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Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Promoting human rights by protecting those who defend them

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3220 West 13th Avenue, Vancouver, B.C. CANADA V6K 2V5

By airmail
Kantor Staf Presiden
Gedung Bina Graha
Jl. Veteran No. 16
Jakarta Pusat
DKI Jakarta 10110
INDONESIA

Melalui pos udara
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DKI Jakarta 10110
INDONESIA

To the Honourable
The President of the Republic of Indonesia, his Excellency
Mr. Ir. Joko Widodo

Kepada Yang Terhormat
Presiden Republik Indonesia, yang terhormat Bpk. Ir.
Joko Widodo

Amsterdam/Vancouver, 12 March 2020

Amsterdam/Vancouver, 12 March 2020

Subject: Support Letter Legal Aid Foundation of the
Indonesian Women's Association for Justice (LBH APIK)

RE: Surat dukungan Lembaga Bantuan Hukum Asosiasi
Perempuan Indonesian untuk Keadilan (LBH APIK)

Your Excellency,

Dengan hormat,

Lawyers for Lawyers ("L4L") is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. Lawyers' Rights Watch Canada ("LRWC") is a committee of lawyers and others who promote international human rights through advocacy, legal research and education.

Lawyers for Lawyers ("L4L") adalah yayasan Belanda independen dan non-politik yang bekerja untuk mempromosikan fungsi negara hukum yang baik dengan berusaha mencapai profesi hukum yang bebas dan mandiri. Lawyers' Rights Watch Canada ("LRWC") adalah komite pengacara dan profesi lainnya yang mempromosikan hak asasi manusia internasional melalui advokasi, penelitian hukum dan edukasi.

L4L and LRWC write to express their concern about visits of LBH APIK's offices in East Jakarta by Police and other people without a search warrant or even prior notice, accompanied by intimidating conduct.

L4L dan LRWC menulis surat ini untuk menyatakan keprihatinannya tentang kunjungan polisi dan beberapa orang lainnya ke kantor LBH APIK di Jakarta Timur tanpa surat izin menggeledah ataupun pemberitahuan sebelumnya, disertai dengan perlakuan yang mengintimidasi.

LBH APIK is one of a few leading organizations in Indonesia that focus on women's rights, campaigning for the elimination of violence against women and children, and supporting victims of sexual violence across Indonesia. It has an accreditation as legal aid institution from the Ministry of Law and Human Rights. LBH APIK currently has sixteen offices, including an office in East Jakarta.

LBH APIK adalah salah satu organisasi di Indonesia dengan fokus terhadap hak-hak perempuan, kampanye untuk menghilangkan kekerasan terhadap perempuan dan anak-anak serta membantu korban kekerasan seksual di seluruh Indonesia. Ia telah menerima akreditasi sebagai lembaga bantuan hukum dari Kementerian



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Hukum dan HAM. LBH APIK saat ini memiliki enam belas kantor, termasuk salah satu nya di Jakarta Timur.

We understand that on 3 February 2020, dozens of people forcefully entered the LBH APIK offices in East Jakarta, searched the offices, and threatened to damage the same. Four people claimed to be members of Sector Police of Matraman, although neither of them wore uniforms nor brought a search warrant. The police officers also let thugs enter the offices' front yard, causing psychological distress to LBH APIK's staff.

Kami mengetahui bahwa pada tanggal 3 Februari 2020, puluhan orang dengan paksa telah memasuki kantor LBH APIK di Jakarta Timur, menggeledah kantor dan mengancam untuk merusakkan. Empat orang mengaku berasal dari Kepolisian Sektor Matraman, meskipun tidak satupun dari mereka menggunakan seragam atau membawa surat perintah penggeledahan. Para petugas kepolisian juga membiarkan preman masuk ke halaman depan, menyebabkan ketidaknyamanan psikologis kepada staf LBH APIK.

Police officers brought another visit to LBH APIK's offices in East Jakarta on 12 February 2020. At this occasion, again no prior notice was given or search warrant was presented.

