

English translation **L4L** Letter August 2015

Re: alleged interference by police in the professional activities of lawyers

Your Excellency,

Lawyers for Lawyers 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 for Lawyers is concerned about the alleged interference by police in the professional activities of a team of lawyers coordinated by The Institute for Research, Investigation and Development of Legal Aid (LP3BH) in Manokwari, Papua.

According to our information, lawyers Simon Banundi, Theresje Julianty Gasperz and Samuel Aaron Yensenem are facing severe obstructions while representing the legal interests of four clients, who had been arrested on 20 May 2015 during a peaceful demonstration. The four clients, named Alexander Nekrem, Maikel Aso, Yoram Magai and Narco Murib, are activists of the National Committee of West-Papua (KNPB).

We were informed that, since 20 May 2015, the four clients have been in kept in custody of the special police headquarters in Manokwari (Mako Brimob), with limited contact to their lawyers.

On 16 June 2015, when the lawyers requested to meet with their clients, the police responded this was not possible for there was no "proper" meeting room available. Furthermore, the police claimed that one of their officers needs to be present to observe the meetings between the lawyers and their clients.

On 24 July 2015, lawyer Simon Banundi went to the police headquarters alone, where he was prohibited access to his clients again. Banundi was told that, by order of police chief drs. Paul Waterpauw, nobody was allowed to speak to the four prisoners, including their own lawyers.

Based on the above, we establish that the professional duties and rights of lawyers are not respected by government officials of the special police headquarters in Manokwari. We therefore urgently request you to pay attention to the following international standards on the role of lawyers, take all necessary measures in order to comply with these standards and ensure that lawyers can defend the interests of above mentioned prisoners during the legal proceedings.

As a member of the United Nations Assembly, Indonesia is bound by the UN Basic Principles of the Role of Lawyers adopted by the Assembly in 1990. We would draw your attention to Articles 16 and 22 of the Principles in particular which state that:

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

22. Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

In view of the above, Lawyers for Lawyers respectfully urge you to immediately:

- Make sure that lawyers Simon Banundi, Theresje Julianty Gasperz and Samuel Aaron Yensenem can see their clients without improper interference of police officers;
- Guarantee in all circumstances that all lawyers in Indonesia are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals.

We thank you for your attention to this very important matter and look forward to hearing from you at your earliest convenience. We are confident of your good will and sense of justice and will continue to monitor this case closely.