

**LAW SUIT for
ACTIVITIES AGAINST THE LAW**

S U C I W A T I

Against

PT. GARUDA INDONESIA, dkk.

at

**The Central Jakarta District Court
October 2006**

Secretariat : LBH Jakarta Jl. Diponegoro 74 Jakarta 10320

Telp. (021) 3145518 Fax. (021) 3912377

To:
Head of central Jakarta District Court

LAW SUIT
“ACTIVITIES AGAINST LAW”

Dear Sir,

R. Dwiyanto Prihartono, S.H.; Umar Husin, S.H.; Trimuelja D. Soerjadi, S. H., M.Arfiandi Fauzan, S.H.; M. Choirul Anam, S.H.; Ori Rahman, S.H.; Sudaryatmo, S.H.; Vera S. Wenny, S.H; Asfinawati, S.H., Hermawanto, S. H., Anton Prajasto, S. H., R.Indria Fernida A, S. H., Nurcholish Hidayat, S. H., Poengky Indarti, S. H, Edwin Partogi, S. H, Gatot, S. H, Khaeruddin, S. H, Dimas Prasidi, S. H, Totok Yulianto, S. H, Arko Kanadianto, S. H, Melda Kumalasari, S. H, Agus Pratiwi, S. H, Abusaid Pelu, S. H, Sinung Karto, S. H, Muji Kartika Rahayu, S.H, Ki Agus Bela Sati, SH, Febionesta, S.H, Restaria Hutabarat, S.H ,
 Advocat/General Solicitors agreed to be domiciled at the Legal Aid Foundation office at Jl. Diponegoro 74 Jakarta. In this regard, based on Special Assignment Letter dated 5 September 2006, act individually or collectively for and on behalf of:

Suciwati, Housewife, Indonesian citizen, in this regard act for :

1. Herself, (Evidence P-1)
2. As a mother and therefore representing her own children, who are not mature yet, born as a result of her marriage with the late MUNIR, namely (1) Soultan Alif Allende, aged 8 years (Evidence P-2) and (2) Diva Suuky Larasati, aged 4 years, (Evidence P-3)

in this regard agreed to be domiciled at Jl. Diponegoro No.74 Central Jakarta.

Hereinafter is called -----“ **PLAINTIFF**“;

PLAINTIFF herewith filing a lawsuit for activities against the law for:

P.T. (Persero) Perusahaan Penerbangan Garuda Indonesia (Garuda Indonesia Airlines) hereinafter is called **P.T. Garuda Indonesia**, a state-owned company in providing services in air transportation with office in Garuda Indonesia Building at Jl. Medan Merdeka Selatan No. 13, Jakarta 10110, Indonesia.

Hereinafter is called ----- **ACCUSED I**;

Indra Setiawan as himself and as Executive Director of PT. Garuda Indonesia 2002- 2005 , PT. Garuda Indonesia, whose address is Jl. Taman Maruya Ilir H7/14 Meruya Utara, Jakarta Barat

Hereinafter is called -----**ACCUSED II**;

Ramelgia Anwar as himself and Vice President Corporate Security / Directorate for Strategy and General Affairs 2002 - 2005, PT. Garuda Indonesia, whose address is Jl. Parkit I No. 28 Griya Rt. 02/10 Kecamatan Limo, Limo – Depok.

Hereinafter is called ----- **ACCUSED III;**

Rohainil Aini as herself and *Flight Operation Support Officer / Administrator Airbus A-330 1998 – 2005, PT. Garuda Indonesia*, whose address is Jl. Danau Kelapa Dua VIII/5 Rt. 02/05 Kel. Kelapa Dua Curug, Kabupaten Tangerang.

Hereinafter is called -----**ACCUSED IV;**

Pollycarpus Budihari Priyanto as himself and pilot/staf Aviation and Internal Security PT. Garuda Indonesia, whose address is Pamulang Permai Blok B No. 1 Kabupaten Tangerang.

Hereinafter is called ----- **ACCUSED V;**

Yetty Susmiarti as herself and Cabin Crew GA 974 Jakarta-Singapore 6 September 2004 PT. Garuda Indonesia, whose address is Perumahan Taman Elang Blok o/06 Rt 03/10 Desa Periuk Kecamatan Periuk, Kota Tangerang.

Hereinafter is called ----- **ACCUSED VI;**

Oedi Irianto as himself and Cabin Crew GA 974 Jakarta-Singapore 6 September 2004 PT. Garuda Indonesia, whose address is Jl. Cirata II Blok DA/2 Rt 001/012 Kel. Jaka Sampurna, Bekasi Barat

Hereinafter is called ----- **ACCUSED VII;**

Brahmanie Hastawati as herself and Purser GA 974 Jakarta-Singapore 6 September 2004 PT. Garuda Indonesia, whose address is Jln. Cucur Timur A.6/2 BTR IV Rt. 02/09 Pondok Karya, Pondok Aren Kota Tangerang.

