



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

May 6, 2016

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

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: Persecution of *Tigor Gempita Hutapea* and *Obed Sakti Andre Dominika*

I write on behalf of the Law Society of Upper Canada to voice our grave concern over the persecution of lawyers *Tigor Gempita Hutapea* and *Obed Sakti Andre Dominika*. 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 30 October 2015, Tigor Gempita Hutapea and Obed Sakti Andre Dominika attended a peaceful protest rally at the Presidential Palace in order to monitor police violence against protestors. The lawyers were arrested along with 24 activists and subsequently charged under article 216 of the *Indonesian Criminal Code* for ‘disobeying police orders’; however, reports indicate that the lawyers and the protestors were already dispersing the area when police started to beat them and put them in custody.

In their joint submission of 4 April 2016, Lawyers for Lawyers and Lawyers’ Rights Watch Canada noted that the charges appear to relate solely to Tigor Gempita Hutapea and Obed Sakti Andre Dominika’s “legitimate actions as lawyers and human rights defenders.”

The Law Society presently writes to voice its deeply concerned that charges laid against Tigor Gempita Hutapea and Obed Sakti Andre Dominika appear to relate solely to their legitimate actions as lawyers and human rights defenders.

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. put an end to all acts of harassment against *Tigor Gempita Hutapea* and *Obed Sakti Andre Dominika*;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 49,000 lawyers and 7,800 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:

H.E. Mr. Teuku Faizasyah
55 Parkdale Avenue
Ottawa, Ontario
Canada, K1Y 1E5

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

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

Kenneth Roth, Executive Director, Human Rights Watch

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

Adrie van de Streek, Executive Director, Lawyers for Lawyers

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

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

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

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

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales