

ANNUAL REPORT 2017

# LBH MASYARAKAT

BECAUSE EVERY HUMAN MATTERS





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# Director's Note

Dear friends,

Despite Community Legal Aid Institute turning 10 on December 8 last year, our journey has not felt so long. As one of the founders, together with Taufik Basari, Dhoho Ali Sastro and Yasmin Purba, I still remember clearly that when LBH Masyarakat was first established in December 2007, we had nothing, neither human nor financial resources. We started everything from scratch. After a month, we began to recruit students as volunteers. It was this first generation of volunteers who built the foundations of Community Legal Aid Institute which stand resolute until the present day. Two of them are still with us, Ajeng Larasati as Research and Policy Coordinator, and Antonius Badar as Operational Coordinator (previously as Case Advocacy Coordinator).

Over time Community Legal Aid Institute has become active in many legal and human rights issues, becoming a pioneer in human rights movements related to drugs and HIV, issues which sat at the fringe between human rights and legal organisations 10 years ago. At that time, we broke new ground for the legal aid movement and built a paralegal community among people living with HIV and sections of the population impacted by HIV, such as people who use drugs and sex workers. 10 years on, HIV organisations and drug users are participating in this initiative and many HIV organisations have begun to develop their own paralegal communities. The idea that communities must be able to carry out legal aid and advocacy independently underpinned the birth of Community Legal Aid Institute, so we have witnessed these developments with a great sense of pride.

Being 10 years old, of course Community Legal Aid Institute still faces plenty of challenges and plenty of homework. Injustice continues to dominate the legal landscape in Indonesia. Humanity continues to be eroded. In lives surrounded by such darkness, it can seem as though the light will never appear. But we strongly believe in the need to keep working together to foster human values and realise true justice. We must continue to cultivate the hope that "humanising humans" will be not just a catchphrase, but a norm which permeates our daily lives - because every human matters.

Warm regards,  
Ricky Gunawan



PROTECTING HUMAN  
RIGHTS

# Stopping Persecution

LBH Masyarakat contributes to the safeguarding of democracy in Indonesia. We speak out against all forms of discrimination towards minority groups, including discrimination through criminalisation and persecution. In 2017, LBH Masyarakat became the legal representatives for the National Commission on Violence Against Women to prevent the criminalisation of LGBT and expansion of zina (adultery) laws to include consenting unmarried partners.

Together with other NGOs, LBH Masyarakat succeeded in convincing judges that these proposed changes were a threat to human rights. The rejection of articles 284, 285 and 292 served to directly protect privacy rights, preventing persecution towards gender minorities and women and cuts to HIV intervention programs; and safeguarding the existence of laws protecting children from sexual relationships stemming from unbalanced power relationships with adults.

# Lily's Case

THE COMPLEX  
PORTRAIT OF THE  
VULNERABILITY OF  
WOMEN

Who would have imagined Lily's encounter with Steve would leave her feeling the cold of a Pondok Bambu Detention Centre holding cell. Lily, 27 years old and the single parent of her two children, found herself in Pondok Bambu because she killed the baby she had just given birth to. This baby was the result of her relationship with Steve but unfortunately Steve was unwilling to take responsibility for the child, choosing instead to run. Lily, who also has HIV/AIDS, became depressed trying to bear these circumstances alone.

At 2 AM one morning in January, Lily gave birth to the child in the bathroom at the back of her rental home. She did this alone and without help. Gazing into the face of her newborn baby, she was torn thinking of its future, beset by questions such as: "What if my child has HIV? How can I provide for it?" For the last few years Lily had been unemployed and financially dependent on her father, a "freelancer" without stable work. She also thought of the malicious gossip which would likely accompany a baby born without a father. Because of this heavy psychological pressure, she made the heartbreaking decision to kill her baby and dispose of it in the river behind her house.

A few days later, Lily's baby was found closeby in the river. News of this shocking discovery made its way to the ears of the police, who opened an investigation and subsequently arrested Lily, who confessed and was detained at North Jakarta Police Station. During the investigation, one of Lily's friends who regularly delivers ARV (antiretroviral medicine) to police stations reported Lily's case to LBH Masyarakat. Aware the case was loaded with HIV/AIDS issues, LBH Masyarakat agreed to become Lily's legal representative.

The charges from the public prosecutor saw Lily threatened with 18 years in prison. Throughout the legal proceedings, LBH Masyarakat attempted to provide a holistic perspective of the case to the panel of judges.

