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Lawyers' Rights Watch Canada

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

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BY AIRMAIL

Mr. Joko Widodo
President of the Republic of Indonesia
Jl. Veteran No. 16
JAKARTA Pusat
INDONESIA

E-mail: webmaster@setneg.go.id

Amsterdam, 25 May 2016

Subject: Attack on lawyer Asrul Azis Sigalingging

Your Excellency,

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 human rights and the rule of law through education, legal research and advocacy.

L4L and LRWC are concerned about the physical attack on lawyer Asrul Azis Sigalingging by members of Satuan Polisi Pamong Praja (Satpol PP). L4L and LRWC have reason to believe that Mr. Sigalingging was targeted in connection to his legitimate activities as a lawyer.

On 25 March 2016, at 12:00 am, seven students who were enjoying street food at Tugu Gempa Padang were suddenly targeted by a sweeping operation and attacked by Satpol PP personnel. The Satpol PP accused the students of disturbing public order, and six of the students were beaten and kicked. One student, Gianesha, was arrested after he tried to clarify that his girlfriend Berlian, who is also a student, has an identity card and they were there only for sightseeing and enjoying street food. Subsequently, Gianesha was brought to the Satpol PP office.

Shortly after receiving this information, lawyer Asrul Azis Sigalingging went to the Satpol PP's office and tried to negotiate with the personnel to provide legal assistance to Gianesha. Mr. Sigalingging was told by another student that Gianesha was brutally kicked and beaten by members of the Satpol PP during the operation. Rather than obtaining access to Gianesha to provide legal assistance, Mr. Sigalingging was himself, brutally attacked, pushed to the ground and forcibly drugged by the personnel of Satpol PP. Moreover, Mr. Sigalingging's advocate identity card was also taken from him.

On March 28, Mr. Sigalingging, along with a group of 37 public lawyers, filed a complaint at the West Sumatra Regional Police Office (Polda Sumatera Barat), demanding an investigation into the attacks by members of the Satpol PP on Mr. Sigalingging and the students. The police have not yet shown any significant progress in investigating the attacks and no Satpol PP personnel have been charged.

Article 15 of Indonesian Law No. 18 / 2003 on Lawyers establishes that a lawyer shall be free to perform his professional task of defending a case that has become his responsibility while respecting the professional ethics code and prevailing laws and regulations. Furthermore, Article 18(2) of Indonesian Law No. 18 / 2003 on Lawyers establishes that a lawyer shall not be identified with his client by authorised parties and/or the public.

We draw your attention to the United Nations *Basic Principles on the Role of Lawyers* (Basic Principles)¹, 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 (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

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

Indonesia, as a member of the United Nations, is obligated to ensure the protection of these rights and the observance of these principles.²

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

- take all necessary measures to guarantee the safety of Asrul Azis Sigalingging;
- carry out an immediate, thorough and impartial investigation into the attack on Asrul Azis Sigalingging and make sure that those responsible are brought to justice in accordance with international standards
- more generally, put an end to all forms of harassment against lawyers in Indonesia, and ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments applicable to the Republic of Indonesia.

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. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990.

Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

² Please also refer to the principle to uphold international law with respect to human rights included in the ASEAN Charter, to which Indonesia is a party.

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.

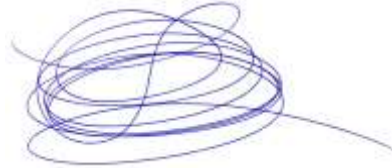
Sincerely,

Lawyers for Lawyers



Adrie van de Streek
Executive director

Lawyers Rights Watch Canada



Gail Davidson
Executive Director

Letters concerning the same topic were sent to:

- Mr. Yasonna Laoly, Minister of Law and Human Rights

A copy of these letters was sent to:

- General Badroedin Haiti, Chief of National Police (KAPOLRI)
- Mr. Luhut Binsar Panjaitan, Chairperson National Police Commission
- M. Imdadun Rahmat, Chairperson National Human Rights Commission
- Gubernur Irwan Prayitno
- Mahyeldi Ansharullah, Wali Kota Padang