

April 26, 2018

His Excellency Joko Widodo
President of Indonesia
Office of the President of the Republic of Indonesia
Merdeka Palace
Jalan Medan Merdeka Utara Gambir
Jakarta 10160, Indonesia

Your Excellency:

Re: Investigation into the attack of lawyer Alldo Fellix Januarydy

I write on behalf of the Law Society of Ontario* to voice our grave concern over the discontinuation of the investigation into the South Jakarta Police Office in relation to the attack by police against lawyer Alldo Fellix Januarydy. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Alldo Fellix Januarydy is an independent public interest lawyer at the Legal Aid Institute in Jakarta. We intervened on his behalf, in our letter to you dated June 7, 2016, shortly after he was attacked by members of the Civil Service Police Unit and the Sub-District Head of Tebet in relation to the forced eviction of his clients from their homes. I enclose a copy of this letter for your ease of reference.

Shortly after the attack on him, Alldo Fellix Januarydy filed a police report in relation to this attack which led to a police investigation. The South Jakarta Police recently decided to terminate the police investigation after 1.5 years, despite reports of compelling evidence of maltreatment, including witness reports and publicly released photos relating to the attack on him by state officials.

The Law Society of Ontario is deeply troubled by the discontinuation of the investigation into the South Jakarta Police Office and urges Your Excellency to comply with Indonesia's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

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.

Article 17 states:

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

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right 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 organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Indonesia to:

- a. resume and/or conduct a fair, impartial and independent investigation into the attack on Alldo Fellix Januarydy in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. guarantee in all circumstances the physical and psychological integrity of Alldo Fellix Januarydy;
- c. put an end to all acts of harassment against lawyers in Indonesia;
- d. ensure that all lawyers and judges in Indonesia are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and

- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Ontario is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights
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Michel Forst, Special Rapporteur on the situation of human rights defenders,
Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the
independence of judges and lawyers, Office of the United Nations High
Commissioner for Human Rights

Roberta Taveri, International Human Rights Policy Adviser, The Law Society
of England and Wales



The Law Society of
Upper Canada | Barreau
du Haut-Canada

June 7, 2016

His Excellency Joko Widodo
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Your Excellency:

Re: Maltreatment of *Alldo Fellix Januarydy*

I write on behalf of the Law Society of Upper Canada to voice our grave concern over the maltreatment of lawyer Alldo Fellix Januarydy. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

The Law Society has received reports that on 12 January 2016 Alldo Fellix Januarydy was attacked by members of the Civil Service Police Unit and the Sub-District Head of Tebet, resulting in several wounds to his face. The alleged attack occurred during a forced eviction in Bukit Duri, Tebet, South Jakarta. According to reports, Alldo Fellix Januarydy was attempting to persuade police to wait until the Administrative District Court had ruled on the legality of the eviction order when he was attacked.

The Law Society is deeply concerned that the maltreatment of Alldo Fellix Januarydy by the police appears to relate solely to his legitimate actions as a lawyer.

The Law Society of Upper Canada urges Your Excellency to comply with Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right 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 organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Indonesia to:

- a. conduct a fair, impartial and independent investigation into the attack on Alldo Fellix Januarydy in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments;
- c. guarantee in all circumstances the physical and psychological integrity of Alldo Fellix Januarydy.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 49,000 lawyers and 7,900 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Prof. Dr. Otto Hasibuan, Advokat Indonesia (PERADI)

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David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights
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Michel Forst, Special Rapporteur on the situation of human rights defenders,
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Gabriela Knaul, Special Rapporteur of the Human Council on the independence
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Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of
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