Lily's case provides a genuine portrait of the vulnerability of women in relationships, where there remains a power dynamic and economic dependence which clearly harms the female party. Conveying this perspective in court is not a simple matter, requiring several expert witnesses to help judges understand this condition.

Our hopes were realised when the judges delivered a sentence far lighter than the prison term threatened by the prosecution, sentencing Lily to three years' jail. Nevertheless, that is three years of longing for their mother which Lily's two children must endure.

Kebiasaan dibuat atau dibentuk  
oleh manusia, tapi pada  
gilirannya kebiasaan dapat  
membentuk manusia.

» Masyarakat Melayu



ENDING STIGMA AND  
DISCRIMINATION

# Minority Groups

2017 saw numerous attacks on minority groups in Indonesia; who were harassed, ostracized and alienated to the point of persecution and imprisonment. LBH Masyarakat used a variety of methods to combat discrimination and stigma towards these marginalised groups.

We developed a human rights and law module for health professionals and facilitated its delivery in 17 cities and regencies in Indonesia. To date, 267 health professionals have participated in this training.

In relation to the issue of HIV/AIDS, we drafted a FGD (focus group discussion) module aimed at law enforcement containing human rights perspectives in dealing with HIV.

Photo by:  
Astried Permata

LBH Masyarakat also conducted training for journalists entitled “Journalists as Anti-Discrimination and Anti-Stigma Actors”. We invited the director of Remotivi (Centre for Media and Communication Studies) and language experts to present material to 17 journalists involved in the reporting of HIV/AIDS issues. At community level, LBH Masyarakat conducted legal and human rights training for HIV outreach workers.

Meanwhile, in connection with LGBTIQ issues, we created a pocket book for LGBTIQ people to assist them in facing the law, as a response to the rise in persecution and criminalisation of our LGBTIQ friends.

We realise all elements of Indonesian society, including health workers, law enforcement officials and journalists, need to act together with LBH Masyarakat to end discrimination and stigma towards minority groups in Indonesia.







Too much blood spilled, too much suffering endured, too many wounds treated. During our 10 years in existence we have never stopped fostering hope amidst our dismay at the inhumanity of the death penalty.

LBH Masyarakat continues to fight for those facing the death penalty and for those already executed by Indonesia. In July 2017, the Ombudsman found that a human rights violation had been committed in the third round of executions conducted by the current Attorney-General M Prasetyo.