Hereinafter is called -----**ACCUSED VIII;**

Pantun Matondang, as himself and Pilot GA 974 Singapore-Amsterdam 6 September 2004 PT. Garuda Indonesia, whose address is Kav. DKI Blok 80 No. 31, Meruya, Jakarta Barat

Hereinafter is called -----**ACCUSED IX;**

Madjid Radjab Nasution as himself and Purser GA 974 Singapore-Amsterdam 6 September 2004 PT. Garuda Indonesia, whose address is Griya Kencana I Blok A/16 Rt. 01/04 Kel. Pedurenan, Kec. Karang Tengah, Kota Tangerang

Hereinafter is called ----- **ACCUSED X;**

Sabur M. Taufik, as himself and Pilot GA 974 Jakarta-Singapore 6 September 2004 PT Garuda Indonesia, whose address is Jl. Taman Giri Loka B/23 Bumi Serpong Damai Kel. Lengkong Wetan, Kota Tangerang

Hereinafter is called -----**ACCUSED XI.**

As **ACCUSED (ACCUSED I, II, III, IV, V, VI, VII, VIII, IX, X, dan XI)** is collectively hereinafter called **ALL ACCUSED.**

I. POSITION AND CONCERN OF THE PLAINTIFF

1. The PLAINTIFF is the wife of the late and act as a guardian of the two children mentioned above which were born as a result of her marriage with the late of Munir , is a custodian of the late Munir. MUNIR died on 7 September 2004 on board of the flight of *Garuda Indonesia Airlines* managed by ACCUSED I, Flight Number: GA 974 en route Jakarta – Amsterdam.(Evidence P-4);
2. Based on the things mentioned above, PLAINTIFF has the right to file lawsuit for activities against the law since ACCUSED I has failed to fulfill its responsibilities to guarantee passenger's security and safety.

II. LEGAL FACTS

3. That the late Munir is passenger of the flight administered by ACCUSED I, Flight Number GA 974, en route Jakarta – Amsterdam, Ticket Number: 126 3275355522.2, Booking Code QLKJF8, date of issue: 1 September 2004.(Evidence P-5);
4. That the ticket for the late Munir is for the flight from Jakarta-Amsterdam on September 6, 2004, economy class on his name.
5. That the late Munir while he was boarding, in queue before entering the plane, GA974, the late Munir met Accused V who he had recognized or had met him before. The Accused V's profession is pilot and he is working in Accused I's company. (Evidence P-6a);
6. That inside the plane, GA 974, the late Munir is supposed to be seated in 40G, economy class based on check in process by the desk officer at the Sukarno-Hatta Airport. However, he was transferred to seat number 3K, Business Class.(Evidence P-6b);
7. That transferring the seat of the late Munir was done before take off based on ACCUSED V's initiative. Later it is known that ACCUSED V is joining GA974 to go to Changi Airport, Singapore on his capacity as extra crew. ACCUSED V is going to complete assignment made by ACCUSED I and ACCUSED II as *Aviation and Internal Security*.(Evidence P-6c);
8. That the transferring made by ACCUSED V caused the late Munir had a seat in Business Class with the number 3K but without business class ticket.
9. That transferring the seat of the late Munir from economy class [40G] to business class [3K] by ACCUSED V was not prohibited by ACCUSED XI as head of the flight nor prevented by ACCUSED VIII who acted as purser. (Evidence P-6d);
10. That ACCUSED VI as cabin crew had a chance to ask ACCUSED V if ACCUSED V already asked permission to ACCUSED VIII as the purser when ACCUSED V mentioned that he already transferred the seat of Munir. However, ACCUSED VI did not reconfirm to ACCUSED VIII on the seat transfer. (Evidence P-6e);
11. That transferring the seat of the late Munir from economy to business class means the late Munir has been put in different condition.
12. That the selection of the food and the way it served in business class is very different with economy class. In economy class, the food is already fixed and it is distributed to the passengers. In other words, passengers do not have a chance for individual order except for special order with healthy or religious reason. In business class, the food is diversified and therefore it is very much individual. The way it served is different as the cabin crew will open the food and show it to passengers. (Evidence P-6f);
13. Likewise, it also applies for beverages. In economy class, beverages is poured to the glass before the passengers based on passengers' choice. In business class, beverages is prepared in the pantry before it is served to the passengers. (Evidence P-6g);

