------- í That the distance between the defendant's seat in the business class and the bar is more or less 3 or 4 steps;---------- í That the witness does not know what steward Odie and stewardess Yeti were doing;----- í That the witness does not know what the defendant went to Singapore for;---------- For the testimony of this witness the defendant responded as follows:----------
í It is not true that the distance from business class to the bar is 3 or 4 steps, it is about 10 meters instead. From where the witness was sitting, 2 or 3 steps is correct, and the toilet is quite far;------ í I had been in cockpit 15 since the plane was being pulled until take off after that I went down and sat in the Premium Bar;----------
-- **14. Witness YETI SUSMIATI :----------**
--- í That the witness has been examined by the investigators and all the testimony that she gave was correct;---------- í That the witness on 6 September 2004 was on duty as a stewardess in flight Jakarta - Singapore Garuda GA 974;---------- í That at that time the witness entered door 11 of business class;---------- í That the witness did not see the defendant boarding the plane but the witness met him in the alley between the locker food room and the Premium Bar;---------- í That in that meeting the defendant only greeted the witness with the words "Mbak, you work here?" and the witness answered "Yes";----------
í That at that time the defendant said he wanted to swap seats with No. 3 K and he already asked the purser's permission;----------
---------- í That the witness saw Munir sitting in business class lower deck No. 3K í That the witness served welcome drink after serving sauna towel first;----------
---------- í That during take off the witness saw the defendant in the premium class and he was standing at the mini premium bar ---------- í That apart from the drink the witness also served food choices such as fried noodle and pasta;----------
---------- í That the serving procedure for welcome drink is to present the drinks and the passengers can choose and take the drinks themselves, as for food the witness offer the choices, and after the passengers decide what to have then the witness take the chosen food and give it to the passengers;----------

---------- í That during landing in Singapore the witness saw Munir and Munir was in good condition;---------- ---------- í That the witness learned about Munir's death on 8 September 2004 at Changi Airport Singapore, while she was still in the boarding gate, from Captain Taufik Subur's briefing and information that there was a passenger from Jakarta who died;------- ---------- í That the witness had been contacted by the defendant more than ten times and during the first call the defendant complaint about feeling restless because of the news that cornered him and because there were many journalists at his home;---------- í That it is true that the witness served food and welcome drink starting from the front seat because it is the procedure;---- ---------- í That during welcome drink the witness took 16 glasses of drink and when she arrived at Munir's seat there were still around 8-10 glasses;---------- í That the drinks served in welcome drink were Apple Juice, Orange Juice and for International business class there was champagne;------ ---------- í That when the witness served welcome drink to Munir she offered him the drinks n the same manner as she did to all passengers, then I offered the choices and Munir took the drink himself;----------

í That it is true that there were two choices of food, fried noodle and pasta, then the witness offered Munir" Sir we have to choices of food, fried noodle or pasta", Munir immediately choose Fried Noodle;---------- í That when the witness served champagne and orange juice, the witness could not determine that the person sitting next to Munir would take champagne;---------- ----- í That during serving the two people sitting next to Munir asked for wine; í That the witness never put anything into the drinks while serving;---------- ---------- í That it is not true that the drinks that were left were all thrown away by Oedi;---------- í That the witness knew the person sitting next to the defendant was a Chinese of Dutch nationality, behind extra crew two people in front of passengers two people; í That while preparing and serving the food the witness did not see the defendant; í That the witness was examined by the investigators two times as a witness, then three times as a suspect;---------- ----- í That the food and drink that the witness served to Munir were all drunk and eaten;- ---------- í That the witness was shown the

photos of the reconstruction on 23 June 2005, everything that was explained and demonstrated was correct;---------- For this testimony the defendant confirm and did not deny anything;---------- **15. Witness PANTUN MATONDANG;---------- í** That the witness was examined by the investigators two times and all the testimony that he gave will be maintained;---------- í That on 7 September 2004 the witness flew Garuda plane from Singapore to Amsterdam;---------- í That in the flight on 6 September 2004 the witness was there as extra crew and he saw Pollycarpus in the plane;---------- í That the witness learned about Munir's death about three hours before landing at Schipol Airport Amsterdam;---------- í That the witness received the news from Najib Nasution, that there was a passenger named Munir who was sick, then the witness instructed to find a doctor and asked for help;- í That according to the report from witness Najib, there was a doctor helping and Munir had been moved, I asked that the condition is monitored and to inform me if there was any significant change. After about 4 hours of flight Najib went up again and I asked him for news and he said that Munir was a bit relaxed and handled by a doctor;---------- í That approximately 3 hours later witness Najib reported that Munir had died;------- í That related to the death I wrote a certificate of death;---------- í That it was then submitted to our representative in Amsterdam;---------- í That in the Netherlands the police came;---------- í That during the witness' time as a pilot there have been two passengers who died in the plane;---------- í That if there is a passenger who die on the plane the pilot must write a complete report;---------- For the testimony of this witness the defendant did not respond;---------- **16. Witness: TIA DEWI AMBARI;---------- í** That the witness knows the defendant, but has no family relations to defendant;---------- í That the witness was examined during investigation and a dossier was made and the witness maintains her testimony in that dossier;---------- í That the witness does not know Munir but know who Munir was and knows that Munir died during her flight and it was 6 September 2004 when she was flying Jakarta-

Singapore as extra crew and Singapore – Amsterdam as active crew;---------- ---------- í That the witness knows Majib as a purser;---- ---------- í That the witness served as a stewardess in the plane during the flight Singapore – Amsterdam in seat no 40 G, there were 50 passengers including Munir, and that Munir greeted the witness first before take off and that the deceased asked for Promag medicine around 10-15 minutes before take off. During meal service 30-40 minutes after take off. However the deceased did not want to eat and said that his stomach was unwell and asked for warm sweet tea;---------- í That the witness saw Munir going to the toilet before meal service and that at that time the witness was serving another passenger. The witness saw when Munir passing by when he was going to the toilet in the middle and the witness saw him going into the toilet once;-- ---------- í That the witness knew Munir was sick during her break and the witness knew because there has been a commotion and the witness heard from purser Majib that there was a passenger who was sick;---------- ---------- í That the witness does not know the defendant's activities in the plane during flight Jakarta-Singapore because the witness was sitting in economy class and the witness used the time to rest. And the witness did not see Munir;---------- ---------- For the testimony of this witness the defendant stated no objection;----------

17. Witness MADJIB RADJAB NASUTION;----------

-- í That the witness knows the defendant but has no family relations to the defendant;--- ---------- í That the witness was examined by the investigators and will maintain his testimony as written in the dossier;---------- í That in the flight on 6.09.2004 destination Jakarta Singapore, the witness left from Jakarta as extra crew and never saw the defendant because he was sleeping during the flight and sitting in seat 4K. The witness did not see seat 3K either;---------- ---------- í That the witness knows Munir was in the plane during the second leg Singapore – Amsterdam;--- í That as a purser the documents that the witness held for the flight was the Gendec containing the names of active crew and extra crew for flight Singapore-Amsterdam. The preparation of Gendec is computerized and the defendant's name was crossed out and it had been crossed out on the ground and the person authorized to do that was the station manager and it was not reported to the

witness, he simply asked “where did he go?” and the answer was that it had been canceled;---------- í That during take off Singapore – Amsterdam, the witness did not see Munir, and he only knew that Munir was in the plane more or less 2 hours after take off from Singapore, because Bonda, a colleague, reported that Munir was sick and already frequented the toilet six times. He was given Dr. Tarmizi’s name card, Munir’s friends, and the purser was asked to find the doctor’s seat so the witness and Bondan went to find him in the Manifest, found that he was sitting in 1J and a while after Munir came to Purser station asked for help to find Dr. Tarmizi. The witness and Bondan then came to the doctor but it took a long time to wake the doctor up. Shortly Munir came around seat 4 D and the witness told him that the witness had not been able to wake the doctor up and the witness invited Munir to wake the doctor up together. Munir then explained about his complaints but because there were 3 or 4 passengers, the witness told them to move to 4 D. The doctor then examined Munir and said “Give him salt water”. One of the witness’ friend made it but Munir refused every time he was given the drink so the doctor injected him by asking for doctor’s scep. The doctor asked for intravenous but it was not available, only first aid kit was available. Finally the doctor gave Munir diatab. Munir was quite relaxed but still moaning. After that Munir went to the toilet again, assisted by Asep and Bonda. Upon returning the doctor examined Munir again. But Munir kept groaning and the witness asked Munir to say prayer (istighfar). Finally Munir fell asleep;---------- í That after being injected Munir fell asleep on the floor where he used the footrest as a pillow. Then the witness asked Bondan to get a blanket because Munir wanted to sleep on the floor and we took turns guarding him. In the morning when we were preparing for serving the witness asked, “Doctor, is it ok that Munir had not eaten anything since from Singapore?” “Oh, it’s ok. If Munir wakes up again the doctor will shiver again out of pity”. We all could not bear the thought of Munir in pain and we helped with what the doctor needed. After service, the doctor slept again. The witness turned off the lights then the witness saw Munir and held Munir’s hands. The witness felt that the hands were rather cold so the witness took a flashlight and saw that the hands were blue. The witness called the doctor and the doctor immediately came to Munir and held his hands, which were indeed cold. The doctor tapped Munir’s shoulders and called his name. “Dead. Purser, if a human had diarrhea he can survive for another 2-3 days,

there must be something wrong. You ask for autopsy when you arrive in the Netherlands", said Doctor Tarmizi. The witness immediately reported to the Captain that Munir had died. The Captain asked the doctor to make a death report;---------- í That during landing, as soon as the plane doors were opened, the Netherlands Police immediately asked the witness questions. The police had been contacted because according to doctor Tarmizi we needed ambulance. All of us including doctor Tarmizi was interrogated by the Netherlands Police;---------- ---------- í That after that the witness made a trip report that he sent to Jakarta because he was asked to;---------- ---------- í That the doctor said that he knew Munir from the lounge and it was the doctor who gave Munir his name card;---------- í That there was a list of medicine in the first aid box and as far as I know, my friend in the Netherlands named Yan said that the doctor's kit was taken by the police;---------- ---------- í That the witness does not know what doctor Tarmizi injected into Munir, he only saw that the injection came from a package from the doctor's kit;---------- í That the witness remembers Mr. Lie sitting in 3J with the physical characteristics of a Chinese and that they never communicated. Only during the second injection that he saw Mr. Lie talking to doctor Tarmizi because Mr. Lie claimed to be a pharmacist and the witness knew he was a passenger from seat 3J his wife and it was true that this passenger from 3J was sitting near seat 3K;---------- í That before the second injection they had the dialog first and then the injection. The first injection was in the left arm and the second was in the right arm. Between the first injection and the second there was a 1- 3 hours interval. Munir had been vomiting before the injections were given;---------- í That the duration of the flight Singapore – Amsterdam was more or less 13 hours;---------- ---------- **18. Witness MUHAMAD BONDA HERNOWO;---------- ----------** í That the witness knows the defendant and has no family relations to the defendant;---------- í That the witness was examined during investigation and will maintain his testimony;---------- í That during the flight on 6.9.2004 the witness flew from Jakarta-Singapore as extra crew and Singapore – Amsterdam as a steward;--- í That Munir complained of

sickness after take off, more or less 2-3 hours after take off. The witness saw in person Munir's complaints when the witness was by door 2.2, Munir approached the witness and said, "may I meet my friend up front?" and showed the witness a name card. The witness contacted Majib to find Dr. Tarmizi. When the witness met Najib, Munir asked for toilet and the witness showed the toilet near door 1.1 and the witness went to wake Dr. Tarmizi up;---------- í That the witness saw Munir vomiting when in business class, in the lavatory;----- í That the witness learned about Munir's death after the witness served breakfast and was cleaning up and Majib called the witness. The witness then saw Munir in the position of holding the pillow and Majib said that Munir had died and it was agreed to move Munir's body to 4 J, K;---------- í That the witness was the first to know that Munir was sick and he then reported that to Majib;------- í That the witness does not know that the defendant was extra crew in flight Jakarta – Singapore because the witness had been sleeping during the flight;---------- í That the witness saw Munir during boarding and he was entering door 12;------- For the testimony of this witness the defendant said that he has no response;----------

---------- **19. Witness ASEP ROHMAN;----------**

---------- í That the witness was examined by the investigators and that all his testimony is the truth;----------

----- í That the witness works for PT. Garuda Indonesia as a steward;---------- í That during the flight to Amsterdam he boarded the plane from Jakarta as Extra Crew and that he did not see the defendant either on the ground or during the flight.;----------

-- í That from Jakarta to Singapore the witness was sitting in seat number 40 C;----------

------- í That the witness knows the deceased from TV and that the deceased was a human rights activist;----------

í That on the night of 6 September 2005 the witness saw Munir going to the toilet;--------

---------- í That the person serving meal to Munir was the witness' friend named Tia;---------- í That the witness had seen Munir vomited in the plane and the vomit even smeared the witness' body;------

---------- í That the witness did not see Munir died, but the witness helped picked up the body;----------

---------- í That during the flight from Singapore – Amsterdam

the witness saw there was still food under the seat;---------- For the testimony of this witness the defendant has no objection;---------- **20. Witness SRI SUPERMI;----------**