Petugas kepolisian melakukan kunjungan lagi ke LBH APIK di Jakarta Timur pada tanggal 12 Februari 2020. Pada kesempatan ini, juga tidak ada pemberitahuan sebelumnya dan surat perintah penggeledahan juga tidak ditunjukkan.

Finally, members of the Sector Police of Matraman and a member of the Municipal Police of East Jakarta visited LBH APIK's offices in East Jakarta on 21 February 2020, two days after LBH APIK had convened a press conference about the earlier visits on 3 and 12 February 2020. This visit was meant to be on a friendly basis (silaturahmi), but again no prior notice was given.

Akhirnya, anggota Kepolisian Sektor Matraman dan anggota Kepolisian Resor Jakarta Timur mengunjungi kantor LBH APIK Jakarta Timur pada tanggal 21 Februari 2020, dua hari setelah LBH APIK mengadakan konferensi pers atas kunjungan yang terjadi tanggal 3 dan 12 Februari 2020. Kunjungan ini ditujukan untuk silaturahmi, akan tetapi kunjungan ini tidak didahului dengan pemberitahuan sebelumnya.

There is reason to believe that the visits were related to a case being handled by LBH APIK. During the visits, a police officer accused LBH APIK's staff of abducting and hiding a client, who shortly before had asked the organization for help in connection with a domestic violence case.

Ada alasan untuk mempercayai bahwa kunjungan-kunjungan ini sehubungan dengan kasus yang sedang ditangani oleh LBH APIK. Saat kunjungan, seorang petugas polisi menuduh karyawan LBH APIK menculik dan menyembunyikan klien, yang belum lama sebelum ini telah meminta bantuan organisasi sehubungan dengan kasus kekerasan dalam rumah tangga.

This recent case is but one of many where lawyers and human rights activists, including those who work at one of LBH APIK's sixteen offices, are intimidated, hindered and harassed, varying from social media bullying and terrorizing

Kasus ini adalah salah satu dari banyak kasus dimana pengacara dan aktivis pembela hak asasi manusia, termasuk mereka yang bekerja di salah satu dari enam belas kantor LBH APIK, di intimidasi, dihalangi, dan

phone calls to physical attacks and threats of being cursed, all in connection with their performance in good faith of professional duties.

Lawyers play a fundamental role in defending human rights by providing independent legal services. It is of vital importance that all cases of violence against them are condemned, investigated and that those responsible are held accountable. Failing to do so has a chilling effect on society as lawyers are unable to properly defend their clients, and may become reluctant to take on sensitive human rights cases.

Both national laws and international standards require the Indonesian government and its representatives to protect lawyers in the execution of their profession. Lawyers of LBH APIK are protected by the Indonesian Law on Lawyers (*Undang-Undang Nomor 18 Tahun 2003*) and the UN Basic Principles on the Role of Lawyers.¹

In particular, Article 15 of Indonesian Law No. 18 / 2003 establishes that a lawyer shall be free to perform his/her professional task of defending a case that has become his/her responsibility while respecting the professional ethics code and prevailing laws and regulations.

We would also like to draw your attention to the UN Basic Principles on the Role of Lawyers, more in particular Principles 16 and 17, which read:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...)(b) are able to travel and to consult with

dilecehkan, dari gertakan di sosial media dan panggilan telepon menakutkan sampai serangan fisik dan ancaman kutukan, semua sehubungan dengan pekerjaan mereka yang dilakukan dengan maksud baik secara profesional.

Para pengacara menjalankan peran penting dalam membela hak asasi manusia dengan memberikan jasa hukum independen. Adalah sangat penting bahwa semua kasus-kasus kekerasan terhadap mereka ditolak, disidik dan semua yang bertanggungjawab atas hal tersebut diadili. Kegagalan untuk melakukannya mengakibatkan masyarakat ragu-ragu menggunakan haknya karena para pengacara tidak dapat membela kliennya dengan benar, dan mungkin menjadi ragu untuk mengambil kasus hak asasi manusia yang sensitif.