14. That during the flight of GA 974 from Jakarta to Singapore, ACCUSED V sat around 1 meter from the mini bar of premium class while the distance between the mini bar and pantry is 5 meter.
15. That also during the flight, ACCUSED V walked around the cockpit although he was not on duty (Evidence P-6h);
16. Moreover, ACCUSED V was seen in the pantry for two times (Evidence P-6i);
17. That ACCUSED V had a chance to walk around and entered the pantry before food and beverages were served;
18. That the late Munir had his welcome drink around 10 minutes after entering the plane and had the meal around 30 minutes after the beverages served by ACCUSED VI and ACCUSED VII, the cabin crews in charge;
19. That after transit at Changi Airport, Singapore, GA974 continued flying to Amsterdam.
20. That during the flight, ACCUSED XI was the purser in charge who had responsibilities for all activities in the cabin and made by the cabin crew. Moreover, ACCUSED IX was captain pilot who had responsibilities for all things happened during the flight of GA974.
21. That since the plane GA 974 took off from Changi Airport, Singapore headed to Amsterdam, the late Munir returned to his original seat, 40G in economy class. Shortly after, he started complaining of stomach pain and started vomiting followed by several trips to the toilet. It is known afterwards that it was because he got poisoned. (Evidence P-6j);
22. That before vomiting and trips to the toilet, at Changi Airport, the late Munir already had stomach pain. Moreover, he had a chance to ask light medicine for the stomach pain to cabin crew as he entered the plane en route Singapore-Amsterdam.;
23. That because of the stomach pain, the late Munir has to go the toilet several times. Moreover, he could not move to the toilet himself and need assistance of the cabin crew. (Evidence P-6k);
24. That after knowing the condition of the late Munir, ACCUSED IX is supposed to consult Ground Officer for landing permission at the nearest airport. (Evidence P-7) ;
25. That around two hours before the plane landed at Schiphol Airport, the Netherlands, or around 04.05 local time, the late Munir already passed away ;
26. That the autopsy made by the Nederlands Forensisch Instituut –NFI showed that the late Munir passed away due to arsenic poison because based on toxicology evaluation, high arsenic dose was found in the blood, urine and in the kidney.(Evidence P-8);
27. That explanation by the expert mentioned the poison entered the body around 90 minutes before the first indication (Evidence P-9a);
28. That the time span between first indication and the time the poison entered match the time when the late Munir had the food and beverages served by ACCUSED I during the flight from Jakarta to Singapore. (Evidence P-9b).
29. That therefore it is known the food and beverages served during GA974 flight from Jakarta to Singapore contained poison material. The poisonous food and beverages, served by ACCUSED VI and ACCUSED VII, finally murdered Munir;
30. That after being informed the death of Munir, PLAINTIFF called ACCUSED I for confirmation. PLAINTIFF called the office of ACCUSED I in Jakarta as well as in Amsterdam for at least 6 times. However, there was no response;
31. That during the calling process, ACCUSED I did not want to give information with several excuses. Finally, in the last call to ACCUSED I's office at Schiphol, PLAINTIFF was informed that Munir already passed away. In addition, the officer in the line mentioned that PLAINTIFF should not tell anyone that the officer gave the information;

32. That after the death of Munir, it was found several important facts on GA974 flight in connection with the death of Munir:
- a. That ACCUSED V was on board in his capacity as *extra crew* (Evidence P-6l);
 - b. That later was found ACCUSED V was on board due to assignment letter from ACCUSED II to ACCUSED V as *aviation and internal Security* (JKTISGA). The reference number of the letter is GARUDA/DZ-2270/04 dated 11 Agustus 2004; (Evidence P-10);
 - c. That the assignment letter is improper since the scope of the assignment is very broad without time limit and with unclear responsibility system;
 - d. That in addition, the assignment letter was issued by ACCUSED I and II directly to a Co-pilot of Garuda without paying respect to existing hierarchy system in Garuda which is *Operational Director, Vice President for Flight Operation and Chief of Pilot*;
 - e. That the assignment letter for ACCUSED V was issued at the time when the media published the plan of the late Munir to pursue study to the Netherlands.;
 - f. That it is found the departure of ACCUSED V is not in line with the procedure. On September 6, 2004, ACCUSED V came to ACCUSED IV requesting for permission to join GA974 flight. The permission should be ready on that day too. ACCUSED IV rejected this request but later, after ACCUSED V mentioned a permission of ACCUSED III is confirmed, ACCUSED IV gave the permission for ACCUSED V to join GA974 flight. (Evidence P-6m);
 - g. That ACCUSED V joined GA 974 flight board on September 6, 2004 based on a changing schedule note number OFA/219/04 signed by ACCUSED IV himself as *Flight Operation Support Officer*. The note is a revision of a note number OFA/210/04 dated 31 Agustus 2004.(Evidence P-6n);
 - h. That the revision was issued officially by ACCUSED I although ACCUSED IV knew very well that issuing such revision was under the authority of Chief Pilot.(Evidence P-6o);
 - i. That therefore the departure of ACCUSED V was without permission from the *Chief of Pilot* Carmel Sembiring who had the real authority.(Evidence P-6p);
 - j. That later ACCUSED III as *Vice President for Corporate Security* issued a letter with number No.15/1177/04 to support assignment letter from ACCUSED I and II to ACCUSED V made by ACCUSED. However, it is found later that the letter is *Back dating*, or made after the death of Munir [antidatum]. (Evidence P-11);
 - k. That ACCUSED V arrived in Singapore around 00.30 local time and returned to Jakarta with the very first flight at 06.30 on 7 September 2004. This fact shows that ACCUSED V do not have enough time to perform his assignment in Singapore as he always claims (Evidence P-12);
 - l. That the report of ACCUSED V to ACCUSED III dated 8 September 2004 is having poor quality. The report is typed in manual typing machine and this is improper considering his capacity as pilot who always work with modern computerized machine (Evidence P-13).
33. That ACCUSED I, after the death of Munir, had established investigation team called SH@RE Investigation. The team published a report namely Safety Hazardous Report subject "Death on Board GA 974 B747-400 PK-GSG SIN-AMS, Sept. 7th 2004 No. INV/OZI/B744/001/04 Basis No. 24/04/744, issued on 19 Oktober 2004 and prepared by Hartati, Betty Nila P and Boy Umarsyah. The report is verified by Captain Novianto Herupratomo and approved by Captain A Krismanto. (Evidence P-14);

