

CENTRAL JAKARTA DISTRICT COURT

" For Justice"

\_\_\_\_\_Indictment letter\_\_\_\_\_

NO. REG. Litigation : PDM- / JKT.PST/072005

A. IDENTITY OF DEFENDANT

Full Name : POLLYCARPUS BUDIHARI PRIYANTO  
Place of birth : Solo, Central Java.  
Age/Date of birth : 44 years / 26 January 1961.  
Nationality : Indonesian.  
Sex : Male.  
Place of residence : Pamulang Permai I Blok B No. 1 Rt.  
01/22 Pamulang Barat  
Religion : Chatolic  
Occupation : Pilot of Garuda  
Education :

B. Imprisonment

a. Investigator :

- Imprison in penitentiary since March 19,2005 to April 7, 2005
- Extended by Judiciary since April 8, 2005 to May 17, 2005
- Extended by court since May 18 to june 16, 2005
- Extended by court since June 17 to July 16, 2005

b. Public prosecutor :

- Imprison by the penitentiary since July 2005 to August 3, 2005.

CHARGE :

FIRST

----- The defendant POLLYCARPUS BUDIHARI PRIYANTO either act alone or together with YETI SUSMIARTI and OEDI IRIANTO (on the separate files) on Monday of September 6, 2004 to September 7, 2004 or at least at the certain time on September on Garuda Indonesian Airways flight number GA-974 with destination Jakarta to Singapore under article 3 of Criminal code jo article 3 of the Criminal Code Procedure , Central Jakarta district court authorize to investigate and to adjusted his cases of, as one who has deliberately and planned beforehand conducted, ordered, or taken part to the action of deadening the live of Munir ML, that which has undertaken by the defendant through the following ways:

- That defendant POLLYCARPUS BUDIHARI PRIYANTO since 1999 has undertaken various activity by the reason of upholding the Unitary Indonesian Republic has seen the victim Munir as the head of executive body of KontraS (the commission of disappearance and victim of the violence) as well as Executive director of Imparsial( the Indonesian Human rights monitor) frequently mentioned him self as a initiator, originator the democracy development defend the human rights and frequently launch the social critic as well as launch the critic to the government program, redress comment, negative response and other activity. His action has been assumed by defendant and the certain party to disrupt and impede or hinder of the application of government program, that has made other party, including the defendant himself unable to accept such an action.

- Those assumption and the appraisal drove the defendant to stop the activity of the victim, Munir , ML , by way of designing a well-planned action to deaden the lives of Victim, Munir

- In order to realize his plan to deaden the lives of victim, MUNIR , the defendant start to directly and indirectly monitor Munir activity, thus able to know MUNIR's plan to go to the Netherlands to continue his study;

- Futher, on September 4 2004 made sure the schedule of Munir journey by truing to call Munir mobile phone number and at that time was received by the witness SUCIWATI (munir's wife) to ask when would Munir leave to the Netherlands, Suciwati replied the answer that Munir would leave on Monday of September 6, 2004;

- After knowing Munir's date of departure, the defendant find the opportunity to be able to fly along with MUNIR, on September 6, 2004, whereas the defendant request the exchange of his duty as an extra crew on September 5 to 9, 2004 which supposed to fly to Peking, China, and changed it to September 6 to Singapore. This changes was written on Notification of changes Number : OFA/219/04 on September 6, 2004 made by ROHAINIL AINI by the reason of assignment from RAMELGIA ANWAR as Vice President of Corporate Security PT Garuda Indonesia , include on the letter that the matter later would communicate to Chief Pilot KARMAL FAUZA SEMBIRING. In fact, there was never be such assessment, yet by that reason, an general declaration was issued for the journey of defendant to Singapore as an extra court to undertake aviation security services whereas the aviation security services is not the special qualification of the task of the defendant who used to work at Garuda Indonesi

as a pilot, or at least the defendant do not have any special notification as an aviation security;

- Later, on the December 6, 2004 the defendant went to International airport of Soekarno-Hatta to fly to Singapore by Garuda Indonesia Airways flight number GA-974, the same flight that flied Munir.

- then Munir asked the position of his seat and replied by the defendant that the seat is located at the back. At time, the defendant offered business class seat number 3k to Munir, in order to facilitate him to easily realize his plane to deadening Munir lives, whereas the 18 seats is available in business class;

- To avoid a suspicion, the defendant then communicated with BRAHMANIE HASTAWATI as a Purser Of airplane on the matter of the exchange of the seat facility done by defendant to Munir, the witness then allowed the defendant to seat at Premium class and soon before the plan took-off, the witness OEDI IRIANTO as a steward prepared welcoming drink to the special passenger who sit on the business class, including Munir. at that moment Munir has moved Munir from the economy class. When OEDI IRIANTO prepared the welcome drink, the defendant moved from the pantry near by the Premium bar. At that moment the defendant put something into the orange juice that later be served to Munir, Based on the examination from laboratory of Forensic Institute of Ministry of judge Of Netherlands on October 13, 2004, signed by Dr ROBBERT VISSER, a doctor and pathologist in corporate with Dr B. KUBAT assured that there is a arsenic poison in a deathly amount.

- that defendant put the arsenic poison into the orange juice since the defendant know that Munir did not drink

alcohol, while the welcoming drink only served wine and orange juice;

- Then the witness YETI SUSMIARTI as a steward walked to seat 3k business class, the seat of Munir, Witness YETTI SUSMIARTI offered the drink to LIE KHIE NGIAN who sit beside Munir and he took a glass of wine. ;

-when offered the drink either OEDI IRIANTO or YETI SUSMIARTI known and able to assure that witness LIE KHIE NGIAN who are Netherland citizen would prefer wine;

- Then YETI SUSMIARTI served the drink to Munir, who seems without any suspicion took the orange juice at the first line and has to be put the arsenic into it

- At the same time what the defendant do is watching over the witness YETY SUSMIARTI action in serving the drink to Munir, watching over MUNIR who was on his seat drank the orange juice, and the defendant walked back an front of Pantry near Business class bar. Afterward the defendant ensured that MUNIR has drunk up all the poisoning juice, then the defendant went up to the premium class upper deck and went to the pilot room to talk to witness PANTUN MATONDANG as a pilot.

- after about 120 minutes flight, on 23.32Pm the Garuda Indonesia plane flight number GA-974 boarded on Changi Singapore Airport the defendant went out from the plan to chang the shift, where the crew who has just arrived from Jakarta stay a night at Novotel Hotel of Singapore;

- Before continue the journey to Netherlands at the Changi airport MUNIR wait for about 1 hour 13 minutes to transit, and go back to his the plane and must return to his previous seat on 40 G on economy class on 00.45am of September 2004, the plane take-off. 15 minutes after take off, MUNIR started to feel nauseous as a result of the

arsenic reaction in his body, and throw up several time and vomits touch the t-shirt and trouser that worn by the victim.

- three hour after take off from Singapore the witness PANTUN MARTONDANG as a pilot received information from Purser MADJIB R NASOTION that Munir is sick and handled by Dr Tarmizi. Than the witness PANTUN MARTONDANG ask the witness Purser MADJIB R NASOTION to monitor his condition. At time Munir was given two tablet of Diatab; a Zantac, and a tablet of Promag as well as the Primperam and Diazepam injection so the victim look appease.

- Nevertheless two hour after before landed, witness PANTUN MATONDANG hear another information from Purser MADJIB NASUTION that the victim, MUNIR passed away then invite Dr TARMIZI and gain explanation that MUNIR was suffer for stomachache and diarrhea , soon after hearing the report that MUNIR has passed away the death notification letter was issued,

- Based on the result of visum et repertum made Pro Justicia by department of Forensic of Ministry of justice of the Netherlands on October 13, 2004 signed by Dr Robert VISSER, doctor and pathologic who work together with Dr B KUBAT explain on the examination or autopsy to MUNIR's body , age 0f 38, the cause of the death found by toxicology examination that " concentration has sharply rise " in the blood "concentration of arsenic is sharply rise" in urine and the "concentration of arsenic sharply rise " on the ulcer.