í That the witness was examined by the investigators and that all the testimony is the truth;---------- í That on 6 September 2005 the witness was in the flight to Singapore as extra crew and from Singapore to Amsterdam as active crew, in the same plane;---------- ---------- í That during the flight from Jakarta to Singapore the witness did not see the defendant because she was sleeping in the plane;---------- ---------- í That the witness saw Munir during the flight Singapore – Amsterdam and he was sitting in seat No. 40 G;---------- ---------- í That the witness learned about Munir's death but she did not see the corpse because she was afraid to see a dead body;---------- ---------- í That during transit in Singapore the passengers were allowed to leave the plane or stay in the plane;---------- ---------- í That the food served was from sealed packages and they sere still wrapped and sealed;--- í That the witness saw Dr. Tarmizi caring for Munir in the plane;---------- ---------- í That upon the doctor's request the witness took water from galeyand salt that was still in sealed package;---------- í That it was the witness who took the doctor's kit and the medicine used in the injection also came from the kit;---------- For the testimony of this witness the defendant has no objection;---------- **21. Witness DWI PURWATI PIPIH:----------** í That the witness knows the defendant because they had been in the same flight together;---------- í That the witness was a stewardess and on 6 September 2004 from Jakarta to Singapore she was as extra crew;---------- í That during flight 6 September 2005 the witness was sitting in seat no. 68 and did not see the defendant;---------- í That the witness saw the Gendec but he does not know the content because he did not read it and the gendec was carried by purser Najib Nasution;---------- í That the witness saw Munir during flight Singapore – Amsterdam;--- í That before his death, Munir complained of sickness and slept on the floor; í That the witness saw Munir vomiting

and the vomit even smeared the witness' body;-- í That during flight Singapore – Amsterdam Munir was in seat No. 4 D and E and kept moving places and previously he was sitting in seat No. 40 G;---------- í That when the evidence Munir's clothes was shown to the witness the witness confirmed the evidence;---------- ---------- í That during welcome drink the drinks served were orange Juice and champagne and no other food;---------- í That Mr. Lie (passenger from No. 3J) told the witness that the food eaten was the same and the witness asked what it was and the answer was fried noodle;---------- ---------- í That during transit in Changi for more or less 1 hour passengers were not confined in one place but were allowed to walk around;---------- ---------- í That the General Prosecutors then showed the witness evidence in the form of clothes and the witness was asked whether she knew the evidence and the witness said yes, she had seen the clothes and they were the ones worn by Munir;---------- ---------- í That the witness saw Munir's body and at that time somebody recited the Al-Quran and it was Asep;---------- For the testimony from the witness the defendant does not object and has no response;---------- ---------- **22. Witness Dr. TARMIZI HAKIM FICS FCCP;----------** í That the witness was examined by the investigators in the case of the defendant Pollycarpus two times and the witness signed the dossier;---------- í That the witness served as the Director of Rumah Sakit Jantung Harapan Kita Jakarta;--------- í That the witness had met Munir when they were about to board the plane in Singapore and the witness gave his name card to Munir;---------- í That the witness knew that Munir was sick in the plane because the witness was sleeping when somebody woke him up and the witness cared for Munir willingly;---------- í That Munir was having severe stomachache and already frequented the toilet six times and vomited. The witness told Munir to sit down and gave him the medicine available. Munir often went to the toilet in the plane. After professional diagnosis, emergency treatment was given by giving medication three times, Neo Diatabs 3 tablets, Santak one tablet and Promag one tablet plus Primperan injection. Munir complained of restlessness and wanted to sleep, and he was then given sedative---------- ---------- í That before Munir died the witness asked him what he had eaten previously and Munir said he had eaten nothing but thought

that he had drunk orange juice and it was wrong because he had stomach ulcer. The witness said that the pain was not because of orange juice because orange juice would not cause diarrhea so there must be other food;---------- ---------- í That the witness did not see Munir died because he fell asleep;---------- í That the witness was told by Najib Nasution to see Munir because Munir did not move. The witness went to see Munir and Munir was already dead, there was no pulse and the face was pale. The heart had stopped;--------- í That the witness was examined at the airport by the airport doctor assigned and by the Netherlands police so that he was held back and did not perform operation that day;---------- í That the witness sat beside Munir for more or less 1.5 -2 hours;------ í That the witness knows that the passenger s sitting in seat 3 J was of Dutch nationality but the witness forgot. The witness had a chat with him and he had said that he was a pharmacist, he was a Chinese and had Dutch nationality;---------- í That from Jakarta to Singapore the witness never left his seat and immediately went to sleep;---------- ---------- For the testimony of this witness the defendant did not object;---------- **23. Witness : MOHAMAD CHAIRUL ANAM;----------** í That the witness knows the defendant and has no family relations to the defendant; ---------- í That the witness was examined by the investigators and a dossier was made and he will maintain his testimony;---------- í That the witness learned about Munir's death from the Director and the witness joined Munir's funeral in September 2004;---------- ---------- í That the witness knew about Munir's departure plan to the Netherlands;---------- í That the witness met Munir 2 days before departure and Munir was healthy;---------- - í That before Munir's departure to the Netherlands there were several celebrations held by Munir's colleagues;---------- í That the witness knows that Munir had been banned by Hendro Priyono from the National Intelligence Agency (BIN) several times when Munir was planning to go to Switzerland;---------- í That Munir said that his departure plan to the Netherlands had been known by others outside Munir's circle and that Mbak Suci received a call from that person;---------- ---------- í That after Munir died the

witness heard from Suci that the person who called claimed to be Pollycarpus and during the meeting in Garuda Suci found out that the defendant's name exists in Garuda;---------- ---------- í That before he died, Munir received an invitation from BIN which was extended by a third person;---------- ---------- í That the witness after Munir's death carried out a meeting with the former Deputy BIN Bedja Subiyakto;---------- ---- í That the witness learned from Bedja Subiyakto that the defendant knows Andhika, who is Hendro Priyono's son-in-law when he was assigned in Papua;---------- ---------- í That the witness learned from Usman Hamid that there were 35 telephone conversations between Muchdi and the defendant;---------- ---------- í That in his lifetime Munir often received terrors via telephone and followed by strangers and that it was all related to Munir's activities;---------- For the testimony from this witness, the defendant stated the following response; í That the defendant does not know Hendro, Muhdi and Andhika; **24. Witness: H. MUCHDI PURWOPRANJONO;----------** í That the witness does not know the defendant and has no family relations to the defendant;---------- ---------- í That the witness was a former Deputy V of the national Intelligence Agency (BIN) and now he is a BIN agent and he has been examined during investigation and he confirms his testimony;--------- í That the witness does not know Munir but he knows Munir by name and in his knowledge Munir works at Kontras;---------- í That the witness learned about Munir's death from the mass media;---------- í That during the witness' time in BIN there was never an assignment to track people who are outspoken and the witness told someone to contact Munir's seniors to remind him and these seniors are many including Mulyana Kusuma and Adnan Buyung Nasution. Usually the witness would say it in several occasions so not directly or specifically and to Adnan Buyung the witness had done so but does not remember when and where. The witness said "Please remind Munir not to be too outspoken";---------- ---------- í That in the witness' opinion Munir was considered outspoken. Outspoken means criticizing government's policies especially criticizing TNI and the National Intelligence Agency (BIN);---------- ---------- í That Munir is not one of BIN's targets;----------

---------- í That the witness used the hand phone number 0811900978 since 1995 and he was using it around September 2004; That the witness never contacted Pollycarpus; ---------- í That the witness had owned the hand phone with the number 0811900978 since 1995 but not under the witness' name but a company's name. That the hand phone has not always been in the witness' possession and the witness has not been the only one using it, instead, anyone can use it;---------- í That the witness himself did not contact the defendant, maybe it was someone else who contacted 27 times with the number 081584304375;---------- í That the witness does not predominantly use that number because the witness has another number which is 0816818182 which was used since 1993 but is now used by the witness' children, since a year ago;---------- í That on 25 August, 3, 6, 7 September and 17 November 2004 the witness does not remember precisely where he was;---------- ---------- í That the witness did not contact but admit that there was a contact between no.0811900978 and no 081584304375;---------- ---------- í That the print out result shown in court is confirmed by the witness but the witness felt that he never contacted Munir via hand phone number 0811900978;---

í That the witness never saw and heard the defendant's name and Munir's name in BIN's circle. He never heard about the defendant receiving special assignment from BIN;---------- ---------- í That the witness never saw in BIN a list containing the names of outspoken people;---------- ---------- í That the witness does not know Yeti and Oedi;---------- í That the witness never contacted the defendant;---------- í That the witness does not remember to whom he left the hand phone because at that time anyone could use it because it is paid by PT Barito Pasifik. The hand phone can be used by anyone;---------- ---------- í That the witness never heard of BIN inviting Munir;---------- í That the witness and BIN did not follow and observe Munir's plan to go to the Netherlands;---------- ---------- í That the witness is not aware of BIN' banning against Munir;---------- For the testimony of this witness the defendant does not object----------

25. Witness EVA YULIANTI ABBAS;---------- í That the witness knows the defendant but has no family relations to the defendant;---------- í That the witness has been examined in the case during investigation for the defendant's case;---------- í That the witness is willing to be examined as a witness in this case;---------- í That the witness was in flight Jakarta-Singapore as a stewardess in Garuda Boeing 747400;---------- í That the ones entering the plane first were the crew before the passengers;--- í That the witness saw Pollycarpus in the plane sitting in premium seat 11 B;---------- í That during her duty in that flight the witness was assigned in premium class and during welcome drink before the plane took off the defendant took orange juice. After welcome drink the witness did not see Pollycarpus again in his seat. When the witness was taking dirty wares she only saw the defendant's glass. The defendant's chair was empty and the defendant was no longer in her seat. The time between the witness' serving welcome drink and taking the dirty glasses was around 5 minutes. The number of passengers in the premium class at that time was 17;---------- í That the witness did not see Pollycarpus after the plane took off, during landing and while going to the hotel;---------- í That the witness learned about Munir's death when the witness was about to return to Jakarta from the Captain during briefing;---------- í That the witness served meal to the passengers in the premium class but did not serve meal to the defendant because the defendant was not in his seat;---------- For the testimony from this witness the defendant responded that: the defendant went to the cockpit before take off and did not see the witness serving welcome drink; ---------- **26. EXPERT ADDY QURESMAN ST;----------** í That the witness does not know the defendant except by name;---------- í That the witness has had a dossier made after being examined, which the witness signed and will maintain;---------- í That the witness heard about Munir's death and saw the autopsy result at Bareskrim and the first time at the Indonesian Embassy in DEN HAAG when he was assigned to take the visum result on 25 .11.2004 to 04.12.2004 with a team consisted of Kombes Anton Sarlian, Prof.Amarsing from USU Medan, Andi Bastian from DEPLU

and dr.Agung and the witness met the toxicology expert in the Netherlands;---------- í That the witness and the team discussed with the toxicology expert about the level of arsenic and asked how such a high amount could be found in Munir's body. The expert said that arsenic level is more prominent than others are after a re-test. The discussion was an informal one. They asked about the test method. There were + 5 people in one team and the conversation was carried out in English;---------- í That from the result of the last examination the Netherlands team explained that there was 460 mg/liter Arsenic in the stomach, which means that the liquid left in the stomach contained 460 mg/Liter arsenic. If calculated with the amount of liquid that means that there was 180 ml arsenic or 82.8 mg arsenic and this is close to the deadly amount to be available in the body of an adult. There is a literature that said 120-200mg Arsenic Trioxide can be deadly if found in an adult's body. This is equal to 90-150 mg. The amount left in Munir's body was 82.8 mg, close to 90 mg because some had been secreted. It can be confirmed that arsenic entered the body orally because the high amount in the stomach can be caused by food/drink;---------- í That the form of arsenic that enter Munir's body was unable to be determined by the witness and the team because they were not able to perform direct examination. From the discussion with the Netherlands team the form and the compound or the origin could not be defined either;---------- í That arsenic can be dissolved because orange juice has acid characteristics and arsenic does not change the color. Arsenic can dissolve faster with heat and acid;---------- í That according to existing reference the symptoms can be seen between ½ hour to 60 minutes, maximum 3-4 hours, after arsenic enters human body. This depends on the person's body resistance;---------- í That arsenic poisoning symptoms are pain in the stomach, dizziness, vomiting, and also diarrhea or weakness and difficulty to move, burning sensation in the throat, weak memory and may end up in death;------- í That the witness did not see the stomach liquid in person, reference said that the color is muddy like water after it is used to wash rice;---------- í That in this case, a death was suspected to be of unnatural causes, then it was analyzed and other prominent things were found such as high level of ARSENIC. The sample is taken generally for general examination and not

specifically to examine Arsenic poisoning; í That the amount of Arsenic such as 1-2.5 mg arsenic trioxide/kg body weight, in the victim's case this means 55 x 2.5 = 125 mg, can be deadly while in the victim's body there was 82.8 mg and this could either be deadly or not;---------- í That arsenic poison is a bit difficult to dissolve but easier with hot water;---------- ---------- í That arsenic is a kind of insect poison, usually used to poison rats and can be bought easily in certain places that sell it;---------- ---------- í That according to the witness' observation and discussion with the Netherlands experts, the corpse examination system (autopsy) that was performed by the Netherlands has met the standard using complete equipment;---------- ---------- for the testimony of this witness the defendant has no response because he does not understand; -

27. EXPERT DR. RIDA BAKRI, Mop;---------- --- í That the witness did not know the defendant;---------- í That the witness has been examined during investigation and maintain the testimony;---------- --- í That the team did not perform direct examination on the victim's body;--- í That Arsenic was found in high amount in Munir's stomach liquid and urine, 83 milligram arsenic and this was quite deadly;---------- ---------- í That the form of Arsenic in Munir's body is not clear because it has been in the stomach. It was also found in the blood, 3.1, and in the urine, around 4.8 milligram per liter;---------- í That Arsenic concentration is quite high, around 21 gram per liter. It could have possibly entered through drink or sprinkled on food;---------- í That 30 minutes after Arsenic enter the body its reaction can be seen through symptoms such as diarrhea, dry throat and spasm.;---------- í That arsenic is odorless but after it reacted it will smell like garlic;---------- ---------- í That Munir's death was caused by high level of arsenic in his body, which could react in 60 minutes with a 30 minutes deviation;---------- í That Arsenic was possibly given during the first leg Jakarta-Singapore;---------- ---------- í That if arsenic is put into orange juice it will not release odor and difficult to dissolve in a cold juice;---------- í That arsenic if mixed with hot drink or food will dissolve quicker;----------