Baik hukum nasional dan standar internasional mewajibkan pemerintah Indonesia dan perwakilannya untuk melindungi para pengacara dalam melaksanakan profesinya. Pengacara LBH APIK dilindungi oleh Undang-Undang Advokat Nomor 18 Tahun 2003 dan Prinsip Dasar Peran Pengacara di Perserikatan Bangsa-Bangsa.¹

Secara khusus, Pasal 15 Undang-undang No. 18 tahun 2003 tentang Advokat (“UU Advokat”) menyatakan bahwa advokat bebas dalam menjalankan tugas profesinya untuk membela perkara yang menjadi tanggung jawabnya dengan tetap berpegang pada kode etik profesi dan peraturan perundang-undangan.

Kami juga ingin menarik perhatian anda terhadap Prinsip Dasar, khususnya Prinsip 16 dan 17, yang berbunyi:

*16. Pemerintah harus menjamin bahwa pengacara (a) dapat menjalankan fungsi profesinya tanpa intimidasi, halangan, ancaman atau intervensi yang tidak wajar (...)
dan (b) dapat bepergian dan melakukan konsultasi*

¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. / *Prinsip Dasar PBB mengenai Peran Advokat memberikan penjelasan ringkas mengenai norma internasional sehubungan dengan aspek penting mengenai hak-hak untuk memperoleh nasihat hukum yang independen.*

their clients freely both within their own country and abroad;

dengan kliennya secara bebas didalam negeri mereka sendiri maupun di luar negeri.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

17. Dimana kemanan pengacara terancam sebagai akibat menjalankan fungsinya, mereka harus dilindungi secara layak oleh otoritas.

On Indonesia, as a member of the United Nations, rests the obligation to ensure the protection of these rights and the observance of these principles.

Indonesia sebagai anggota PBB, mempunyai kewajiban untuk menjamin perlindungan hak-hak dan menghormati Prinsip Dasar tersebut.

In view of the above, L4L and LRWC respectfully urge you to:

Dengan pertimbangan diatas, L4L dan LRWC dengan hormat meminta anda agar:

- conduct a professional and independent investigation into the conduct of the people, including the 4 police officers, who made unannounced visits without a search warrant to the offices of LBH APIK in East Jakarta and threatened LBH APIK's staff, and hold accountable those who are responsible for threats, intimidation, hindrance, (judicial) harassment, improper interference or reprisals against LBH APIK's staff;
- ensure the protection of LBH APIK's staff and guarantee in all circumstances that lawyers in Indonesia are able to practice law without threat, intimidation, hindrance, (judicial) harassment, improper interference or reprisals;
- ensure that all members of the Police are made aware of the legitimate role of lawyers and their responsibility and that the Police has an obligation to protect them instead of hindering them in the performance in good faith of professional duties;

- melakukan penyelidikan yang profesional dan independen atas perilaku orang-orang, termasuk 4 petugas kepolisian, yang melakukan kunjungan tanpa pemberitahuan tanpa surat penggeledahan ke kantor LBH APIK Jakarta Timur dan mengancam karyawan LBH APIK, dan membuat mereka bertanggungjawab atas ancaman, intimidasi, hambatan, pelecehan (yudisial), gangguan yang tidak benar atau pembalasan dendam terhadap karyawan LBH APIK.
- memastikan perlindungan staff LBH APIK, dan menjamin di setiap keadaan bahwa pengacara di Indonesia dapat melakukan praktik hukum tanpa ancaman, intimidasi, hambatan, pelecehan (yudisial), gangguan yang tidak benar atau pembalasan dendam;
- memastikan bahwa seluruh anggota kepolisian mengetahui peran pengacara yang dilindungi oleh hukum dan tanggung jawab mereka dan bahwa Polisi memiliki kewajiban untuk melindungi mereka bukannya menghalangi mereka dalam melakukan pekerjaan mereka yang dilakukan dengan maksud baik secara profesional.