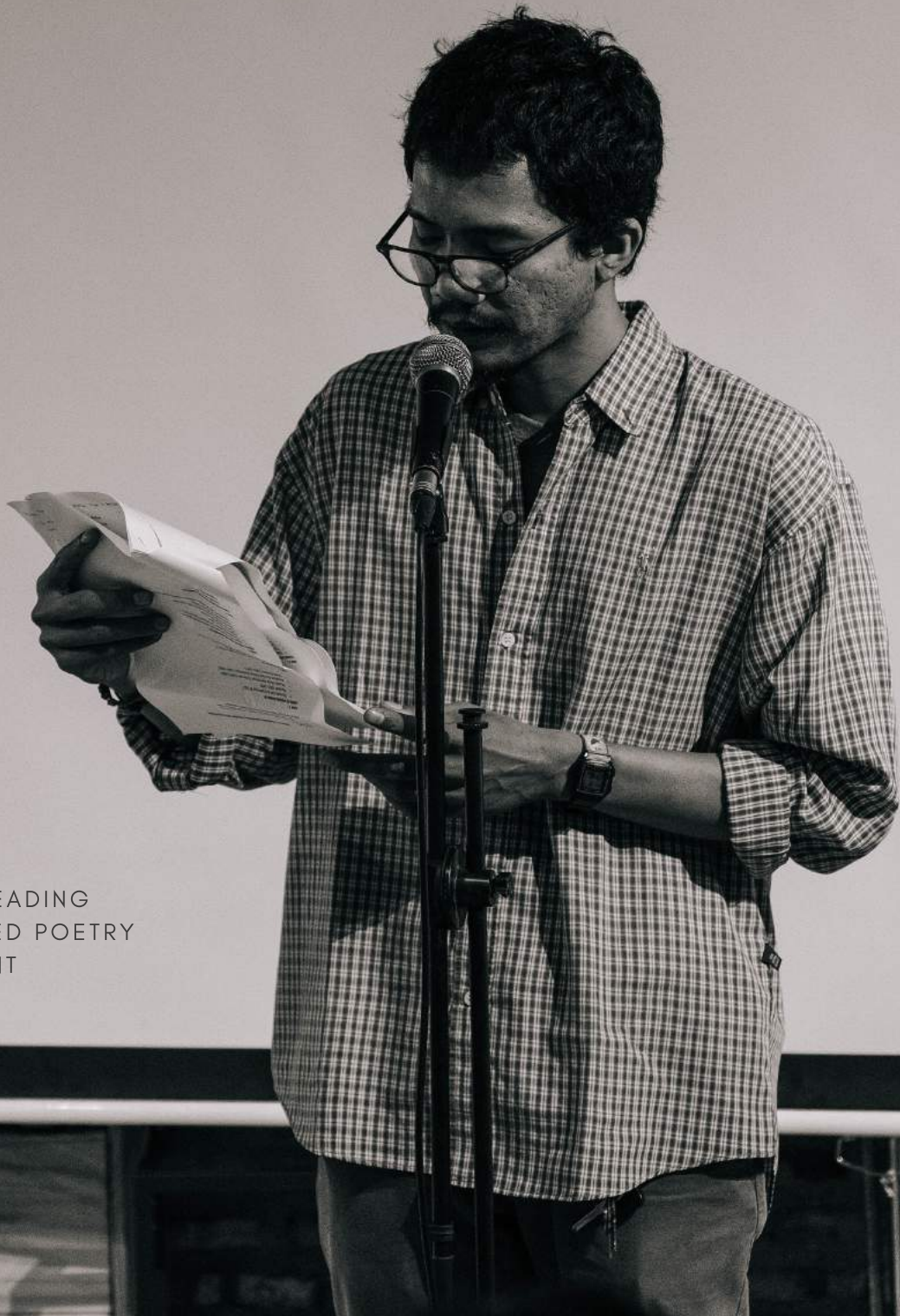
The Ombudsman stated the office of the Attorney General, under Prasetyo's leadership, had committed maladministration by executing Nigerian national Humphrey Jefferson Ejike on June 29th, 2016. Furthermore, the Ombudsman also said the Central Jakarta District Court had discriminated against Jeff in refusing his request for a judicial review. The Ombudsman's verdict can be found in its full report (Hasil Akhir Pemeriksaan Laporan Nomor: 0793/LM/VIII/2016/JKT).

FIGHTING FOR  
VICTIMS OF CAPITAL  
PUNISHMENT

# Abolish the Death Penalty

# CELEBRATING LIFE

PHOTO BY: WILLY  
SYMPHONIA



BENNY SATRIO READING  
HUMANITY-THEMED POETRY  
AT AN ADFF EVENT



FIGHTING FOR

# A Fair Trial

This case began after an outbreak of violence between a motorcycle gang and members of the Jatiwaringin community in February 2017 resulted in the death of a suspected bike gang member. Police became involved and after a series of investigations established 8 people as suspects. While being interrogated by police, these teenage suspects were intimidated, subjected to physical violence and threatened. Unable to withstand various forms of abuse, the youths chose to yield and “say yes” to anything put to them by police. They were also forced to sign a Berita Acara Pemeriksaan (BAP) containing confessions of torture resulting in death - a crime without doubt not committed by the group of youths. LBH Masyarakat were subsequently asked to handle the case by the family of “Fira”, one of the child suspects.

By the time LBH Masyarakat had signed Fira's power of attorney documents, the case was already at trial and had advanced as far as the public prosecutor reading Fira his charges. With judges denying the exception filed by Fira together with the other seven defendants, the case became a battle of evidence. This evidence contained not one witness who saw the teenager committing the alleged crime, while the weapon produced as physical evidence by the prosecutor also failed to prove that Fira had tortured or killed the victim. Furthermore, the testimony presented during Fira's trial was obtained through his torture-riddled interrogation - a contravention of the right to non-self incrimination, a core legal principle which must be upheld. Even more alarmingly, the physical evidence produced by the prosecutor never underwent laboratory testing or examination.

Throughout the trial Fira and the other teenagers stated that the police had tortured them. Based on this evidence, the judges also called for testimony from the interrogators, who denied these allegations. In its defence memo, LBH Masyarakat outlined the facts presented in the trial, including the torture and criminalisation suffered by Fira and the other teenagers.