---------- í That seeing the content of the stomach to decide what the victim consumed is difficult and cannot be done;---------- ---------- í That arsenic can be obtained easily in Indonesia and usually used by farmers to exterminate pests in their rice field;---------- For the testimony of this witness the defendant stated no response;----------

28. EXPERT H. Dr. BUDI SMIPURNO, S.H.Sbf;----------

---- í That the witness does not know the defendant;---------- ---------- í That the witness has been examined during investigation and a dossier was made and that the witness maintains his testimony according to the dossier;---------- ---------- í That the team did not examine the victim's body themselves but discussed it with the team from the Netherlands;---------- í That arsenic was found in Munir's blood, 3.1, and urine, 4.8, and stomach 0.46 gram/milliliter in 180 milliliter stomach liquid. This means a high amount;---------- ---------- í That literature says that symptoms will appear minimum 10 minutes after arsenic enter the body. The symptoms arising are pain in the stomach and dry throat. Those are the most visible. Minimum within 10 minutes and maximum within 90 minutes with 20 minutes deviation. The witness calculated that arsenic entered Munir's body during the flight Jakarta-Singapore;---------- í That based on the examination result by the Netherlands team, arsenic will be difficult to be dissolved in the orange juice and will tend to look like cough medicine liquid, but it will be dissolve quicker in hot food;---------- ---------- í That arsenic is also called warangan and is usually used to washkeris and as rat poison;---------- í That the witness and the Indonesian team did not perform second opinion but only preparing report in the form of a dossier and the analysis has the same nature, no difference; -------- ---------- For the testimony of the witness the defendant has no response. **29. WITNESS AFIRIYANTO;----------** ---------- í That the witness knows the defendant and has no family relations to the defendant; - í That the witness was examined during investigation and maintain his testimony;---------- ---------- í That pilot is in command and co-pilot is second in command or

the second person in command in the plane. Pilot and Co- Pilot can be called crew;--- í That according to the witness a pilot is given and carried out flight assignment but if the company has special policy then the witness is unaware of it;---------- í That a pilot who will actively perform flight assignment is called extra crew, extra crew passenger is not general passenger but someone on assignment who sits in passenger seat; í That extra crew who is not active must have assignment letter from schedule unit, chief pilot and operational manager about where the assignment is and when. Upon arriving at the destination they do not have to report to the representative office because the document is usually sent first to the destination place so that they know that the pilot is active;---------- í That the witness carry and read the schedule before flight assignment and we usually get 2 week before the flight;---------- í That to change the schedule a person must have a formal letter and usually based on Chief pilot or operational manager's order. It is accepted by the pilot who changes the schedule;---------- í That to swap seats in the plane from business class to economy class or vice versa is regulated by Company operational of each company. Usually before the door is closed it will be the ground staff and if afterwards it will be the stewardess reporting to the Captain because he is responsible;---------- For the testimony of this witness the defendant has no objection; **30. EXPERT RIZAL ALI BALU WEEL;----------** ---------- í That the witness does not know the defendant and met the defendant at the Police office and has no family relations to the defendant;---------- ---------- í That the witness has been examined during investigation and will maintain his testimony;------ í That the witness learned about Munir's death from mass media and he does not know Munir;---------- --- í That extra crew is crew who become passengers, and who will perform the next flight assignment. That the witness has not found extra crew who is not flying in the next flight but it can be the company's policy and the extra crew will have an assignment letter to perform the assignment;---------- ---------- í That in general flight schedule is when a person receives flight assignment from the scheduler and this assignment is obtained from the Chief Pilot. Chief pilot refers to the order from the Operational Manager or the operational unit in the company. The schedule is issued weekly or bi-weekly according to needs and to change schedule first

we have to report to the schedule unit and then to the chief pilot for flight assignment. Operational Director as direct superior also gives reason not to fly. If sick then there must be a doctor's certificate. Then a change can be made by schedule unit with the chief pilot's permission. This permission can be given orally or in written form. The substitution is the chief pilot or operational director's authority;---------- í That crew with flight assignment or crew who will have flight assignment must be included in Gendec if it is an overseas trip. If it is a domestic trip then a dossier will be made and noted in the schedule;---------- í That if it is a flight between two countries with a transit in another country then the Gendec is made in the first departure place, and further change will be made in the next stopping place where testimony from the next station is made to represent the company, in this case it is usually the operational unit in the next station. If there is a change then the crew has to report and the responsibility to report is also with the person responsible for the flight, in this case the Captain pilot;---------- í That to change Gendec the first responsibility is with the Captain Pilot, he has to know the change in the Gendec, signed by the Captain Pilot or authorized agent. Usually a name can be crossed out by immigration but the reporting is done by the company's local agent and the Captain Pilot;- í That it is common for a pilot or a co-pilot to be assigned in aviation security but the witness is not familiar with the term because the witness has never seen a pilot performing such assignment and receiving such assignment. However, each pilot in a company receives Avsec knowledge, meaning that a pilot or crew is responsible for security/safety related to their flight assignment by protecting the safety of themselves and their flights;---------- í That if a pilot is assigned as extra crew and performs an assignment based on assignment letter from the President Director, the procedure is according to his expertise, and it has to be understood by the pilot, especially if the assignment requires special skills and knowledge. Such assignment usually has a deadline and after it is performed the pilot must submit report to the one giving the assignment;---------- í That Quality Insurance is part of technical issues. A technician has authentic technical skills to examine matters related technical issues. Dumping Fuel is included in quality insurance; Usually a Pilot or co-pilot does not perform such assignment. A pilot or co pilot who experiences such problem may report to the operational unit and the issue will be

surveyed by Insurance unit;---------- í That a person in performing an assignment must obtain an assignment letter first. The same thing applies to flight assignment, a pilot must have an assignment letters;---------- í That as simulator for flight assignment, which is training and departure, the witness can fly as extra crew or passengers;---------- í That it is possible for an airline to have a different policy from another airline, including for the scheduling management that the witness explained; í That Gendec is issued for each flight and for 974 Extra crew is written in gendec. Gendec was prepared by the station manager;---------- í That each pilot must posses avsec;---------- For the testimony of this witness, the defendant responded that:---------- í Avsec is a must for each pilot in Garuda;---------- í Company Policy for scheduling is not with the chief pilot but another unit in Garuda; í In Garuda, a pilot can perform managerial assignment;---------- í Dumping fuel is only to find the truth about the incident;---------- **31. Expert Dr. CHAIRUL HUDA SH.MH;----------** í That the witness does not know the defendant and has no family relations or work relations;---------- í That it is true that the witness was examined by the investigators in the case of the defendant Pollycarpus;---------- í That during the examination by the investigators the witness was shown a letter Number : IS/1177/04 addressed to OFA;---------- í That the witness was also shown two letters, each dated 4 September and 15 September 2004. He was asked in relation to the definition of a falsified letter, that if two letters have the same content but with different dates, can it be determine one is valid to be used in bureaucracy system and the witness says yes it can. It is the one made based on the applicable regulations;--- í That if one of the letters explained about an incident that has happened before the letter is issued, which results in accommodation expenses, is it allowed. The witness said that if seen from the way the letter was made then it has met article 263 (1) KUHP that it was made wrongly. The article mentioned two ways that a letter can be called falsified. First is by faking it and second is making it in such a way that will give a right to a person. The fact that there are two of the same letter indicated that the letter had been made wrongly.; ---------- í That a letter which is made not according to the

date written or the content is different from the real situation constitutes a falsified letter;---------- í That the letter made by an authorized officer also constitutes falsified letter;---------- í That if the letter mentions that the accommodation expenses is charged to, and a person uses the letter that the letter is falsified and the person is said to be using a falsified letter;---------- í That definition of a letter is an expression of thought in written or printed by writing tools. Second, in KUHP there is a limitation, which is falsifying the second letter by making it in the wrong way;---------- í That for the testimony of this witness, the defendant has no response;---------- -------- Considering that based on the statement from the General Prosecutors that they are unable to bring forward their other witnesses although the witnesses had been summoned several times appropriately and therefore the Prosecutors request that their testimony be read out in court. The Panel of Judges granted the request and the testimonies from witnesses: **1. AGUSTINUS KRISMANTO., 2. HIAN TAN a.k.a ENI., 3. LIE KHIE NGIAN., 4. LIE FON NIE ., 5. MEHA BOB HUSSAIN., 6. Drs. NURHADI JAZULL** were read out in court as stated in their dossiers attached in the case documents;---------- --------Considering that the defendant and his Defense Counselors team objected and the defendant denied the testimonies;---------- ---------- --------Considering that the defendant and the Defense Counselors team bring forward their witnesses (witness A Decharge), who each explains in court under oath the following main points:----------**1. Witness BENICTUS BAMBANG KUSTARIYO;**---------- í That the witness knows the defendant but has no family relations to the defendant;---------- í That the witness flies Boeing 747 400. The witness often flies such plane Jakarta-Singapore-Amsterdam and already has 17,000 flight hours for the route from 1992 until now. This month alone he has done it 4 times;---------- í That the witness has had departure delay and changed flight schedule;---------- ---------- í That the witness knows the defendant as a colleague of the same profession and that he knows the defendant well;- í That the witness heard about Munir's death from the news;---------- í That during his time as a pilot in Garuda the witness has never heard any bad record

about the defendant;---------- í That the witness does not know whether the defendant is a BIN agent or whether anyone else in Garuda is a BIN agent;---------- í That during his time with Garuda he has never heard about any plans to murder Munir;---------- í That the witness knows that the defendant has Avsec education because he is a Pilot;---------- For the testimony from this witness the defendant stated no response;---------- **2.-PRABOWO NARENDRO;----------** í That the witness knows the defendant but has no family relations to the defendant;---------- í That the witness is a purser who has been in countless flights Jkt-Sing-Amsterdam and the average time for transit in Singapore is 1 hour;---------- í That active crew usually enter the plane, followed by non-active crew/extra crew;---------- í That the witness has seen AFL in every flight. Block-off is when the block for the plane is taken from the plane and according to AFL, from Cengkareng at 15.02 UTC, block-on 16.40 in Singapore, total time from block-off to block-on was 1 hour 38 minutes;---------- í That welcome drink is served around 30 minutes before block-of;---------- í That welcome drink is usually served after at least 90 % passengers are seated. Welcome drink is served in 3 minutes. All glasses are arranged and distributed to the passengers. The content of the glasses is + 60 cc; Welcome drink is prepared in the galey/kitchen. There are three kinds champagne, orange juice and apple juice. The stewardess then carries the glasses offers the passengers to choose their own drinks.;---------- í Orange juice is prepared cold from the caterer in a package sealed using a special tool. For the serving in business and premium classes, welcome drink is served the same way. We serve and the passengers take their own drinks;---------- í That a change of schedule is usually revised via electronic media that we have;---------- í That the witness knows about gendec and has the obligation to read it. If there are changes, the witness will report to Remdispater. Gendec contains a list of active and non-active crew;---------- í That extra crew may or may

not have boarding pass;---------- í That in a flight it is the obligation of active crew and non-active crew to greet each other and a co-pilot usually visits the cockpit to greet each other;---------- í That a person can have double assignment although his profession is a pilot or cabin crew. The person may perform an assignment outside his main assignment. The witness experienced this in 1997 as customer fair and invoice service and he had 2 different ID cards;---------- í That it is possible to see the cabin directly from door 21;---------- í That cabin crew can swap their boarding pass with other passengers and the witness has seen this;---------- í That the time interval from block-off in Cengkareng to block off in Singapore is 2 hours 51 minutes in total;---------- í That there are magazines and newspaper in the mini bar and the witness has seen people sitting there reading magazines or newspaper;---------- í That seats can be swapped during flight, reported to purser then to the Captain; Before the door is closed, it is the responsibility of the station manager and it can be done by swapping boarding pass. After the door is closed, it has to be reported to the Captain Pilot;---------- í That the curtain is closed after take off, shortly before the cabin crew start their activities;---------- í That for a flight that takes 1 hour 38 minutes, food and drinks are served first according to the passengers' request in business class. Usually the drinks are complete during meal service;---------- í That it is not allowed for extra crew to walk around in the plane and disturb passengers' comfort;---------- í That upgrade is different from swapping seats;---------- í For the testimony of this witness the defendant generally has no response;---------- ----------Considering that the court has heard the defendants testimony which contains the following main points;---------- í That the prosecutors' charges are not correct;---------- í That the defendant has been examined several times during the investigation;---------- í That the defendant is married with one wife and 3 children;---------- í That a co-pilot or a pilot flies a plane and their assignment is to fly the plane by considering safety, regularity, comfort and economy. As a co-pilot it is the defendant's duty to obey flight regulations and to follow instructions that are assigned by the company;----------