34. That inside SH@Re Investigation who produced Safety Hazardous Report subject “Death on Board GA 974 B747-400 PK-GSG SIN-AMS, Sept. 7th 2004 No. INV/OZI/B744/001/04 Basis No. 24/04/744, issued on 19 October 2004 mentioned investigation report as follows:
- “before Mr Munir dead, PiC didn’t make any contact seeking of medical advice from the ground ...”;
 - “crew did not really understood kind of reportable occurrence should be reported on ASR and CSR and which Department should be (the first hand) received the preliminary report”
 - “crew did not really understand international rules/regulation of ICAO annex 13 when such incident/accident occurs in the country other than the original country of the operator”
 - “crew did not realize that wrapping or packaging of medicine and medical equipment used by doctor during medical treatment, should kept as evidence”
35. That ACCUSED II once made a statement known by public via the media admitting the unprofessionalism of GARUDA’s management with regard to a backdatum letter, the report of ACCUSED V and assignment letter from ACCUSED II to ACCUSED V.(Evidence P-15).
36. That in addition to the facts mentioned above, ACCUSED II has tried to manipulate the facts by making statements. As a result, there was incorrect information on the death of Munir. The statements said that **the death of Munir was not because the poison** as the food served in random. He added by saying, “If it is because the food, all passenger will be dead”. (Evidence P-16);
37. That moreover, ACCUSED did not have commitment to reveal the truth behind the death of Munir. On the contrary, he tried to cover it up as seen on his decision to cancel pre-reconstruction process of the case on board. This was mentioned by the investigator of Munir’ case, Marsudhi.
38. “Marsudhi also condemns Garuda as the company does not have commitment to reveal the truth behind the case. This is very obvious as many officers and employees of Garuda tend to cover up the case. Another evidence Garuda do not carry out internal investigation. “Garuda rejects pre-reconstruction process of Munir’ case without clear justification”, Marsudhi said (Evidence P-17).

III. ACTIVITIES AGAINST THE LAW OF THE ACCUSED

39. That GA974 flight from Jakarta to Amsterdam with transit at Changi Airport, Singapore is an international flight that must be in accordance with Warsaw Convention.
40. That Munir died due to an accident occurred inside Garuda’s plane operated by ACCUSED I and therefore based on article 17 of Warsaw Convention 1929, ACCUSED I should take all responsibilities for any damage and loss occurred,
41. That safeness, security and comfortability of the late Munir during the flight of GA974 from Jakarta to Amsterdam on 6 September 2004 is fully the responsibility of ACCUSED I, *res ipsa loquitur*.

A. Putting passengers on purpose in a insecure and unsafe condition

a. Transferring the seat not in accordance with Boarding Pass

42. That transferring the seat of the late Munir after he was inside the plane GA 974 from 40G, Economy Class to 3K, Business Class, shortly before the flight of Jakarta-Singapore is

violating international standard in air transportation considering the fact that the flight of GA974 is an international flight.;

43. That in addition to this, transferring the seat is unacceptable from investigation (forensic) point of view. If there was accident, transferring the seat would manipulate identification process of the victims since the position of passengers is not in accordance with existing passengers manifest.;
44. That in this case, transferring the seat based on initiative of ACCUSED V and approved by ACCUSED VIII and XI is totally unacceptable since it puts the late Munir in dangerous position as he will easily be a target of poisoning activity.;
45. That because transferring activity made by ACCUSED V and approved by ACCUSED VIII and XI, all are the employees of ACCUSED I's company, has put the late Munir's position insecure. His safety is not guaranteed. This is clearly considered as activities against the law since it violates the existing laws and rules as follows:
 - a. Basic Operations Manual (BOM) date Jan 1,1998, issue No 2 BOM 5.1.4 page 1, says:
 - "in case of up-or downgrading a note should be made on the passenger information sheet and PiC as well as the purser should be informed before embarkation of passengers.
 - Economy class passengers on the following conditions may occupy First class seats:
 - (1) In case of overselling, according to current upgrading sequence rules.
 - (2) In those cases were, for ad-hoc technical reasons, a mixed configuration aircraft is scheduled to fly on an all economy service, it is not against IATA rules that economy class passenger occupy first class seats“;
 - b. Article 4 [a] Law No. 8/1999 on Consumer's Protection says that "Consumers deserve security, safenessness and comfortability in consuming goods and or services“;
46. That transferring the seat of the late Munir from economy class (as stated in the ticket issued by ACCUSED I and received by Munir) to business class as already happened without overselling or ad hoc technical reasons, therefore i.c should be considered that ACCUSED I has received a passenger **without** ticket, that is to say **without** business class' ticket as stipulated in article 3 (2) *Warsaw Convention* 1929, and as a result, the responsibilities of ACCUSED I is **NO** limit.
47. That for the activities made by ACCUSED I, ACCUSED V, ACCUSED VIII and ACCUSED XI which against the law as mentioned above, therefore it is fair if ACCUSED I, ACCUSED V, ACCUSED VIII and ACCUSED XI declared by the Central Jakarta District Court have committed activities against the law [*onrechtmatigedaad*].
48. That in addition to this, it is fair before the law if ACCUSED I, ACCUSED V, ACCUSED VIII and ACCUSED XI as mentioned in article 1365 and 1367 Civil Law need to take responsibilities collectively on all the lost occurred due to their activities against the law.

