



## Lawyers for Lawyers Award 31 May 2013

### **Olga Helena Hamadi and Gustaf Kawer Lawyers for Lawyers Award Nominee 2013**

Olga Helena Hamadi and Gustaf Kawer work to defend the rights of oppressed indigenous Papuans in Papua, Indonesia.

#### *Olga Hamadi*

Olga has worked for the Papuan Legal Aid Foundation (LBH) since 2005 and has been working for the *Commission for the Disappeared and Victims of Violence* (KontraS Papua) since 2009. Since her start at LBH, Olga has taken on politically sensitive cases, concerning mostly indigenous Papuans who are charged with treason for publicly expressing their opinions and being involved in demonstrations. Many of her clients are arrested without due legal process and are often mistreated or tortured by the police.



Among her clients are also KNPB (West Papua National Committee) activists – an organization campaigning for a referendum on the future status of Papua. Of the legal accompaniments, only one case resulted in an acquittal on appeal, whereas all the others resulted in imprisonment on hardly any evidence. Allegedly, the stigma against Papuans influences these judgments. KontraS also challenges the unprofessional and arbitrary performance of the police force and military, by undertaking media work and complaining directly to the relevant authorities

Because of the sensitive cases Olga takes on against the military, the police and the security forces, she is often monitored and spied upon blatantly whilst working at the KontraS Papua office. One of the cases had to be discontinued due to intimidation and pressure from security forces. She is intimidated by telephone repeatedly, meetings with her clients are obstructed by the security forces and at some political trials psychological pressure is exercised by a huge presence of police, military and security forces. During one case the police incited the community to boycott the lawyers, causing a threatening mob at the Court. The brakes of Olga's car were cut just before a planned campaign in Australia (in November 2011) about the Papuan human rights situation and in particular the forced dispersal of the Third Papuan People's Congress. This Congress on upholding the basic rights of Papuans was attended by circa 5000 Papuans. These intimidations make it difficult to carry out her work.

#### *Gustaf Kawer*

Gustaf Kawer began his work at LBH in 2000, working on many cases involving mostly denial of workers' rights, land ownership and socio-political rights. Gustaf also covered the cases of attack on police stations, including the Apebura case, where one policeman and four civilians were killed and two students tortured to death. Since his Masters in Peace and Conflict Resolution in Yogyakarta in 2008, Gustaf works as Litigation Coordinator for the Civil Society Coalition for the Rule of Law and Human Rights in Papua. This coalition handled the case against the leader of the KNPB (Buchtar Tabuni) and other activists, as well as the sexual harassment of two civilians by five Indonesian navy (resulting in conviction) and the five organizers of the Third Papuan People's Congress who were

seen as having committed treason against the state. The latter group all received three years imprisonment. At times successes are booked, and in 2009 Gustaf and the Coalition accompanied 15 civilians who were eventually acquitted of treason, as well as four people who were acquitted of an attack on Abepura police station.



Several obstacles make the defense of civil society members very difficult. The obstacles include the repressive attitude of law enforcers, regulations which curb freedom of expression and weak government institutions that cannot meet the need for legal aid. Efforts to provide a legal defense are seen as a movement to resist the state. Legal aid costs of marginalized communities are often borne by the Coalition, whose resources are limited. This also limits the possibility to reach civil society experiencing violence in isolated areas. The demand for legal defense from civil society is huge, but despite the workload Gustaf and his colleagues continue to make spirited efforts to provide legal aid, despite not receiving support from any institution or the government.

Gustaf is monitored by intelligence agents in certain activities, has been obstructed in providing assistance at the police station, has been thrown out of the investigation room or the courtroom for 'disturbing the legal process,' and he has been threatened with prosecution for carrying out his duties in the courtroom.

The demand for legal assistance from civil society is enormous, and despite the workload Gustaf and his colleagues keep on committing themselves to provide assistance, without any support from the government or other institutions.

#### **More information**

*Amnesty International: Olga Hamadi*

<http://www.amnesty.org/en/library/asset/ASA21/039/2012/en/96e650b5-7c07-4470-b7b0-8aa6052a1bf6/asa210392012en.html>

*The Jakarta Post: Olga Hamadi*

<http://www.thejakartapost.com/news/2011/10/21/10-lawyers-assist-papua-congress-suspects-kontras.html>

*ABC News Australia: Gustaf Kawan*

<http://www.abc.net.au/news/2012-08-28/an-australian-link-to-indon-death-squad-730/4229230>

*The Jakarta Post: Gustaf Kawan*

<http://www.thejakartapost.com/news/2012/03/17/papuans-found-guilty-subversion-get-3-year-jail-terms.html>