----- í That the defendant's direct superior is Captain Karmal Sembiring and Captain Karmal is the Chief pilot;---------- í That the defendant is under the command of the Director of operational, at that time it was Rudi Hardono and now he has been replaced by Captain Ari Supari;---------- í Obeying flight regulations, following orders assigned by the company;---------- ---------- í That the orders that the defendant received were given orally or in writing and spontaneously;---------- ---------- í That the defendant's special assignment is as a co pilot and if there is another assignment then the scale of priority is based on the order. If the defendant is ordered to fly then the defendant will fly and if he is given another assignment then the defendant will carry put the other assignment;---------- ---------- í That the assignment as a co pilot is regulated in a schedule, may be reverse, may be picked up and the schedule can be managed;---------- ---------- í The defendant received flight schedule for September in his box on 30 and 15 of the month. It can be varied. It may be earlier or later. The activities in the schedule is managed by the scheduling crew and the schedule is binding the defendant because it is written clearly;---------- í That the letter from the Director that the defendant received on 11 August 2004 signed by President Director Indra Setiawan contained an assignment as assisting staff;---------- ---------- í That when the defendant is not flying, the assisting assignment is an obligation for him to do because the order came from the President Director;---------- í That on 5-9 the defendant's schedule to Peking was the main assignment but the defendant did not do it because any pilots can change their schedule when there is a deviation. If there are other assignments or policy from the chief pilot, the schedule can be changed. Even a chief pilot can experience deviation. At that time there was an event to join a pilot meet and greet, which is important because all pilots are invited by the pilot association. It is important for the company's future considering many pilots were thinking of quitting from Garuda. Pilots are company's asset and we should handle such situation. The written order came from Rohainil Aini;---------- í That the defendant joined the meet and greet on the 7 and the letter is from the association. There is no assignment letter but the schedule has been changed;----------

------ í That the defendant accept the change of schedule from the officials in the office. The defendant's first schedule was not signed but it is still valid;---------- í The first change of schedule is different from the second;---------- í That the one on 6 September 2004 had not been a flight to another place but the defendant had been put on stand by Karmal;----------

í That change came from Karmal and the defendant received the change after 30 August;---------- í That for the trip o Singapore the defendant was assigned to assist and received a briefing both from operational manager and operational director regarding the assignment in order to accelerate the company's development. The one changed into the flight to Singapore used a letter from the President Director and an oral briefing;---------- í That the Director's letter does not state the assignment explicitly, it was flexible, general, can be perform anytime, also during flight assignment and without an assignment letter the assignment can be done;---------- í That on 6 September 2004 the defendant contacted Rohainil Aini. At that time, the defendant was on his way from the home of one of the defendant's friends in Moderen Land with Pak Budi to visit Pak Sitorus. The defendant asked for Karmel and said that the defendant has an assignment from Ramel. For which Ramel will ask for permission to Karmal. Maybe with the first flight to Singapore because there are many flights. The defendant contacted Rohainil Aini before 12 noon;---------- í That the defendant never contacted Munir's hand phone number and in Suciwati's testimony it is not true that the defendant called Munir's hand phone;---------- í That the regulations from active crew into extra crew is done in the company. Cockpit crew or cabin crew who become common passengers in the plane if there was a flight or courses. Therefore when the defendant was studying in Paris the same thing applied. The defendant became extra crew with Garuda then interland with another plane and then back as extra crew again. The defendant's activity from active crew into extra crew was that the defendant got off the plane, picked up by Garuda staff and mentioned that the defendant had an assignment from Garuda central office to learn about the incident on 28 August 2004 such as dumping fuel that the plane did so it could rise, hotel accommodation for 400 passengers, and the plane was flown home empty. The defendant asked to confirm and to learn about

it;---------- í That the defendant wrote a report about the defendant ‘s activities in Singapore in general. For the explanation the defendant directly met Karmel and the defendant wrote one report and sent the carbon copies to the President Director and the Operational Manager;---------- ---- í The defendant wrote the assignment report once dated 8 September to the Operational Director, Operational Manager and Ramelgia Anwar. Also according to the mechanism he had to send one to the unit who gave the assignment, which is aviation security, Ramelgia Anwar and according to the briefing from the operational manager;---- -------- í That the defendant did not report to Garuda local representative;---------- í That the defendant confirmed to a mechanic that he met in flight 737 that the defendant took to return to Jakarta;---------- í That the defendant knows Munir from the mass media and talked to Munir in the plane while he was still in the bridge towards the plane. The defendant had met Munir previously in Bunderan HI when the street was jammed and flowers and flyers were distributed. When the defendant talked to Munir it was only a small talk, for good service only;---------- í That the defendant’s boarding pass stated business class 3K;---------- ------ í That the defendant offered the seat to Munir and reported to Brahmanie for the swap;---------- í That in front of the door the stewardess greeted the passengers and the deceased asked about his seat number and the defendant saw that his boarding pass stated economy class. Then when the defendant put his bag in the overhead, he asked Brahmanie as well as asking for permission. When the defendant looked in the direction of the defendant’s seat, Munir was already sitting there. Then Brahmanie greeted Munir and gave the defendant a seat in the Premium class;---------- ---------- í That from where the defendant was sitting in the Premium class he could not see seat no 3K. In the Premium class the defendant sat in seat 11 P for a while then went to the cockpit;---------- í That the defendant did not see welcome drink being served;---------- í That flight Jakarta Singapore took more or less 1 hour 38 minutes ;---------- -------- í That during the flight the defendant mostly read magazines but during take off and landing he was sitting down. He mostly stood up and left his seat. The defendant went up for 15 minutes;---------- í That the defendant already knew that on 7 September he had to be in Jakarta but he could take the 8 o’clock flight

after obtaining the data;----- í That the defendant upon returning to Jakarta did not buy a ticket because it had been arranged by the company;---------- ---------- í That the defendant met Oedi and Yeti when the defendant went to the back from pantry through the toilet partition. Oedi saw him and said hello, no other words. The defendant met Yeti in the corridor but the defendant forgot what he said at that time;---------- í That the defendant's activities in the plane at the mini bar reading aviation magazines in Dutch language. He did not read in his own seat because he was tired of sitting down and he had hemorrhoids;---------- ---------- í That the defendant cannot speak Dutch;---------- ---------- í That when he fly a plane he often stands up and ask permission from his colleague and then perform a little exercise without leaving the cockpit;---------- ---------- í That the defendant was standing near the premium mini bar without feeling that he disturbed other passengers because at that time there were only a few passengers in the plane;---------- í That before take off I went to the cockpit to meet Captain Subur and shortly before take off the defendant said "Capt I 'm coming" then the defendant returned to his seat and after take off the defendant stood up again to go to the toilet and the defendant went to the toilet twice ;---- ---------- í That the defendant did not meet Munir when he left the plane;---------- í That the defendant learned about Munir's death from radio El Shinta on 8 September 2004 in the morning while he was shopping. The defendant knew that Munir was buried in Malang from mass media;-------- ---------- í That the defendant remembers giving testimony that he swapped seats with Munir because Munir was a famous person. The defendant did that as part of his service for the customer. The defendant had swapped seats before, such as with Amien Rais during flight Jakarta-Denpasar. At that time, the defendant was extra crew and Amien Rais was in economy class. Via Amien Rais' personal assistant, they swapped seats, then the defendant took pictures with Amien Rais;---------- ---------- í That the defendant's reaction when he heard about Munir's death was disbelief. The defendant was shopping with the defendant's wife and heard the news on the radio;---------- í That the defendant knew about the visit by Munir's family to Garuda when the defendant went to the office after Lebaran and met the victim's wife;--------- í That when welcome

drink was served the defendant did not see stewardess Yeti Susmiati serving Munir. The defendant knew only from Yeti's claim that she served Munir;---------- í That the defendant did not see Oedi Irianto's activities but he knew that Oedi's activities were in the pantry. the defendant met Oedi between the pantry and the toilet;---------- í That the defendant's assignment to Singapore was for a job related to company's aspect and aviation to find information whether there had been deliberation in the dumping fuel incident;---------- í That the defendant was in Singapore for more or less 5-6 hours;---------- í That the defendant did not remember the name of the mechanic because the defendant did not need to know the name only the information. The defendant knew he was a mechanic because a mechanic usually carries logbook, checking the next trouble, and seeing that there was a report. Before that the defendant had met that person. According to the defendant it was the best way because it was on the spot and it would yield good data instead of to the office. That accurate data can only be obtained via interview with the mechanic because the incident was in the past and Ramelgia had not received a report;------ í That the defendant does not have any interests in politics and culture;--- í That the defendant did not have meal service and did not know that Eva served welcome drink during the flight;---------- í That the defendant did not instruct and observed Yeti and Oedi in serving and preparing food;---------- í That there were two reports with different contents because according to the briefings from the defendant's superior, the report must be made immediately so that follow up action can be taken. The reports were combined and summarized;---------- í That the defendant did not know that he was going to meet Yeti and Oedi in the flight;---------- í That to ask about the names of passengers who are going to be in a flight the defendant can ask the central office where tickets are booked;---------- í That the meaning of the sentence to take the first flight was that if there was an earlier flight out of several flights available;---------- í That the defendant never asked Oedi and Yeti to serve drink to Munir;----------

í That the defendant never asked Oedi and Yeti to put arsenic into Munir's drink;---------- í That the defendant does not know Munir's habit and favorite drink because he had not known Munir before;---------- í That the Garuda office internal letter states clearly that the function of Aviation security (Avsec) covers 3 areas Jakarta-Singapore, Jakarta-Australia, Jakarta-Denpasar and Jakarta-Surabaya. The definitive area for Avsec is determined by looking at the situation and condition and it is determined by Ramelgia;---------- í That the defendant does not know if there is a standard form of reporting. The defendant only wrote the report according to what he obtained and more elaborately and the report was accepted by the management;---------- í That the defendant went to the President Director because of this incident. If there is no such incident the defendant can simply meet Ramel and Ronggo. The response to the report was that the report is accepted. That the use of the defendant's departure to Singapore resulted in the defendant's report to know the facts for crosschecking purposes and to track a large cost. There was a thank you from Ramel, Operational Manager, Ruddy AA, Operational Director;---------- í That the defendant was promised to be sent to Singapore to study Avsec. This was promised by Ramelgia orally and the Director of Personnel, Daan, was there;-- í That in practice an assignment does not have to be preceded by an assignment letter;-- í That the defendant's assignment to Singapore has been planned for a long time because of Ramelgia's busy schedule;---------- í That the defendant has never observed Munir's activities and is not interested;----- í That the defendant contacted Brahmanie via telephone to her home and hand phone, and she responded that the defendant be more patient in dealing with this. The defendant also contacted Yeti and Odie several times because after Munir's death the defendant was constantly being exposed and felt disturbed so the defendant called them to ask about their feeling;---------- í That Munir seemed happy and healthy when he entered the plane;---------- í That the chronology of the invoice is after finishing Singapore on 8 we made the report. Usually if there is no incident it will not be a problem but due to Munir's death the defendant was summoned. At that time, Ramelgia has just returned from a flight. The chief pilot ordered Ramelgia that the expenses to Singapore are charged to his unit then

the defendant gave the letter dated 15.09.04. afterwards, upon request from Karmal to Ramelgia, it was changed into 4.09.2004;---------- í That the defendant's telephone number 7407459 is under the name of Otong B. Sarman because the defendant has just bought the house. The defendant's mobile number is 08159690617 and office number is 08158202485;---------- ---------- í That on 6 September 2004 the defendant was picked up by the transport crew and it was arranged by Garuda transport crew. The defendant does not know who determined the flight on 6.09.2005, but there was a pick up car carrying a letter telling the defendant to go with flight GA 974;---------- ---------- í That the one who assigned the defendant was the company and no other institutions assigned the defendant;---------- í That the defendant does not know BIN people;---------- í That the defendant met Eni in Irian Dormitory;---------- í That the defendant never has the numbers listed in the print out;---------- ---------- --------Considering that the court has taken into consideration everything during court examination, in short, the content of this verdict will simply point the matters stated completely in the court dossiers, all of which are considered comprehensive and have been taken into consideration in the content of this verdict;---------- ---------- --------Considering that based on all the evidence put forward in court in their relations to one another, the court has obtained legal facts revealed in court and the following truth can no longer be denied:---------- 1. It is true that the defendant Pollycarpus Budihari Priyanto is an employee of PT. Garuda Indonesia with the position of Pilot for aircraft Air Bus 330;---------- 2. It is true that the defendant's direct superior is witness Karmal Fauza Sembiring as Chief Pilot who is in charge all of the flights with Air Bus;---------- 3. It is true that witness Suciwati is the wife of the late Munir ;---------- 4. It is true that Munir is the Head of Kontras which is one of non-governmental organizations**,** who is known to criticize Government's regulations, especially the Indonesian Armed forces (TNI) and National Intelligence Agency**,** Human Rights (HR) and missing people;----------

5. It is true that Munir was recognized among the National Intelligence Agency as someone who was vocal and often criticized the government so much so that he was

reminded not be too vocal in voicing his criticisms. However, he remained a stern critic of the government;---------- 6. It is true that on the 6th of September 2004, Munir left for Amsterdam (The Netherlands) to study in Utrecht;---------- 7. It is true that the defendant contacted the witness Rohainil Aini through telephone to ask to leave for Singapore with flight GA 974 as extra crew on non-flight duty on the 6th of September 2004;---------- 8. It is true that on the request of the defendant, witness Rohainil Aini made and signed the note of change No. 219/04 dated 6 September 2004 to depart the defendant to Singapore with aircraft Boeing 747-400 Flight GA 974 on the same day of 6 September 2004 by using the name of Chief Pilot Karmal Fauza Sembiring;---------- 9. It is true that the departure, type of duty and the purpose of the defendant to and from Singapore - Jakarta, is unknown by the witness Chief Pilot Karmal Fauza Sembiring as direct superior of the defendant.;---------- 10. That witness Indra Setiawan as Chief Director of PT.Garuda Indonesia made the Letter of Assignment Number GARUDA/DZ-2270/04 dated 11 August for the defendant with carbon copy to the Director s of OF,IS,ID;---------- 11. It is true that perform a duty trip to Singapore, Surat Perintah Perjalanan Dinas is needed and must be held responsible by the bearer.;---------- 12. It is true that the witness Ramelgia Anwar as Vice President Corporate Security has made 2 (two) letters which has two different dates for the same type of duty, which is Interoffice Correspondence Assignment Letter addressed to the Chief Pilot A330 to allow the defendant Pollycarpus to be on-duty as non-active crew for sectors JKT -SUB-JKT or JKT -DPS-JKT or JKT-SIN-JKT . each was - 1 (one) Letter of Assignment dated 15 September 2004 which was made on 15 September; and 1 (one) letter dated 4 September 2004 which was made on 17 September 2004;---------- **13. It is true that 2 (two) letters made by the witness Ramelgia Anwar on 15 and 17 September 2004 was for the defendant's Duty letter before his departure to Singapore on 6 September 2004;--- ;----------** 14. It is true that besides the 2 (two) Letters of Assignment which had two different dates and was made later after 6th of September 2004, the defendant did not have any other letter of assignment which states his journey to Singapore as non-active crew or extra-crew.

;---------- 15. It is true that when the defendant left for Singapore on the 6th of September 2004, the 2 (two) letter of Assignment had not been made by witness Ramelgia Anwar;---------- 16. It is true that witness Ramelgia Anwar had never informed the defendants departure to Singapore to the witness Chief Pilot Karmal Fauza Sembiring, the defendant's direct superior ; ----------17. True that type of Passport used by the defendant for his departure to Singapore was a green passport.;---------- 18. It is true that the defendant knew Munir and was inside the same aircraft with flight number Garuda GA 974 Jakarta-Singapore on the 6th of September 2004;---------- 19. It is true that the defendant offered his own seat in the business class number 3 K to Munir, who actually had a boarding pass for seat 40 G, that through the flight from Jakarta to Singapore Munir sat on seat 3 K, while the defendant as advised by witness Purser Brahmanie Hastawati, moved his seat to 11B, not 40G.;---------- 20. It is true that along the flight, the defendant met and spoke with a number of people, such as witness Brahmanie Hastawati as Purser, witness Oedi Irianto who was on duty as a steward to serve drinks (welcome drink) and food (meal), also witness Yeti Susmiarti who was on duty as stewardess to serve and give drinks and food for the passengers in the Business class ;---------- 21. It is true that the drinks (welcome drink) were distributed before the plane departed from (block off) from Jakarta, food serving (meal) was done when the plane had taken off and reached a stable height (stable) with the signs for seatbelt -on been turned-off. ;---------- 22. It is true that in serving the drinks (welcome drink) in Business class, passengers are allowed to choose and help themselves, and that for food (meal), passengers can choose or order from the menu/option given by the stewardess, next the stewardess will bring the meal that was ordered to the passenger, ;---------- 23. It is true that witness Yeti Susmiarti was on duty to give the option for the drink (welcome drink) to Munir before the take off, and Munir chose to drink orange juice and took the glass himself from the tray and drank it until it was finished;----------
24. It is true that the witness Yeti Susmiarti was also on duty to serve food to Munir, that was prepared and shelved after take-off. , and Munir ordered fried noodles, then the Witness Yeti Sumiarti took the fried noodle that had been prepared in the food shelve and

gave it to Munir, then Munir ate the fried noodles until it was finished;---------- 25. It is true that witness Oedi Irianto oversaw all of the activities done by witness Yeti Susmiarti during the serving;---------- 26. It is true during the flight Jakarta-Singapore, the defendant only sat in his seat number 11 B during take off and landing, aside from those times, the was never in his seat, did not eat the food that was server, walked about in the business class area, standing in front of the premium bar and the business class lavatory;---------- 27. It is true that all the extra crew , during the flight rested and slept on their seat, except for the defendant who was never on his seat;---------- 28. It is true that the journey Jakarta-Singapore from take-off to landing took 1 hour and 38 minutes;----------
29. IT is true that when Flight No. GA 974 transited in Singapore for more or less than an 1, all passengers left the plane and headed for the waiting room, then boarded the house again with different crews who were the extra-crew from Jakarta-Singapore;---------- 30. It is true that inside nor around the waiting room was there shops or people selling food or drinks;---------- 31. It is true that the defendant stayed the night at the Novotel Apollo Hotel in Singapore and checked-in himself. After resting, in the morning of September 7th 2004 at 7.30 Singapore time, the defendant went back to Jakarta;---------- 32. It is true that until the defendant's departure to Jakarta, there was no Changi airport official that the defendant met to do an inspection on the aircraft GA 974 which had a problem (dumping fuel) on the fourth week of August 2004;---------- 33. It is true that while transiting for one hour at the Changi Singapore, the Garuda plane flight No. GA 974 continued their journey to Amsterdam after 01.00 Changi Airport with Captain Pilot Pantun Matondang;----------
34. IT is true that after serving the welcome drink, Munir felt pain in his stomach and asked for promag to the witness Tia Dewi Ambari , who at that time passed his seat 40 G, however, the Promag medicine was not able to be given as it was unavailable on board;---------- 35. IT is true that 15 minutes after take off, all staff started to serve dinner (meal) to the passenger. When Munir was served his dinner, he refused to eat and requested warm tea with sugar, then Munir felt nauseous and went back-and-forth to the

toilet during the serving of dinner;---------- 36. It is true that after less than 2 hours of the flight, Munir went to see witness Bondan who was a steward on duty and told him that he (Munir) was sick and vomited a couple of time, and wanted to see and checked by witness Dr.Tarmizi, who was seated in Business class. After Dr.Tarmizi was woken-up, and gave emergency help to Munir in the business class with medication that was available on board;---------- 37. It is true that during the care by Dr Tarmizi, Munir was moved to seat number 4 which was empty. Munir had a recurring stomachache, went to the toilet many times, vomited and was groaning in pain. Munir requested to be laid of the floor and was permitted by Dr. Tarmizi so he could sleep more comfortably;---------- 38. It is true that for about 3 (three) hours before landing in Amsterdam, Munir had died in the plane GA 974;---------- 39. It is true that Munir's body was autopsied and that the result was concluded by the authority that Munir died due to oral arsenic poisoning ;---------- 40. That the arsenic poison that got in to Munir's body ,is possibly mixed with a drink or food;---------- 41. It is true that Munir's body was picked up by the witness Suciwati to Indonesia was buried in Malang on the 9th of September 2004;---------- 42. It is true that the heard the news through mass media that Munir had died in Garuda plane flight GA 974 on the way from Singapore to Amsterdam on 6th September 2004;------- 43. It is true that the defendant had made 2 (two) manually typed letters dated Jakarta, 8 September 2004 that was intended for the VP Corporate Security in Jakarta carbon copied to DZ GA, DO GA, OF GA, and the other one dated Jakarta, 8 September 2004 which was for flight operational manager, carbon copied to DZ GA, DO GA, OF GA., and the letters were given to the witness Ramelgia Anwar on the 15th or 16th of September 2004;----------

44. IT is true that the defendant have contacted several people and spoke on the phone such as witness Brahmanie Hastawati, witness Oedi Irianto and witness Yeti Susmiarti about Munir's death in the Garuda airplane. The defendant requested a meeting with them to synchronize their perception and to look for a lawyer if they were made as a suspect in the case of Munir's death;---------- 45. IT is true that there was communication through mobile

phones (hand phone) number 0811900978 from a house phone number 021-7407459 on the 25th of August 2004 one time(1); on 3 September 2004 l time (one) , on 6th September 2004 l time (one) and on 7 September 2004, 2 times (two);----------
46. IT is true that there had been a communication through mobile phones (hand phone) 0811900978 to another mobile phone (hand phone) 0815902267 on the 17th of September 2004 5 times (five), and on the 13th November 2004 as many as 4 times(four);---------- 47. IT is true that there had been a communication through mobile phones (hand phone) 0811900978 to another mobile phone (hand phone) 081584304375 on the 17 November 2004 as many as 27 times(twenty-seven);----------
48. IT is true that the number 0811900978 simcard number was from the mobile phone (hand phone) that was in Muchdi Purwopranjono hand, while the number 021-7407459 was the home phone number of the defendant Pollycarpus; number 08159202267 and number 081584304375 are the mobile phone numbers (hand phone) belonging to the defendant Pollycarpus;---------- 49. It is true that the poison arsenic is a type of poison that is usually used to kill rats , which can be bought freely from shops;---------- 50. It is true that normally, the arsenic poison is usually in solid form and can be in form of powder that can easily be dissolved in water and does not change color, or taste of a drink or food;----------
---------- 51. It is true than the poison arsenic if it got in a human body, would have a reaction time of 30 - 60 minutes, at most 3 or 4 hours later, the person will experience abdominal pains, feel the need to vomit and inflamed throat and can cause death;----------
52. It is true that the powder arsenic inside cold food or drink will react slower compared if it were put into hot food or drink;----------
---------- --------Other facts will be decided along the discussion or presenting of the evidence by the Public prosecutor, underneath;---------- --------
Considering, based on facts revealed in the court session, the court wishes to discuss and to prove the public prosecutors indictment that has been read in this court trial:----------
---------- --------Considering, that the public prosecutor's indictment is in ***cumulative*** form consisting of the ***first indictment related to Article 340 K.U.H.Pidana jo. Article 55 verse 1 point-1 KU.H.Pidana, and second indictment regarding Article***

263 verse 2 K U.H.Pidana jo. Pasa l55 verse 1 point-l K.U.H.Pidana, **discussed and considered** as follows:------- --------Considering, that article 340 KUH Pidana which stated:--- ***"whomever on purpose or with intention to cause the death of another person, will be punished, for pre-meditated murder, with death penalty or life-sentence or temporary imprisonment to a maximum of twenty- year-" a. The term "whomever";----------*** ***b. The term "on purpose";----------*** ***c. The term "planned";----------*** ***d. The term "cause death of another person";*** ---------- a. ***The term "whomever"*** is defined as follows:---------- í that the term ***"whomever"*** is whoever or any body , who is charged or to be held responsible for his actions as indicted and formulated in the indictment letter.;---------- í That during the examination of the case in court there is no other person beside the defendant Pollycarpus Budihari Priyanto is charged and will proven;---------- í With that,the court concluded that the term ***"whomever"*** **has been satisfied** ---------- b. ***the term "on purpose";*** ---------- í That the term " on purpose" means that there was an conscious intention or purpose from the doer **consciously commit to an action which the consequence of such action is already known. ;**---------- í That the intention or the purpose is evident from the preparation made by the doer;---------- ---------- í **That that the doer is aware that the consequence of his actions might cause death of other people and with the consciousness and knowledge, that the doer does not try to stop his own action or deter his intention, but to proceed with his intended actions;----------** í That evidence no 39 brought forward in court states It is true that Munir's body was autopsied and that the result was concluded by the authority that Munir died due to oral arsenic poisoning ;---------- ---------- í That evidence no 40 brought forward in court states That the arsenic poison that got in to Munir's body ,is possibly mixed with a drink or food;---------- That evidence no 51 brought forward in court states that It is true than the poison arsenic if it got in a human body, would have a reaction time of 30 - 60 minutes, and at most 3 or 4 hours later, the person will experience abdominal pains, , feel the need to vomit and inflamed throat and can cause death;----------

í **That to determine whether or not the term** "***on purpose***" is fulfilled above, the questions below must be answered:---------- í 1. Was the defendant in conscious state knowing that had made preparation to insert arsenic poison into Munir's body; and---------- í 2. Did the defendant knew the consequence of the poison if it got in to Munir's body;---------- --------Considering, with the court agreed to the defendant and his defense counsel in **the beginning of their defense statement has stated a question that must be answered which is mainly *Whether one Pollycarpus (The defendant) who works as a pilot for Garuda have any vested interest in killing one Munir?. Does the Garuda pilot named Polly carpus have the motive and intention that it is possible to assume that Pollycarpus does have a vested interest in taking Munir's life?;***----------

--------Considering that before answering the 2 previous (two) questions, the court need to discuss and decide "What is the defendant's motive or intention to take Munir's life?";---------- --------Considering that to answer that question, the court need to discuss and consider the following;---------- í The witness H Muchdi Purwo Pranjono as Former Deputy V at TNI and The National Intelligence Agency (BIN) , explained in court that Munir was a member of non-governmental organization, Head of the Kontras Board who is vocal and often criticize the government that the witness H Muchdi Purwo Pranjono as Former Deputy V at TNI and BIN. had taken steps;----------

-- í That Munir's vocal attitude had been warned by the witness Muchdi to be less vocal, but in fact, regardless of the warning he remained vocal;----------

---------- í that the witness Suciwati explained in court that on the day of Munir's departure to Amsterdam, in Cengkareng Airport Munir called Mr. Hendro Priyono to ask whether he was forbidden to go to Amsterdam and that he wasn't forbidden;---------- í That the witness M.Choirul Anam explained that Munir as Head of the Kontras Board who often gave criticism to the government yang and fought for Human Rights, once was forbidden by Hendro Priyono as BIN authority to go to Switzerland;---------- -------- Considering, that based on the information given by the witnesses which was not denied by the defendant, the court obtain a clue that there were parties that were not happy with Munir 's vocal attitude and Munir's frequent criticism toward the government;----------