b. The Crew with Illegal Official Assignment Letter

49. That activities made ACCUSED I and ACCUSED II issuing assignment letter to ACCUSED V as *Aviation and Internal Security* with the number of the letter GARUDA/DZ-2270/04, dated 11 Agustus 2004 which mention no time limit, without clear responsibilities system and disregard the existing hierarchy in decision making according to management system of ACCUSED I has violated legal responsibilities of ACCUSED I and ACCUSED II;
50. That the assignment made by ACCUSED V in GA 974 flight using note number OFA/219/04 signed by unauthorized officer, i.e. ACCUSED IV, is illegal.

51. That activities made by ACCUSED I and ACCUSED III [*Vice President For Corporate Security*] issuing a letter No.15/1177/04 which is *back date*, is an effort to cover up and or manipulate facts and do not support effort in revealing the truth behind the death of Munir. This is against legal responsibilities of ACCUSED I and ACCUSED III according to **Article 5 Point 3 Law No. 19/2003 on State Owned Companies** which basically highlights that: “Member of Directors in performing their duties should be based on some principles which are professionalism, efficiency, transparency, accountability, responsibilities, and fairness “. Moreover, it is also against **Article 7 point a, b and c of Law No. 8/1999 on Consumer’s Protection** which basically says that: “agent of business should have good intention in running their business, providing clear information, be honest on the condition of the goods or services as well as on its usage, repair, and maintenance. All consumers should also be treated in good and honest and non discriminative way.”
52. That ACCUSED IV who made a backdated letter is considered as an activity against the existing standard. ACCUSED IV should reject such request to write the letter as the request came when the media already published the death of Munir. In other words, ACCUSED IV is fully aware the intention of making the letter.;
53. That ACCUSED V’s activity in determining his duty as *Aviation and Internal Security* in the flight of GA 974 to Singapore without special assignment letter, only using a note issued by ACCUSED IV eventhough he is fully aware there is no permission of chief pilot and let the back date letter supports his activities, all of these show ACCUSED V in collaboration with ACCUSED I, ACCUSED II, ACCUSED III and ACCUSED IV have collectively committed activities against the law.;
54. That activities against the law mentioned above have been added by improper and unprofessional activity which is typing a report using manual typing machine. This is clearly inappropriate for a co-pilot who are very familiar with computerized machine in performing his daily jobs.;
55. That activities made by ACCUSED I, ACCUSED II, ACCUSED III and ACCUSED IV were on purpose in nature to let a crew who was off duty, in this case ACCUSED V, to join the flight of GA974 and covered up that very fact afterwards by preparing backdated letter is also against someone else’ right which is Munir’s right as the consumer of all the ACCUSED. Activities of the ACCUSED also violates the following:
- a. Article 28G [1] UUD 1945 (The National Consitution), which says: “everyone has the right of being secure, and getting protection from the threat of fear”.
 - b. Article 28D [1] UUD 1945, which says: “everyone has the right for recognition, guarantee, protection, justice and equal treatment before the law”.
 - c. **Article 4 Law No.8/1999 on Consumer’s Protection:** [1] right for comfortness, security and safeness in consuming goods and or services; [2] right for choosing goods and or services as well as obtaining those goods and or services based on exchange value, condition, and guarantee as promised; [3] right for accurate, clear and honest information on the condition and guarantee of the goods and or services.
 - d. Based on appropriate practice and operational standard of Garuda and Government Rule No.3/2001 on safeness and security during the flight, the following principles should be fulfilled:
 - Security during the flight is a condition provided by the airlines which is free from disturbance and or activities against the law.
 - Safeness during the flight is a condition provided by the airlines which comply with operating procedure and technical requirements on infrastructure of the flight along with its supporting tools.

