

Papua Police Chief (Kapolda)  
Inspector General Tito Karnavian  
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Head of the Division on Professionalism &  
Security (Propam)  
Inspector General Drs. Herman Effendi  
Jl. H.R. Rasuna Said Kav No. 4-5  
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Brussels, 28 September 2012

**Re: Concerns regarding the human rights lawyer Olga Hamadi**

Dear Kapolda, Dear Inspector General,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express grave concerns over the situation of Olga Hamadi, a female human rights lawyer working for the non-governmental organization KontraS Papua based in Jayapura, who has been threatened for investigating and legally representing five men in Wamena, who were allegedly tortured or ill-treated by police in detention. Currently, there are concerns for her safety and she is at risk of further intimidation and attacks.

It has been brought to our attention that on 23 August 2012, Olga Hamadi received information that police personnel from the Jayawijaya District police station slapped, punched and kicked five men accused of a murder that occurred on 14 August 2012 in Wamena, in an attempt to force them to confess to their involvement in the murder. She agreed to investigate the allegations and to submit an application for a pre-trial hearing to raise concerns about the alleged violations by the police. On 14 September 2012, she received a call from one of the police investigators who interrogated the men. He was angry about the pre-trial application she had submitted, and said he could not guarantee her safety in Wamena. Further, Olga Hamadi was informed by local sources that, before the pre-trial hearing, text messages were being disseminated to the murder victim's family and local community stating that she was interfering with the case and wanted to stop the legal process.

It is reported that on the morning of 19 September 2012, the third day of the pre-trial hearing, Olga Hamadi was blocked from entering the Wamena District Court by a crowd of people, including family members of the victim. They threatened to beat her and pressured her to withdraw the pre-trial application. She was then taken to the Jayawijaya District police station by the police. When she wanted to return to the court, she was again blocked by a crowd of people outside the police station. Police officers did not take any steps to assist her. On 20 September 2012, due to ongoing concerns

about her safety and the lack of protection from the authorities, she withdrew the pre-trial application and returned to Jayapura. She fears for her safety if and when she travels to Wamena in the future.

The CCBE is alarmed by these facts, which indicate a repressive environment for human rights lawyers in Indonesia.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

*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 their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

Furthermore, Article 23 states that:

*Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.*

In view of the above, the CCBE urges you to take immediate action in order to ensure the safety of all lawyers whenever performing their professional functions and in particular of Olga Hamadi including: a) a prompt, independent and impartial investigation into the threats against her and b) an independent investigation into allegations of ill-treatment against five people by the police in Wamena and, should the allegations be verified, action against those responsible.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Prunbauer-Glaser', with a long, sweeping underline.

Marcella PRUNBAUER-GLASER

CCBE President