---------- --------Considering, that this unpleased attitude is an attitude that shows disapproval of Munir vocal actions and criticism, which in other words, this disapproval can be in form of inner strength (motive) or the motivation to stop Munir's action by eliminating Munir from this world by means of killing Munir;---------- -------- Considering, that evidence no 39 that was brought forward in court specifically states that Munir had died due to arsenic poisoning in his body which entered through his mouth.;---------- Considering, that there is no tool of evidence that proves that Munir 's death was a suicide or accidental poisoning, therefore the court in agreement with the Public Prosecutor and defense Counsel of the defendant that Munir death had been a murder by a person or persons using arsenic poison;---------- ---------- --------Considering, since the defendant in this case is one named Pollycarpus, again, the question that must be answered is : Does the defendant have any motive to take another person's life in order to fulfill his intentions by taking another person's life on purpose, which in this case is Munir?---------- ---------- --------Considering, that before answering the questions above, the points below must be considered:---------- --- --------That the courts does not agree with the Public Prosecutor who concluded that there was a motive for the defendant to take the life of Munir , based on the information given by witness Hiang Tan alias Eni whose statement in the dossier is read by investigator in court;---------- --------That does not agree with the defendants Defense counsel which refused the legal existence of the motive as stated by the Public Prosecutor that the defendant is a Nationalist as also stated by the witness Hiang Tan alias Eni which was read earlier;---------- ---------- --------Considering, that the court will take any information given by witnesses who were never in court, though were summoned, that it will be read and used as a clue if the witness is acknowledged and confirmed by the defendant and shows similarities with other sworn witnesses;---------- -------- Considering, that the person named Hiang Tan alias Eni was never present in court and was never sworn for the information given and and was not confirmed by the defendant, subsequently the information given could not be used as a legal evidence and must be put aside;---------- --------Considering that the court

wish to address the next question ,which is whether there is or there is no motive for the defendant to take Munir's life, is discussed as follows:---------- í That evidence 45, 46, 47 and 48 clearly showed that there were communications through mobile phones 0811900978 which is held by Muchdi Purwopranjono with numbers 021-7407459 which is the home phone number of the defendant, the defendant's handphone number 0815920226 and handphone number 081584304375 which is also the defendant's, as many as 41 verbal communications;----------

í That even though the witness Muchdi Purwopranjono denied knowing the defendant, and denied the communication through mobile phone with the defendant, the witness did confirmed that the handphone number 0811900978 was in his use and also confirmed the telephone print out from a Telecommunication Provider Company;---------- í That the information given by the witness which confirmed his use of the handphone which was a mobile object, was it enough for the court to get a lead that the handphone in question belongs to the witness Muchdi Purwopranjono who is the intelligence elite with the title position of Deputy V, who will not so easily allow his own personal phone be used by other people, even though he doesn't pay the phone bill but paid by PT Barito Pacific Tower which is handled by Yohanes Hardian;---------- í That but is it not the very existence of today's modern handphone to give the owner a practical tool for a more private and secretive (confidential) conversations?, because aside from the provider company that could know if there were any contact made with another telephone number, therefore, there is no other party that can know the content of the conversation over the phones aside from those who are speaking;---------- í That the information give by the witness Muchdi Purwopranjono in regard to his mobile phone number 0811900978 which can and is allowed to be used by other people without being able to name any names, is illogical. Because for the witness with such strategic position in company should know how detrimental it would be if he allowed his personal mobile phone be used as a communication tool for whoever wishes to use it. In the same time, the witness must realize that although he, himself does not pay for the phone bill, those bills nonetheless must still be paid in full on time;-------- í That the statement given by the defendant who was never sworn, explained that he did not know

the owner of the mobile phone number 0811900978. According to the court, The defendant has made a denial without clear reason, which then must be set aside.;----- í That based on legal evidence which shows there were was a contact between The defendant using number 0811900978 no less than 41 times (forty-one) , with that the court has found other leading facts about the time and the condition of the defendant and Munir, such as: starting on 25 August 2004 or the time before Munir left to study in Amsterdam, then on 6 September 2004 or the time before Munir left to study in Amsterdam, on 7 September 2004 at 10.00 and at 11.00 Western Indonesian time. The time the defendant came back from Singapore and was already in Jakarta and Munir was on his way to Amsterdam, the same date 7 September 2004 at16.49 (at 10:49 Amsterdam time) until 21:05 Western Indonesian Time (15:05 Amsterdam time) at that time it was confirmed that Munir had died, there were at least 5 (five) verbal communications, and the next on 13 November 2004 as many as 4 (four) times and also on 17 November 2004 until 25 November 2004 as many as 27 (twenty-seven) times, by that time, the name The defendant Pollycarpus was already in the mass media involved in Munir's death inside Garuda Indonesia aircraft;----------Considering, that based on the legal facts mentioned, and connected to the the information given by the witness Muchdi purwopranjono which confirmed mobile phone print out yang showed in court, and The defendant testimony which does not deny the telephone numbers of his home or his mobile phone, the court was able to get several leads such as:---------- í That between the defendant whose official job is as Pilot for Garuda Indonesia with the person using mobile phone number 0811900978 , has very close relationship especially in terms of the activities discussed in the conversation /especially in the plan to take Munir's life;---------- í That aside the fact that the defendant's official job is as Pilot for Garuda Indonesia, the defendant also have the same activity and in agreement with the speaking on the mobile phone 0811900978, which does not like Munir's attitude's or vocal actions and often criticizing government's policy, especially in regard Indonesia's Armed Forces (TNI) and National Intelligence Agency ;---------- í That the witness H.Muchdi Puropranjono is a person who was suppose to know who or whoever used his personal mobile phone number 08l1900978 and had spoken with the defendant as shown in the print-out mentioned above;---------- í That although the

person used the mobile number 0811900978 had not been clearly pointed , it can be assumed that such person have a close relationship and is very familiar to the witness Muchdi Purwopranjono who refused to reveal.;--- --------Considering, that based on the testimony given by the witness H. Muchdi Purwopranjono claimed that he had warned Munir before, through Munir's senior colleague to not be vocal in criticizing the government, but in fact Munir remained vocal, the court then conclude that the person who spoke with the defendant over the mobile phone 0811900978 is the same party who does not wish for Munir to be vocal in criticizing the government, and because Munir did not change and remained vocal, then it is that party who would have the inner-strength or motivation (motive) to stop Munir's vocal actions by taking Munir's life;---------- ---------- í That based on the number of telephone conversations with quite high level of frequency (often), then the court concluded that the defendant Pollycarpus aside being a Pilot Garuda Indonesia also have the same activity with the mobile phone user number 0811900978;---------- í That although none of the witnesses knew, heard or explained about the content of the conversation, the defendant and the mobile phone user number 0811900978, that based on leads that was revealed and related to the situation and condition of the the defendant during the flight from Jakarta-Singapore, then court believed that the defendant and the speaker from the mobile phone number 0811900978 had an agreement on how to carry-out their plan to kill Munir.;---------- í That since there was an agreement between them, that it was them, whoever it may be who has the wish, inner-strength and motivation to take the life of Munir;---------- ---------- Considering, that based on the leads and witness Muchdi Purwopranjono testimony and also information given by the defendant above, connected to the defendant aside from being the pilot for Garuda also have other activity with the speaker on mobile phone number 0811900978, then the question of taking Munir's life can be answered which is that The defendant Pollycarpus also wish that Munir was not vocal in criticizing the government and that the court concluded that ***The defendant had the inner-strength or motivation or reason to take Munir's life, in other words, the defendant had the motive to kill Munir***;---------- ---------- --------Considering, that based on the discussion above, the court continue to assume that whoever had the motive to eliminate Munir was not only the defendant, in

fact, there were other party must be brought forward through a more accurate investigation by the law enforcer;---------- -------Considering, that motive the defendant had to take Munir's life is also supported by legal evidence **number 7 until number 12** which basically pointed out that none of the defendant's superior had given him the duty to leave for Singapore, in writing or spoken form;----------

í That The defendant left for Singapore on his own will without a legal Letter or Assignment, without permission of the witness Karmal Fauza Sembiring as the defendant's direct superior;---------- í That based on the information given by the witness Suciwati that on 2 September 2004 someone claiming to be Polly contacted Munir's mobile phone and Munir's departure time and date to Amsterdam. Connected with the telephone which showed that was a connection between Munir's mobile phone with the defendant's mobile phone, that it provided a lead that the defendant then immediately contacted the speaker with the handphone number 0811900978 several times and made the necessary preparation to ensure that he was in the same flight with Munir to Singapore;---------- í That the defendant testimony which said that he was verbally ordered by the witness Ramelgia Anwar inexact words "Mr. Polly please check Singapore" which is a made up reason, because the meaning "please" tends to imply a personal and casual which in return a thank you is given, and if not carried out, there will be no sanction.;---------- í That it was different from an order which must be explicitly and strongly said as in term of duty and have a consequence if it was not carried will definitely result in a sanction;----- í That if the defendant take support from the Letter or Assignment which was made by the witness Indra Setiawan dated 11 August 2004, then the letter is not a Letter of Assignment to Singapore, if fact it would be a letter of placement for the defendant to be supporting staff at the Unit Corporate Security;---------- í That the information given by the witness Achirina, the witness Karmal Fauza Sembiring who said that a duty-trip must come with an Duty-trip letter of Assignment Surat Perintah Perjalanan Dinas (SPPD), which made the defendant impossible to stand with his denial that his trip to Singapore with out any formal letter convinced his superior that he was on duty. That using reason that he had

interviewed a plane mechanic while he was on the Garuda plane in his flight to Jakarta on 7 September was not credible;---------- í That it can be confirmed that the defendant would be able to do check on the spot Changi airport, because if the defendant tried to meat with any official authority in Changi airport, even though he was known, the defendant would still be asked for his official duty letter and state his intentions in the coming to the airport. The defendant would not be able to answer since he did not have the duty letter requested.;---------- í That to fulfill the required letter and to justify his being in Singapore, the defendant was brave enough that he worked with the witness Ramelgia Anwar to produce the 2 (two) letters which was not true to the condition at that time;---------- ----------Considering, that the illogical , made and full of doubts, excuses given by the defendant by going to Singapore without an official duty letter, order or permission from his direct superior becomes a lead that there were no other motive to go to Singapore aside for the defendant's motive to take Munir's life which had already been discussed through mobile phone number 0811900978 which the person on the other line was still unable to be identified.;------- --------Considering, that the court wish to address the first question that arose before the discussion of the defendant's motive, which are:---------- í ***1. Was the defendant in a conscious state when making the necessary preparation to put arsenic poison into Munir's body?; and***-------- í ***2. Was the defendant aware of the effects that might be experienced or suffered by Munir if the poison got in Munir's body?***;---------- --------Considering, that to consider the questions above, the points below must be discussed and considered:---------- -------- í That The defendant had the inner-strength or motivation or reason to eliminate Munir.;---------- í That legal evidence **number 39 and 40** specifically states the autopsy result by the authority that Munir had died due to poisoning of his body with high level of arsenic poison , which got in orally, possibly dissolved in food or drink;---------- --------Considering, that related to the information above, there are 2 (two) options which the court must discuss, which are: 1. If the poison got into Munir's body orally from the drinks given? (welcome drink)? or 2. was it from the food given?(meal)---------- --------Considering that even though in the indictment from the Public prosecutor uses the idea that the poison was dissolved into the orange juice that was given by The witness Yeti Susmiarti as a welcome drink, the

court must still consider other legal fact that it might be dissolved in the fried noodle (meal) and got into his body orally;----------

--------Considering, that the court's action in discussing the option and possibilities beside what was indicted by the Public prosecutor, is based on the reasons below:---------- a. In accordance with the purpose of examination in a criminal case is to find material truth, then the system used by the court is by discussing and proving all possible alternative legal evidence that might show-up, leads or evidences as long in is included within the terms of indictment by the public prosecutor towards the defendant.;---------- b. The discussion regarding how the arsenic poison got Munir's body, whether it was from food or drink is still discussed within the term "on purpose";---------- c. The court has the authority to prove the Public Prosecutors indictment as long as it does not go outside the terms defined that it might have other understanding which might differ from those of the Public Prosecutors.;---------- --------Considering, that how the arsenic poison got into Munir's body will be discussed next, whether it was mixed in the orange juice?;---------- í That the court disagreed with the Public Prosecutors that concluded that the defendant had mixed the poison into the glass which contained orange juice;---------- ---------- í That aside the fact that the Public Prosecutors was not able to give a judicial analysis that convinced the court, nor the condition of the serving of the welcome drink was when people were walking about to find their seats in all of the places, pantry, seats and aisles;---------- í That The defendant or the witness Oedi Irianto and the witness Yeti Susmiarti was still looking for the opportunity to mix the powder arsenic poison into the glass which contained orange juice without being seen by the passengers, because there would still be many passengers walking around trying to find their seats according to their number

, also that it was the time before take off and that the room dividers were still opened and visible;---------- í That the curtain dividing the business class with the premium class will be closed only after the fasten seat belt is turned off after the take off;----------

í That the court agreed with the defendant's Defense counsel that states that there were no witness that is able to identify the defendant entering the pantry to put the arsenic poison into the orange juice drink; ---------- ---------- í That the Public Prosecutors could not present any evidence tool to show that the defendant, the witness Yeti Susmiarti or the witness Oedi Irianto knew for sure that the defendant will choose orange juice (orange juice) as was placed;---------- í That whether the defendant, the witness Yeti Susmiarti and the witness Oedi Irianto did not consider the risk the other passengers might have to take if the orange juice was chosen by other passengers, not by Munir? ---------- --------Considering, that based on the discussion above, the court believes that the arsenic poison got into Munir's body not through the orange juice, in fact there are other possibilities that must be discussed and considered in court, based on the facts above; ---------- -------- Considering, that since there are still other possibilities that it might be from food, aside from the orange juice as indicted by the Public prosecutor, then the court feels authorized to discuss and consider based on the above reasons, whether it is true that arsenic entered Munir's body orally with the food that was served by Yeti Susmiarti in the form of fried noodle, the court discusses and considers the following;---------- í that legal facts **number 26** states that it is true that during the first leg of Jakarta-Singapore, the defendant was just sitting in his seat 11 during take off and landing only, other than that the defendant was not in his seat , sat to eat the food served and walked around business class chambers, standing at the pantry bar and in front of the toilet/lavatory of the business class;---------- í that legal facts **number 20** mentions that it is true that while inside the plane the defendant met and greeted several people, one of whom was witness Brahmanie Hastawati as a Purser, witness Oedi Irianto who was on duty as a steward to provide welcome drink and meal service , and witness Yeti Susmiarti who was on duty as a stewardess serving or giving drinks and food directly to passengers in business class-í that legal facts **number 44** mentions that it is true the defendant has contacted several people and talked on the phone, one of whom was witness Brahmanie Hastawati, witness Oedi Irianto and witness Yeti Susmiarti, about the news of Munir's death within Garuda plane, the defendant wanted to conduct a meeting to match their

perception and to find a lawyer if they were made as suspects in the case of Munir's death;----------