- afterward the clothes that dirt by the vomit , after the examination of center laboratory of Forensic, the department of criminal of Indonesian police department, based on the notification of Laboratory Criminal of Central

Laboratory of Forensic of the Criminal section of National police Department No Lab : 352/KTF/2002 dated on Jul 14, 2005, investigation on the evidence ; short-sleeves gray t-shirt, black trouser jeans, blue shock and brown underwear which are belong to MUNIR lamented " able to be concluded that; the evidence in the form of a short sleeves with grey color and blue and a trouser jeans with black color positively contained arsenic"

The action of the defendant POLLYCARPUS BUDIHARI PRIYANTO is regulated and liable to the punishment in accordance with article 340 of Criminal code jo article 55 (1) the first of the Criminal code.

AND

SECOND

-----That the defendant POLLYCARPUS BUDIHARI PRIYANTO either act alone or together with RAMELGA ANWAR and ROHANIL AINI (on separate file) on Monday of September 6, 2004 or at least at certain time of September 2004 on the office of Garuda Indonesia Airways Lco at Bandara Soekarno Hatta at Cengkareng that is under the article 84 section 2 Criminal Code Procedure, the Central Jakarta district council authorize to investigate and presiding over his case that has done, ordered to do or took part in doing and deliberately use the false letter or falsified letter as though original letter , this letter cause the disadvantages, the defendant has done the following action That defendant On September 6, 2004 about 15.00 pm to 16.00 pm or around afternoon called the witness ROHANIL AINI at that time the defendant ask the position of captain, then ROHANIL AINI replied by asking "what is it for?";

- afterward the defendant stated that he is assigned by RAMELGIA ANWAR to go to Singapore and on board by GA-974, though the defendant known that RAMELGIA ANWAR was out of town. Responded to the requested the witness ROHANIL AINI before closed the phone has said " you promise that Mr RAMELGIA must communicate it first Captain KARMAL, and the defendant has said yes.

- Based on the conversation, witness ROHANIL AINI believe and assured since the defendant status is the senior GARUDA so that the witness issued the schedule exchange notification to replace notification OFA/210/04 of 31 Augustus 2004 that explain the cancellation of schedule of departure of the defendant as an extra crew to Peking. His trust also based on that previous letter that defendant assigned as a assistance staff at Corporate security that lead by the witness RAMELGIA ANWAR;

- That after his return from Singapore to Indonesia, in fact the journey to Singapore it self has causing the extraordinary cost such as transportation and accommodation. Therefore the witness Capt. KARMAL FAUZA SEMBIRING called the defendant and requested the defendant to give the report to the witness, RAMELGIA ANWAR. Then the defendant asked the witness RAMELGIA ANWAR to issued the assignment letter to the defendant then witness RAMELGIA issued and signed the assignment letter Number: IS/1177/04 dated on September 15, 2004 than hand it to the defendant. The letter aim to remove the burden of expenses of journey , the letter remove the responsibility to cover the expenses to RAMELGIA ANWAR and not responsible Capt. KARMAL FAUZA SEMBIRING;

- taking into account that on the duty to Singapore on September 6, 2004 the dependant served as an extra crew

therefore to make the duty seem to be accomplish, the defendant ask RAMELGIA ANWAR to make assignment letter that put the date of issued before September 6,2004, by his request the witness RAMELGIA ANWAR put the assignment letter with the same number and content, namely letter number : IS/1177/04 dated on 4 September 2004;

- Then by the false letter Number : IS/1177/04 dated September 4

September 2004 , PT Garuda Indonesia eventually expense journey of defendant that is eventually covered by Garuda made it lost at the amount of the ticket price from Jakarta to Singapore as well as the hotel accommodation during his stay in Singapore.

The action of the defendant would charge under the article 263 section (2) juncto Article 55 (1) the first of the Criminal code

Jakarta, 27 July 2005

PUBLIC PROSECUTOR

DOMU P. SIHITE, SH. MH

JAKSA UTAMA PRATAMA NIP.