56. That based on Government Rule No. 3/2001, a flight should be secure and free from activities against the law. However, during the flight of GA974 led by ACCUSED XI, there was ACCUSED V as an extra crew who joined the flight illegally. ACCUSED V used a note No.OFA/219/04 signed by unauthorized officer, i.e ACCUSED IV. ACCUSED XI should reject ACCUSED V in the flight of GA 974 from Jakarta to Singapore.;
57. That the existence of ACCUSED V in the flight of GA974 which is illegal and based on activities against the law made by ACCUSED I, II and IV, could be stopped by purser and chief of the flight at that time, which were ACCUSED VIII and XI. As ACCUSED VIII and XI disregard their responsibilities, this is against thier legal responsibilities as articulated in Basic Operation Manual (BOM) :
- *“Purser.....the FA 1 is accountable to monitor flight safety conduct in the cabin , especially during take of and landing. The FA 1 coordinates the work of other flight attendants in a flight in compliance with valid regulation and policies and report any concerns that effect the quality of the fligh to the PIC and /or concerned chief cabin. To ensure contibuty of service betwen pre, in, and post flight, an FA 1 has the job to conduct quality control to all uplift supplies at the related sector and coordinates passenger service/handling with the passage officer,ramp coordinator and catering servicwBOM 212 page 5 date 1 sept 2003 issue 2.*
 - *“In accordance with the CASR 121.533 the responsibility for contol during day to day operations are determined as follows : pilot in command (PiC) during flight time is responsible for the safety of the passangers, crewmembers, cargo and aircraft, has full control and authority without limitation over other crewmembers duties whether or not he/she holds valid certificates authorizing him/her to perform the duties of those crew members.”*
58. That transferring Munir from his seat in economy class to business class without business class ticket against the rule and assignment of ACCUSED V based on improper assignment letter because violates procedure as mentioned above. ACCUSED I i.c. should be considered has committed ‘**willful misconduct**’ or **committing crime on purpose** as mentioned in Article pasal 25 Warsaw Convention 1929 and therefore ACCUSED I’s responsibilities for the loss and damage has been made is **No** limit.
59. That because activities made by ACCUSED I, II, III, IV, V, VIII and XI against the law as explained above, therefore ACCUSED I, II, III, IV, V, VIII and XI should be declared by the Central Jakarta District Court have committed activities against the law [*onrechtmatigedaad*].
60. That therefore, it is proper according to the law that ACCUSED I, II, III, IV, V, VIII and XI based on Pasal 1365 and 1367 Penal Code should take responsibility collectively on the loss occurred as a result of their activities against the law.

B. Careless practice that put passengers in uncomfot, insecure and dangerous situation

a. Gross negligence in examining the food and beverages that leads to the death of the late Munir

61. That considering the first indication shown by Munir shortly after the plane took off from Changi Airport, Singapore and explanation from the expert that posion intake is 90 minutes before the first indication, then it could be concluded that the arsen poison entered the body

of Munir through the food and beverages served inside the plane of GA974 which he consumed at a particular time during the flight from Jakarta to Singapore.

62. That during the flight of GA974 from Jakarta to Singapore, ACCUSED VI and VII as cabin crew who were responsible in preparing good, safe and reliable food and beverages in the pantry had failed since in reality the food and beverages led to poisoning condition which caused the death of Munir.
63. That during the flight of GA 974 from Jakarta to Singapore, ACCUSED VIII who acted as Purser and was responsible for security, comfortness, and safeness inside the cabin. In reality, ACCUSED VI and ACCUSED VII served poisonous food and beverages that lead to the death of Munir.
64. That based on BOM (Basic Operations Manual) In accordance with the CASR 121.533 the responsibility for control during day to day operations are determined as follows : pilot in command (PiC) during flight time is responsible for the safety of the passengers, crewmembers, cargo and aircraft, has full control and authority without limitation over other crewmembers duties whether or not he/she holds valid certificates authorizing him/her to perform the duties of those crew members. ACCUSED XI was supposed to take responsibility on the security of the passenger especially the late Munir. However, in reality, the late Munir passed away because he consumed the food and beverages served inside the flight of GA 974.
65. That therefore ACCUSED I, ACCUSED VI, ACCUSED VII , ACCUSED VIII and ACCUSED XI at least have done careless activity in monitoring the security of the food and beverages served to the passengers.;
66. That serving poisonous food and beverages inside the plane of ACCUSED I which finally consumed by Munir as explained above, if it can not be proved that the activity was done on purpose, --quod non—at least i.c. should be considered has committed **terrible careless activity**, grove schuld or gross negligence on ACCUSED I's side or to use terms used in Article 25(1) Warsaw Convention 1929,or **by such default**, and therefore ACCUSED I's responsibilities for the loss made is becoming **NO** limit.
67. That because of the activities made by ACCUSED I, VI, VII, VIII and XI that against the law as mentioned above, therefore ACCUSED VI, VII, VIII and XI should be declared by the Central Jakarta District Court has committed activities against the law [*onrechtmatigedaad*]
68. That in addition to that, it is proper according to the law if ACCUSED I, VI, VII, VIII and XI based on Article 1365 and 1367 Penal Code should take responsibilities of the loss occurred as a result of their against the law activities.