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We thank you for your attention to this very important matter. We are confident of your good will and sense of justice and will continue to monitor this case closely.

Terima kasih atas perhatian anda mengenai hal yang sangat penting ini. Kami yakin akan itikad baik dan rasa keadilan yang anda miliki dan akan tetap memonitor perkara ini.

Yours sincerely / Hormat kami,

Lawyers for Lawyers

Sophie de Graaf
Executive Director / Direktur Eksekutif

Lawyers' Rights Watch Canada

Gail Davidson
Executive Director / Direktur Eksekutif



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Letters concerning the same topic were sent to:

Sector Police Chief of Matraman Mr. Tedjo Asmoro, S.H.,
M.Si.

The Coordinating Minister of Political, Legal and Security
Affairs, Prof. Dr. Mahfud MD, S.H., S.U, M.I.P.

The Head of the National Police of the Republic of
Indonesia, Police General Mr. Drs. Idham Azis, M.Si.

The Head of the District Police of Greater Jakarta
Metropolitan, Police Inspector General Mr. Drs. Nana
Sujana

The Head of the Municipal Police of East Jakarta, Police
Head Commissioner Mr. Arie Ardian Rishadi, S.I.K.

Copies of this letter were sent to:

The Chairman of the National Human Rights Commission,
Mr. Drs. Ahmad Taufan Damanik, M.A.

The Chairman of the National Ombudsman Commission,
Prof. Amzulian Rifai, S.H., LL.M, Ph.D.

The Chairman of the Indonesian Bar Association (PERADI),
Mr. Dr. H. Fauzie Yusuf Hasibuan, S.H., M.H.

The Ambassador and Permanent Representative of the
Republic of Indonesia to the United Nations, his Excellency
Mr. Dian Triansyah Djani, S.E., M.A.

The UN High Commissioner for Human Rights, Ms. Michelle
Bachelet

The European Union Ambassador in Jakarta, Mr. Vincent
Piket

The Dutch Ambassador in Jakarta, Mr. Drs. Lambert Grijns

The Canadian Ambassador in Jakarta, Mr. Cameron MacKay

Surat perihal yang sama dikirimkan kepada:

Kepolsek Matraman Bpk. Tedjo Asmoro, S.H., M.Si.

Menteri Koordinator Bidang Politik, Hukum, dan
Keamanan Prof. Dr. Mahfud MD, S.H., S.U., M.I.P.

Kepala Kepolisian Negara Republik Indonesia, Jenderal
Polisi Bpk. Drs. Idham Azis, M.Si.

Kepala Kepolisian Daerah Metropolitan Jakarta Raya,
Inspektur Jenderal Polisi Bpk. Drs. Nana Sujana

Kepala Polisi Resort Metro Jakarta Timur, Komisaris Besar
Polisi, Arie Ardian Rishadi, S.I.K.

Salinan surat ini dikirimkan kepada:

Ketua Komisi Nasional Hak Asasi Manusia, Bpk. Drs.
Ahmad Taufan Damanik, M.A.

Ketua Ombudsman Republik Indonesia, Prof. Amzulian
Rifai, S.H., LL.M, Ph.D.

Ketua Persatuan Advokat Indonesia (PERADI), Bpk. Dr. H.
Fauzie Yusuf Hasibuan, S.H., M.H.

Duta Besar dan Perwakilan Permanen Indonesia kepada
Perserikatan Bangsa-Bangsa, yang terhormat Bpk. Dian
Triansyah Djani, S.E., M.A.

Komisioner Tinggi PBB untuk Hak Asasi Manusia, Ny.
Michelle Bachelet

Duta Besar Uni Eropa di Jakarta, Bpk. Vincent Piket

Duta Besar Negeri Kerajaan Belanda di Jakarta, Bpk. Drs.
Lambert Grijns

Duta Besar Negeri Kanada, Bpk. Cameron MacKay