

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Via email: humas.pmj@gmail.com

Gen. Sutarman
Chief of the Indonesian National Police
Jl. Trunojoyo No. 3
Kebayoran Baru, Jakarta Selatan 12110

Dear Sirs and Mesdames:

Re: Criminal Investigation of Gustaf Kawer

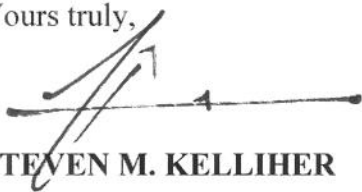
I write to you on behalf of Lawyers Rights Watch Canada out of concern of an apparent lapse in international standards in the investigation and threatened prosecution of defence lawyer Gustaf Kawer. It is a tenant of international justice that there are three pillars of independence in any criminal proceeding -the presiding Judge, the Prosecutor, and Defence Counsel. If the independence of any of these officers of the court is compromised or threatened it is an attack on the concept of a fair trial and a slight on the rule of law.

In the circumstances such as Mr. Kawer's case, a judge who takes exception to the spoken words of counsel has the authority to deal with the matter within the proceeding itself or can invoke the authority of the professional body governing the conduct of counsel. These mechanisms have proven balanced and effective across jurisdictions including virtually all of the world's legal traditions.

To acquiesce in the invocation of the criminal law against a defence lawyer by a presiding judge for words spoken (especially the perhaps intemperate, but otherwise innocuous words) attributed to Mr. Kawer threatens to skew the perception and perhaps reality of the administration of justice. This process invites the perception of bias throughout the investigative and adjudicative processes and in the end will diminish the hard won international standing of the Papuan justice system.

We urge you to maintain the international recognition that Papua New Guinea has attained and discontinue this regrettable investigation of Mr. Kawer.

Yours truly,



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