b. *Gross negligence in handling the pain of the late Munir*

69. That activities made by ACCUSED IX is proved to be unprofessional as stipulated in BOM 5.2.1 -01 which supported by the Safety Hazardous Report subject "Death on Board GA 974 B747-400 PK-GSG SIN-AMS, Sept. 7th 2004 No. INV/OZI/B744/001/04 Basis No. 24/04/744, issued on 19 October 2004 and prepared by Hartati, Betty Nila P and Boy Umarsyah and verified by Capt. Novianto Herupratomo and approved by Capt. A Krismanto. The report mentioned several facts as follows: (Page 6 Flight Safety Department (OZ)): letter 'k' (in the report) says that "before Mr Munir dead, PiC didn't make any contact seeking of medical advice from the ground ...";

70. That the activities made by ACCUSED X is found not professional since he could not do legal responsibilities as a purser as mentioned in Basic Operation Manual *“Purser.....the FA 1 is accountable to monitor flight safety conduct in the cabin , especially during take of and landing. The FA 1 coordinates the work of other flight attendants in a flight in compliance with valid regulation and policies and report any concerns that effect the quality of the fligh to the PIC and /or concerned chief cabin. To ensure contibuty of service betwen pre, in, and post flight, an FA 1 has the job to conduct quality control to all uplift supllies at the related sector and coordinates passenger service/handling with the passage officer,ramp coordinator and catering servicwBOM 212 page 5 date 1 sept 2003 issue 2 as shown in the Safety Hazardous Report subject “Death on Board GA 974 B747-400 PK-GSG SIN-AMS, Sept. 7th 2004 No. INV/OZI/B744/001/04 Basis No. 24/04/744, issued on 19 October 2004*
- “crew did not really understood kind of reportable occurance should be reported on ASR and CSR and which Department should be (the first hand) receiced the preliminary report”
 - “crew did not really understand international rules/regulation of ICAO annex 13 when such incident/accident occurs in the country other than the original country of the operator”
 - “crew did not realize that wrapping or packaging of medicine and medical equipment used by doctor during medical treatment, should kept as evidence”
71. That due to activities against the law by ACCUSED I, ACCUSED IX and ACCUSED X as mentioned above, therefore ACCUSED I, ACCUSED IX and ACCUSED X has been declared by the Central Jakarta District Court committing activities against the law [onreclmatigedaad].
72. That in addition to this, it is proper according to the law that ACCUSED I, ACCUSED IX and ACCUSED X based on Article 1365 and 1367 Penal Law Code should take responsibilities collectively on the loss incurred as a result of their activities against the law.
73. That because ACCUSED I is still providing air transport for the passengers, it is better for public to notice ACCUSED I’s inability to provide security, comforness and safeness that lead to death. Therefore ACCUSED I need to inform the public via newspapers, magazines , radio, televisions and other warning statements.
74. That in addition to this, ACCUSED I should conduct internal review to prevent its inability providing safeness and security for the passengers that lead to death, happen again in the future. This could be done by knowing the reason behind the inability via complete audit, including for the crew, conducted by independent auditor, ask forgiveness to PLAINTIFF and build a monument to remember this case and learn a lesson from it.

IV. LOSS OF THE PLAINTIFF

75. That because activities against the law made by ALL ACCUSED as mentioned above, on purpose or due to their careless practice, has caused loss for PLAINTIFF that could be calculated in nominal and non-nominal term.;
76. That non-nominal loss is huge and it is very difficult to be calculated. However, considering legal certainty in this law suit, non-nominal loss of PLAINTIFF, should it is estimated in money term, is around Rp. 9.000.700.400,- (in words: nine billion seven hundred thousands and four hundred rupiah);
77. That due to activities against the law of ALL ACCUSED, PLAINTIFF will always suffer loss since the late Munir is the only source for economic and financial matter for the life of

PLAINTIFF. Source of fulfilling basic needs of PLAINTIFF is no longer available. Therefore, based on article 1365 Penal Law Code saying basically persons made a loss should pay the loss as a result of his/her activities, then based on calculation of PLAINTIFF, it is proper if ALL ACCUSED collectively pay the loss around Rp 4.028.407.100 (in words : four billion twenty eight millions four hundred seven thousand and one hundred rupiahs), with details as follows:

Type of loss	Unit	Amount
a. Monthly income as of September 2004 [the time Munir died] until Munir's 65 years old :	Rp. 7.130.000/month	• Rp. 3.389.887.200
b. Education expenses for 2 [two] children until undergraduate level:	<ul style="list-style-type: none"> • Soultan Alif Allende • Diva Suukyi Larasati 	<ul style="list-style-type: none"> • Rp. 299.091.500 • Rp. 258.953.400
c. Therapy expenses and medicines for the children	<ul style="list-style-type: none"> • Therapy : Rp. 150.000 x 8/month x 42 • Supplement : Rp. 1.000.000/2 months X 21 	<ul style="list-style-type: none"> • Rp. 50.400.000 • Rp. 21.000.000
d. Expenses already incurred by the late Munir for pursuing his master's degree to the Netherlands:	<ul style="list-style-type: none"> • Private English course Rp. 5.000.000 • Airport tax. Rp. 75.000 • Fiscal Rp. 1.000.000 	Rp. 6.075.000
e. Funeral expenses, dll	Funeral praying and expenses for the grave	Rp. 3.000.000
Total		Rp. 4.028.407.100

78. That in addition to the loss mentioned above, PLAINTIFF also has to pay professional fees for her legal advisors around Rp. 1.300.000.000,- (One billion three hundred millions rupiah);
79. That moreover, according to PLAINTIFF, its is proper based on the law that the Central Jakarta District Court declare ALL ACCUSED to pay all the expenses of this case;
80. That based on the things mentioned by PLAINTIFF, it is very clear that all principles in this law suit already based on existing rule with appropriate and undeniable evidences. Therefore it is proper if the Central Jakarta District Court examines this case and makes its decision based on justice.
81. That to avoid bad intention of ALL ACCUSED in executing court decision, therefore PLAINTIFF kindly request the Central Jakarta District Court to confiscate all belongings of ALL ACCUSED as follows:
- Land on Jl. Medan Merdeka Selatan No. 13, Jakarta 10110 Indonesia, including building on it owned by ACCUSED I

- Land on Jl. Taman Maruya Ilir H7/14 Meruya Utara, Jakarta Barat, owned by ACCUSED II, and
- Land on Jl. Parkit I No. 28 Griya Rt. 02/10 Kecamatan Limo, Limo – Depok owned by ACCUSED III, and
- Land on Jl. Danau Kelapa Dua VIII/5 Rt. 02/05 Kel. Kelapa Dua Curug, Kabupaten Tangerang owned by ACCUSED IV, and
- Land on Pamulang Permai Blok B No. 1, Kabupaten Tangerang owned by ACCUSED V

82. That this law suit is based on evidences as stipulated in article 180 (1) HIR and therefore decision for this case could be declared to be executed first despite there are efforts for appeal or judicial review.

V. CHARGES

Based on all things mentioned above, PLAINTIFF herewith request the Central Jakarta District Court to examine this case and willing to decide:

1. Accepting and granted all the charges of PLAINTIFF;
2. Declare that ACCUSED I, ACCUSED II, ACCUSED III, ACCUSED IV, ACCUSED V, ACCUSED VI, ACCUSED VII, ACCUSED VIII, ACCUSED IX, ACCUSED XI and ACCUSED X has committed activities against the law;
3. Order ALL ACCUSED to ask forgiveness to PLAINTIFF in five major newspapers: KOMPAS, KORAN TEMPO, Jawa Pos, Suara Pembaharuan and JAKARTA POST also in 7 television stations: SCTV, TRANS TV, RCTI, INDOSIAR, METRO TV, TV 7, LATIVI for seven consecutive days. The format and the content will be prepared by PLAINTIFF;
4. Order ACCUSED I to conduct independent examination on the performance of ACCUSED II, ACCUSED III, ACCUSED IV, ACCUSED V, ACCUSED VI, ACCUSED VII, ACCUSED VIII, ACCUSED IX, ACCUSED XI, ACCUSED X and cabin crew in GA 974 flight on 6 September 2004. The independent examination mentioned above should include academician, flight expert, company management expert and ten representative of local NGO linked with Munir;
5. Order ACCUSED I to build Remembrance Monument on the Death of Human Rights Activist Munir in GA974 flight in the office field of ACCUSED I based on the design made by PLAINTIFF (attached);
6. Order ACCUSED I to issue a warning to public on safeness using Garuda by making statement contains sentence as follows: “SOMEONE HAS BEEN POISONED IN THIS FLIGHT”. The warning statement should be printed in all tickets and all materials linked to the flight of ACCUSED I;
7. Order ACCUSED I to conduct legal action by putting administrative sanction based on the level of mistakes made to ACCUSED III, ACCUSED IV, ACCUSED V, ACCUSED VI, ACCUSED VII, ACCUSED VIII, ACCUSED IX, ACCUSED XI and ACCUSED X;
8. Ask ALL ACCUSED collectively to pay all the loss of PLAINTIFF around **Rp. 14.329.107.500 (Fourteen Billion Three Hundred Twenty Nine Millions One Hundred and Seven Thousands and Five Hundred Rupiahs)**, with following details:
 - a. Immaterial around **Rp. 9.000.700.400,-**

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In accordance with the CASR 121.533 the responsibility for control during day to day operations are determined as follows:

pilot in command (PiC) during flight time is responsible for the safety of the passengers, crewmembers, cargo and aircraft, has full control and authority without limitation over other crewmembers duties whether or not he/she holds valid certificates authorizing him/her to perform the duties of those crew members.

- P1 : Letter of Marriage
- P2,P3 : Birth Certificate
- P4 : Family Card, Letter of Custody
- P5 : Air Ticket

- P6 : Verdict
- P7 : BOM
- P8 : NFI
- P9 : Explanation of dr. Budi Samporna
- P10 : Assignment Letter of the Accused
- P11 : Back Date Letter
- P12 : Media
- P13 : Polly's report
- P14 : Sh@re Investigation
- P15 : Recording material made by SCTV
- P16 : Koran Tempo dated 30
September 2004
- P-17 : "Garuda cancels pre-
reconstruction Munir's case in the

flight without significant reason,"
Marsudhi said.