í explaining that the defendant was always around business class in the lower deck, walking around and standing at premium bar and asking the witness to engage in conversation but the witness refused because she was busy, and witness Try Wiryasmadi who served dinner to the defendant explained that the defendant did not eat and drink, only walking around the premium bar, He met the witness 2 (two) times and near the toilet 1 (one) time until in the business class, the court has obtained a clue that the defendant was in his seat getting ready, as soon as the sign that says fasten seat belt was off, the defendant immediately left his seat , walked towards the pantry with the purpose of meeting witness Yeti Susmiarti and witness Oedi Irianto who were already in the pantry where the food was and prepared to talk and arranged how to put the arsenic into the meal;-------- í that the defendant together with witness Oedi Irianto and witness Yeti Susmiarti already knew each other and was certain to take advantage of the preparation time for dinner smoothly by witness Oedi opening the seal or any lid that covered the meal, then the defendant put arsenic into 2 (two) packages of meal provided, fried noodle and pasta, which were the choices of menu in business class for dinner and sealed the meal again neatly;---------- í that although it has never been revealed in court how the defendant obtain arsenic, based on the testimony of Expert Ridla Bakri. Expert Budi Sampuma and Expert Addy Quresman, the court can obtain a clue that to acquire arsenic in powder form would be very easy for the defendant by buying it in stores that sell arsenic. Because apart from being sold freely by traders, the forms and the amount can be easily wrapped and stored and then taken into the plane without being detected because it is not a forbidden item or items to be declared;---------- ---------- í That there was enough time to prepare the action since the fasten seatbelt sign until during dinner service;---------- ---------- í That the partition and the exclusive area of business class that is always covered by curtain only adds to the quietness of the situation in the business class pantry so that the defendant together with the witnesses Oedi Irianto and Yety Susmiarti could have more freedom to divide their work in executing the plan;---------- ---------- í That shortly after the short conversation and work division, the defendant immediately left the pantry towards the premium bar, which has its back to the pantry to

wait, observe and ensure the execution of meal service by witness Yeti Susmiarti, as prepared by witness Oedi Irianto, by walking around and always be around business class, standing in front of business class toilet

1. , then standing at the premium bar and pretended to read Dutch magazines;---------- ---------- í That while witness Oedi Irianto and witness Yeti Susmiarti immediately prepared and placed 2 (two) packages of meal that the defendant has laden with arsenic to be offered to Munir, and the ones without poison were distributed to other passengers;---------- í That because the victim Munir could only choose by ordering what was offered by witness Yeti Susmiarti, when Munir determined his choice was fried noodle, witness Yeti Susmiarti gave him the poisoned fried noodle to Munir, who unsuspectingly or was unaware of eating food that was laden with deadly arsenic;---------- í That all the series activities that witness Yeti Susmiarti did from offering the fried noodle to Munir until Munir finished the food were always observed by witness Oedi because it was his job, and were also observed by the defendant from a see through distance or could be seen by the defendant walking around business class , standing near the toilet and the premium bar while pretending to read Dutch magazines until the defendant is sure that the food that was served by witness Yeti Susmiarti to Munir was really eaten ;---------- ---------- í That the defendant's action of poisoning the food that was to be eaten by another person, in this case Munir, the court is under the opinion that the defendant has been fully aware that the person who consumed the arsenic would be dead;---------- ---------- í That the defendant did want to avoid attention from other passengers or people except witness Yeti Susmiarti and witness Oedi Irianto when the defendant entered the next to the premium bar, so that the defendant could move freely among passengers with his white uniform that was similar to that of a steward, walking around without being suspected by the passengers. Meanwhile, the passengers would not pay attention to how far, in what purpose, and what activity was performed by the defendant by being inside the pantry which by the time of meal service in business class were in covered condition by partition walls and curtains;---------- -------Considering, that even the defendant's statement or his team of defense counsel

clarification that there were not even a single witness can explain in front of the court that the defendant has entered the pantry located behind the wall that against the premium bar, the court discussed as below:---------- ---------- í That to prove the defendant's existence inside the pantry is not only by the witness' information that witnessing it directly, because besides the witness' information, there are other proves that can give clues of the defendant entering the pantry;---------- í that it was true that there were no passengers who noticed or suspected it, therefore there are no passengers who dare to inform the defendant;s existence when entering the pantry, except witness Brahmanie who was firmly informed that the defendant crossed the premium bar, business chamber, and the room in front of the toilet several times, unlike other extra crew who supposed to sit down nicely and commonly fell asleep, not busy with himself like the defendant who would only disturbing the active crews;---------- í That witness Oedi Irianto and witness Yeti Susmiarti's informations unknown by the defendant who was wandering around business class chamber, standing by the premium bar reading Dutch magazine, standing in front of the business class toilet can not be a foundation or reason to state the defendant didn't enter the pantry, weren't those witnesses always standby around the business class chamber?;---------- í That witness Oedi Irianto and witness Yeti Susmiarti who also stated that they were also treated as suspects of Munir's death incident in different case number, appearance in court, their statements are in contradiction to 2 (two) other non-suspected witnesses, witness Brahmanie Hastawati as a Purser, and witness Try Wiryasmadi who served meal to seat 11 where the defendant sat;---------- ---------- í that the defendant had approved witness Brahmanie Hastawati and witness Try Wiryasmadi's statements by saying that it was true that the defendant left his seat, moving aimlessly, and standing at the premium bar reading Dutch magazine by the reason he couldn't sit in a long time because of his hemorrhoids;---------- ---------- í That the court can accepted this and made it the basic to find further clues on witness Brahmanie Hastawati and witness Try Wiryasmadi's statements, on the contrary, on witness Yeti Susmiarti and witness Oedi Irianto's statements that tend to hide what

was truly known and experienced, therefore witness Yeti Susmiarti and witness Oedi Irianto's statements which was expected to be a clue to reveal the mystery of Munir's death is useless and have to be put aside;---------- í That likewise, from the defendant's statement, if related to witnesses called to the court, experts' statement, and autopsy letter as a prove, the court found some clues that there are a very emotional attitude owned by the defendant in not willing to tell the truth, even prefer to say everything was not right or that he didn't know;

í That of every person in GA 974 plane to Jakarta—Singapore on 6th September 2004, the only person who gave most attention to Munir was the defendant in form of offering to switch seats by the reason that Munir was a public figure, so from the defendant's attitude and confession who always wandering around the business class chamber, standing by the premium bar and greet active crews, as a matter of fact the defendant was very much expected to firmly willing and dare to tell what he really know about incident that happens to Munir, whom according to the defendant was a person he respected;---------- í that the defendant's attitude like so is an attitude which can give loss to himself, because if the defendant stated proven to be guilty that defendant's attitude will be an implicating factor in determining his sentence, on the contrary, even if the defendant proven to be guilty but his statements turned to be considered an honesty and make sense, then the defendant's statement can give commutation to his sentence;---------- ---------- í That the defendant's condition, attitude, and statements which approving witnesses that he never still on his seat unless by the time of take off and landing during the Jakarta—Singapore flight, is a clue that a person who knew about what incidents happened to Munir during the welcome drink and meal serving besides active crews was only the defendants. So if he denied, the defendant supposed to be able to give statements which can make clear who or whoever in vault in Munir's death;---------- --------Considering, that based on witnesses Brahmanie Hastawati and Try Wiryasmadi's statements which are agreed by the defendant, the court found a clue that there has been some small conversation between Oedi Irianto, Yeti Susmiarti, and the defendant on thinking and planning how to execute the defendant's intention to lose Munir's life with arsenic poison inside the pantry which unable to bee seen by any other but the three of them;---------- ---------- --------Considering, that based on the study above, the court

was claimed that entering of the arsenic poison into Munir's body **is not by welcome drink in the form of orange juice** given before take off, but **by the serving of meal in the form of fried noodle** which was prepared by Oedi Irianto to be poured arsenic poison by the defendant known by Yeti Susmiarti, then Yeti Susmiarti directly served it to the other passengers to eat the non-poisonous ones, as for Munir was prepared separately at the food rack, whatever his choice was whether it's fried noodles or paste, so 2 (two) kinds of those dinner packages has been prepared to poison Munir's body;---------- Consider, that because of the defendant was in his consciousness known that if someone consumed poison, then he will die, and with such acknowledge the defendant turned out to be never proven to perform any prevention of his doing or to cancel his intention, and the otherwise the defendant still executed his intention, then the questions appeared on the beginning of the study can be answered, such as ***1.the defendants has performed preparation to put arsenic poison inside to Munir's body; and; 2. the defendant with complete awareness has known what consequences Munir would experience if he consume arsenic poison;***---------- -------Considering, that based on the above study, the court stated that ***"intentionally"* element has been fulfilled**;---------- -------Considering, that from so on the court will study the time when the arsenic poison entering Munir's body is discussed and considered as follows;--------- í That to decide the entering time of arsenic poison into Munir's body, the court can hold on only to legal facts on experts' judgmental court **number 51** which says that it's true, if arsenic poison entering ***in-take***) human body, it will start to react in minimum 30 to 60 minutes after the ***in-take***, and maximum 3 or 4 hours after the ***in-take***, the human will start to feel stomachache, loathe, heat on his/her neck, and causing death;---------- í That these facts is in contradiction to the theory set forward by the defendant's Team of Legal Counsel that tells **"According to the expert Ridla Bakri and Addy Quresman who stated initial symptoms of arsenic poisoning generally took place 10 minutes– 60 minutes after the in-take, plus deviation more or less 30 minutes. So in maximum 90 minutes, the body will be affected"**;---------- í That the fact **number 51** above is gained from Addy Quresman, ST.'s statements in a court related to the answers of questions on official record number 22 attached inside the case file, meanwhile although 2 (two) experts, Ridla Bakri and Boedi Sampurna, in initial investigation official

record explained that maximum in-take time is 90 minutes before the initial symptom, but the Team of Legal Counsel no longer noticed the conclusion given by those 2 (two) experts which is stated that "therefore the maximum ***in-take time*** is 90 minutes before the initial symptom, that means ***during the Jakarta-Singapore flight***";---------- ---------- í That according to legal facts **number 34** and **number 35** which is primarily mentioned that a moment after the welcome drink serving, Munir felt loathe,needed to take promaag and 15 (fifteen) minutes after take off, by the time of meal serving, Munir started to go to the toilet several times and threw up;---------- ---------- í That the fact mentioned Munir started to feel loathe and needed promaag is the time when the poison inside Munir's body started to react, which is calculated considering arrival time in Singapore at 00.30 o'clock plus transit time for 1 hour 13 minutes and boarding time until take off 15 minutes later, then the arsenic poison started to react inside Munir's body is after 02.00 o'clock Singaporean time (01.00 o'clock West Indonesian Time);---------- ------- í That to countdown from the moment initial symptom or reaction the arsenic poison worked, with calculation according to legal fact **number 51** above, then the court found out that at 02.00 o'clock Singaporean time (01.00 o'clock West Indonesian Time) minus departure time at 21.40 o'clock West Indonesian Time (22.40 o'clock Singaporean time) until meal serving time 20 minutes later at 22.00 o'clock West Indonesian Time (23.00 o'clock Singaporean time), there are duration not more than 3 hours which means not yet passed 3 or 4 hours maximum time mentioned in that legal fact, so the court gave judgment according to what is concluded by experts Ridla Bakri and Boedi Samipurna that in-take time of arsenic poison is during the Jakarta-Singapore flight, means during the meal serving time;---------- í Considering that based on above study, the theory of arsenic poison entering into Munir's body given by the defendant's Team of Legal Counsel is unreasonable and has to be put aside;---------- ---------- ***c. Element of "previously planned";*** ---------- ---------- í That this element is a continuation of element of intentionally existence previously studied;---------- ---------- í That inside formal legal rules, it's not explained about what was meant by "previously planned" phrase, so the court set border according to penal law doctrine well known around the law enforcers, that a criminal act is stated to be

previously planned, if between the intention appearance time to do execution with when the execution act of the intention performed, there are enough time to think over calmly how to performed his intention;---------- í That enough time means enough to think whether he/she or they is going to cancel his/her or their intention or still performed it with those calmly thought methods;---------- í That based on analysis and discussion result on element of "intentionally" there has been found the existence of the defendant's intention to lose Munir's life, the court stated that the time of moment defendant's intention appeared is right after Munir, on behave of defendant's offer, took sit on seat number 3 K business class on below deck;---------- ---------- í That to find out the exact time performing act to lose Munir's life by the defendant is based on clues
that was found in element of intentionally discussion above, right after the plane take off to Singapore and reached stable height and by that time, fasten seat belt sign has been switched off, the defendant soon leave his seat, walking to the pantry to meet witness Yeti Susmiarti and witness Oedi Irianto who were ready in the pantry to talk about and arrange on how to put arsenic poison into the meal;--------Considering, that the duration between by the time Munir started to take a seat in business class seat number 3 K until a moment after the fasten seat belt sign was switched off is an enough time for the defendant to think and consider calmly whether he was going to cancel his intention?, or perform his action by thinking how to perform it;---------- -------Considering, that based on above discussion, apparantly between the appearance of the intention with the performance there was enough time for the defendant to think calmly on how to lose Munir's life, so the court stated that the element of **"previously planned" was fulfilled**;---------- ***d. Element of "lose someone's life";*** ---------- --------Considering. That this element is an effect that caused by the performance done intentionally and previously planned by the defendant, in other words answering the question: was the defendant's performance which was fulfilled elements of criminal act, intentionally, and previously planned has caused on losing other's life or the death of other?; ---------- --------Considering, that to answer that question, the court saw the necessarily to point to discussion result on element of intentionally and previously planned that were stated to be fulfilled, as below:----------

---------- í That based on legal fact **number 26** related to witnesses' statements respectively Brahmanie Hastawati whom explained that the defendant always be sighted around below deck business class, wandering around and standing at the premium bar and started the conversation but the witness refuse because she was busy, and witness Try Wiryasmadi who served the defendant's dinner has explained that the defendant didn't eat nor drink and only wandering around near the premium bar meet the witness 2 (two) times and near the toilet 1 (one) time to business class, the court found some clue that the defendant was prepared in his seat, when the fasten seat belt sign switched off, the defendant left his seat right away, walking to the pantry to meet witness Yeti Susmiarti and witness Oedi Irianto who were already in the pantry where the food kept and prepared to talk over and arrange on how to put the arsenic poison into the meal;----------
---------- í That the defendant together with witness Oedi Irianto and witness Yeti Susmiarti who were already knew each other was definitely able to use the dinner serving preparation time smoothly performed by witness Oedi opened the lead seal or any tissue on top of and covered the food, then the defendant poured arsenic poison into 2 (two) packages of food choices prepared, fried noodles and paste, which were on the diner menu in business class, then neatly repacked it;----------
---------- í That even though never been revealed in court how the defendant got the arsenic poison?, but based on expert Ridla Bakri, expert Budi Sampurna and expert Addy Quresman's statements, the court found a clue that to get arsenic poison in powder form is very easy for the defendant by buying it in a store that sold arsenic poison, because besides arsenic poison was being freely sold, from it's shape and quantity, it was very easy to be wrapped and kept and then brought into the plane without being detected because it was not forbidden stuff or have-to be-declared stuff;----------
---------- í That right after the short conversation and tasks dividing finished, the defendant right away emerge of the pantry to the premium bar against the pantry to wait, supervise, and ascertain the meal serving performed by witness Yeti Susmiarti who has been prepared by witness Oedi Irianto by wandering around and always be around the business class, standing in front of the business class toilet, then standing at the premium bar and pretending to read Dutch magazine;;----------
---------- í That meanwhile witness Oedi Irianto and witness Yeti Susmiarti soon prepared and put 2 (two) package of meal choices which has been poured

arsenic poison by the defendant separately to be offered to Munir and the non-poisonous ones can be ascertained distributed to other passengers;---------- í That in case of victim Munir can only chosen by ordering what was offered by witness Yeti Susmiarti, so when Munir decided to have fried noodles, then witness Yeti Susmiarti gives the fried food that already poured by arsenic poison by the defendant to victim Munir who never suspected or realized to swallow deadly arsenic poison contaminated food;---------- ---------- í That every step of witness Yeti Susmiarti's performance during serving the fried noodles as meal until Munir finished it was always supervised by the witness Oedi because it was his duty, and also supervised by the defendant from transparent distance or can be seen by the defendant moving aimlessly around the business class, standing by the toilet, and at the premium bar pretending
to read Dutch magazine, until the defendant was convinced that the food served by witness Yeti Susmiarti to Munir really entirely finished up;---------- ---------- --------Considering that by referring to the discussion result on element of intentionally and previously planned which were stated to be fulfilled above, then afterward the damage caused by defendant's performance was discussed as below:- í That legal facts which were revealed in court from **number 34 to number 41** is a series of events briefly (chronologically) on damages that might appeared from the defendant's performance which was done intentionally and previously planned, especially right after the welcome drinks serving on Singapore—Amsterdam flight, the victim Munir started to feel loathe, demanded promaag, and then threw up and go to the toilet several times, and about 2 (two) hours after take off, Munir met witness Bondan and ask a favor to be confronted with witness Dr. Tarmizi Hakim. Then, Munir was taken care of by witness Dr. Tarmizi Hakim but his life could not be saved, at approximately 3 (three) hours before the plane landed on Schipol Airport, Amsterdam, victim Munir found death in Garuda airplane with flight number GA 974 to Singapore-Amsterdam, an after gone through an autopsy Munir was found to be death by the arsenic poison, then his dead body was picked up by witness Suciwati and buried in Malang on 9th September 2004;---------- ---------- í That defendant's statement which denied and wasn't confirmed the existence of prove in form of Munir's visum letter agreed by the experts respectively expert Ridla

Bakri, expert Budi Sampurna and expert Addy Quresman in court, it turned out to be the defendant couldn't give excuse on his denial, this defendant's statement has been a **clue** that the defendant has emotionally told lies, so this defendant's statement was illogical and has to be put aside;---------- --------Considering, that based on above discussion, the court stated that performance the defendant has done intentionally and previously planned has caused someone named Munir lost his life or dead, so it has to be said that **"the element of losing other's life" was fulfilled;**---------- -------- Considering, that in case of every elements of Section 340 Code of Penal Law has been fulfilled, so the charge based on Section 340 Code of Penal Law must be stated legally and convincingly proven;---------- -------- Considering, that afterward the court was going to discuss and prove Section 55 Line 1 number 1 Code of Penal Law which fully stated as below:----------

"Sentenced to someone who performed criminal act: someone who performed, who ordered to perform, or who also performed the act"; --------Considering, that Section 55 Line 1 number 1 Code of Penal Law is an additional charge or complementary charge which was applied on the main charge Section 340 Code of Penal Law;---------- ---------- Considering, that the appliance of Section 55 line 1 number 1 Code of Penal Law in General Prosecutor's charge part One, is to know what role has the defendant Pollycarpus performed as in series of performance that were proven on main charge according to Section 340 Code of Penal Law, if there was existence of participation performance or the performance was carried out by (2) two persons or more;---------- --------Considering, that according to what stated on Section above, there are 3 (three) quotations of performer which alternatively can be 1. a person who perform the act; 2. a person who order to perform the act or 3. a person who also performed the act;---------- --------Considering, that on those 3 (three) performer quotations or roles was discussed as below:---------- ---------- í That someone was quoted as a person who performed the act if he/she solely without any companion has performed every elements of those proven criminal act;---------- í That defendant can not be quoted as someone who performed, because according to the clues gained in discussion of the main charge, apparantly the arsenic poison poured by the

defendant into the fried noodles can be entirely finished up by Munir because of the existence of other's role, in this case, witness Oedi Irianto and witness Yeti Susmiarti;---------- í That someone is quoted as a person who ordered to perform the act if there was someone else as a person who was ordered to perform, so in performing the act entirely there are 2 (two) persons or more;---------- í That someone who act as a person who was ordered to perform in this case was only as a tool or an instrument for someone who ordered to perform, who act as a tool can not be responsible;---------- í That according to witness Yeti Susmiarti and witness Oedi Irianto's who stated that they are active crew on GA 974 flight to Jakarta-Singapore has been a clue that they can be responsible to what they did, not only because they were mature, but they also has a good sense to differentiate between good and bad, so the defendant can not be quoted as someone who performed as a person who ordered to perform the act;----------

− That someone was quoted as a person who also performed the act if there are 2 (two) performers or more that performed the act altogether in such a way that, so there has to be a realizable cooperation between them to perform the criminal act, and also realized that without the role of one of the persons quoted as also performed, the mentioned criminal act would not be happened;---------- − That according to the clues that gained from the discussion of the main charge above, it was proven that the defendant in performing his act to lose Munir's life was not alone, besides the defendant who also planned and performed execution act by pouring arsenic poison into fried noodles and paste as a food choice in business class, there are still 2 (two) other people named witness Oedi Irianto and witness Yeti Susmiarti who prepared and served fried noodles to Munir;---------- − That it can be assured if there were no realized cooperation with witness Yeti Susmiarti and witness Odie Irianto, than the defendant's intention to lose Munir's life would not happened;---------- --------Considering, that according to discussion result above, the court stated that the appliance of Section 55 line (1) number 1 Code of Penal Law was reasonable and fulfilled and afterward, the right quotation for Defendant Pollycarpus is as a person who also

performed the act of losing Munir's life by previously planned;---------- -------Considering, that because of every elements of Section 340 Code of Penal Law and Section 55 line (1) number 1 Code of Penal Law jo. Section 55 line (1) number 1 Code of Penal Law was studied and considered as below;---------- -------Considering, that Section 263 line (2) fully stated as below:---------

"***Whoever uses a fake letter or a falsified letter as if the letter was true and was not falsified, which if used can cause loses, is punishable for falsifying a letter with maximum six years of imprisonment***"---------- -------Considering, that the above article contains the following elements:----------

a. Element of "whoever";----------

b. Element of "intentionally";----------

c. Element of "using a fake letter or a falsified letter";----------

d. Element of "can cause loses";---------- Considering, that the above elements of the article are discussed and considered one by one as follows:

a. Element of "whoever";**----------** --------Considering that in discussing this element of "***whoever***" the court only has to refer to the discussion result in the first charge along the same element, which is that there is nobody else put forward and charged by the General Prosecutor in this court except the defendant Pollycarpus, and therefore the element of "***whoever***" is declared **fulfilled**;---------- ***b. Element of "intentionally";***---------- -----Considering that the element of "***intentionally***" in Article 263 verse (2) KUHPidana means using the fake letter or falsified letter, that can cause loses;---------- -------Considering that the act must be known from the perpetrator's intention, who realizes the act and is aware of the consequences to cause loses but the perpetrator never tries to cancel his intention or prevent his act but commits the act anyway;---------- -------Considering that the element was discussed and considered as follows:- í That the legal fact revealed in court in **number 7 to number 9** briefly stated that on 6 September 2004 the witness Rohainil Aini upon the defendant's request via telephone has made and signed notice of change No. 219/04 dated

6 September 2004 for the defendant's departure to Singapore for non-flight assignment with Boeing 747-400 Flight GA 974 on the same day, 6 September 2004, without the witness Chief Pilot Karma1 Fauza Sembiring's knowledge as the defendant's direct superior;---------- í
That legal fact **number 11** stated that it is true that to perform an assignment to Singapore, a letter called Surat Perintah Perjalanan Dinas required and has to be accounted for by the person performing the trip; ---------- í According to the confrontation dossier between the defendant and the witness Ramelgia Anwar, an explanation has been acquired about the letter, stating that the witness Ramelgia Anwar never instructed the defendant to depart for an assignment to Singapore;----------
Considering that based on the legal facts of the departure, with the confrontation dossier as evidence, the court obtained a clue that the defendant Pollycarpus, under his own desire, without an assignment letter, without a letter stating the instructions for duty and without the knowledge of his direct superior has performed a trip to Singapore on 6 September 2004 evening and returned to Jakarta on 7 September 2004 morning;----------
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--------Considering that legal facts **number 12** and **number 13** mainly state that for an assignment letter for the defendant's previously performed trip, the witness Ramelgia Anwar as Vice President Corporate Security has written 2 (two) letters with 2 (two) different dates for the same assignment, in the form of Interoffice Correspondence Assignment Letter addressed to Chief Pilot A330 to permit the defendant Pollycarpus to perform a flight assignment as non-active crew in sector JKT -SUB-JKT or JKT -DPS-JKT or JKT-SIN-JKT. The letters are l (one) assignment letter dated 15 September 2004, made on 15 September 2004, and l (one) letter dated 4 September 2004, made on 17 September 2004;---------- --------
Considering that legal facts **number 13** and **number 14** mainly state that the 2 (two) assignment letters used for the defendant's interest were made by witness Ramelgia Anwar several days after Pollycarpus returned from Singapore and was in Indonesia;----------
---------- --------Considering that based on the elaboration of the above legal facts, the court is under the opinion that the 2 (two) letters made by the witness Ramelgia Anwar by writing the contents according to what the defendant did in Singapore and wrote a date which is different from the date of the writing are letters

whose contents are untrue and cannot be used as an assignment letter to support the defendant's trip to Singapore;---------- í That the testimony of witness Ramelgia Anwar that stated that the assignment letters were made untrue with the purpose of avoiding the loss of cost for Pollycarpus' accommodation so that it would be borne by the corporate security unit, in the court's opinion is an act to justify something through the use of unjustified ways;- í That didn't the defendant Pollycarpus left for Singapore without an assignment letter or any letter instructing the duty? Then why does the Corporate Security unit have to bear the costs by justifying the unjustified letter?;---------- í That because the defendant Pollycarpus had left for Singapore without any clear duty reasons, either in the form of an assignment letter, letter instructing the trip or his superior's permission then it is only appropriate that the costs of accommodation incurred are borne by the person undergoing the trip, which is the defendant Pollycarpus;---------- í That on the contrary if those falsified assignment letters were successfully used by the defendant Pollycarpus to support his trip to Singapore then it is for certain that PT Garuda, specifically Corporate Security unit, will suffer the losses;---------- í That isn't the defendant who used the letter or the witness Ramelgia Anwar who made the letter aware of this? That the date and the contents were incorrect or untrue to the real condition?;---------- í That according to Expert Chairul Huda's testimony in court, stating that a letter whose content was made in ways that are not appropriate to the real condition is under the category of a falsified letter;---------- í Considering that the testimony of the witn