In 2017, the East Jakarta District Court finally released the group. In their verdict, the judges stated there were no witnesses or other evidence presented which indicated Fira and the others had tortured and killed the victim, and said the group had not been successfully proven guilty of any of the prosecution's charges. After one night spent in detention post-verdict, finally Fira went home to his waiting parents.



# Human Rights Campaigns

## ENCOURAGING PUBLIC PARTICIPATION

In April 2017 Indonesia witnessed the sensational case of Fidelis, a husband who willingly defied the law to treat his dying wife. The National Narcotics Agency in Sanggau Regency (BNNK Sanggau) arrested Fidelis after he openly admitted to growing cannabis in his yard. Instead of obtaining permission or receiving access to healthcare for his wife, Fidelis was put behind bars by the BNNK.

Witnessing this injustice, LBH Masyarakat took action in the form of advocacy. This involved providing consultation to Fidelis' family in relation to the charges he faced, holding a press conference to reveal the true nature of the case, and campaigning for societal support to urge law enforcement to view the case with humanity.

This advocacy was carried out from the time of Fidelis' arrest until the court's verdict was delivered. The results were 47 news articles containing LBH Masyarakat's perspective on the case, 8 articles accompanying the verdict, and a large number of people's involvement in the #SaveFidelis campaign both online and offline.

"We must accept finite disappointment,  
but never lose infinite hope."

- MARTIN LUTHER KING JR

On World AIDS Day, LBH Masyarakat made a short video about people's perceptions before and after understanding the ways in which AIDS can be contracted. We filmed interviews with 5 members of the public from different backgrounds, and asked them about their attitudes towards people with HIV/AIDS. Four of these individuals admitted they wouldn't want social contact with people with HIV/AIDS. However, after providing them with information about how HIV/AIDS is contracted, 3 of these individuals changed their minds. This video was uploaded on LBH Masyarakat social media and watched by over 650 people.

To commemorate World Day Against The Death Penalty, LBH Masyarakat organised a human rights event "A Day for Forever" featuring performances from poets, musicians, and comedians. This event was attended by over 200 people and was covered by numerous print and online media.

Meanwhile, on Human Rights Day (December 10), LBH Masyarakat hosted a discussion about human rights in Indonesia. The live format discussion on Instagram was watched by more than 150 people.

# Fostering Hope



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"HOPE BEGINS IN THE DARK, THE STUBBORN HOPE THAT IF YOU JUST SHOW UP AND TRY TO DO THE RIGHT THING, THE DAWN WILL COME."

- Anne Lamott

# Spreading Humanity

## PROVIDING UNDERSTANDING OF HUMAN RIGHTS

LBH Masyarakat realises that creating an Indonesia friendly to all humans is not just our responsibility, but everyone's. This is why LBH Masyarakat works hard to provide training to various groups in society about human rights concepts and practices. In 2017 we conducted a training program named Living the Human Rights (LIGHTS), with over 250 university students from all over Indonesia registering for a chance to participate. After a selection process 20 of these students were chosen to participate in the two-week training course. Five of these were winners of scholarships we offered exclusively to participants from outside Java.

LBH Masyarakat also provided legal counseling to 641 detainees in Jakarta, especially in Salemba Detention Center, Pondok Bambu Female Detention Center, and Cipinang Detention Center. This routine counseling was conducted to develop the detainees' understanding of the legal process and their rights within it.

We held a training and skill-honing session for 15 of LBH Masyarakat's paralegals, which involved swapping stories and undertaking additional training updated to reflect the current human rights landscape in Indonesia.

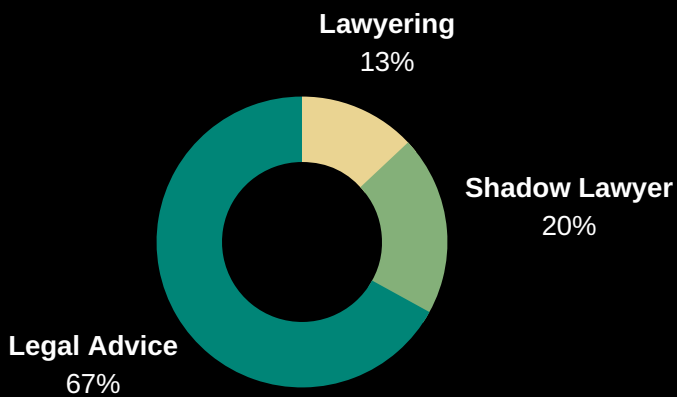
LBH Masyarakat also delivered campaign training to drug-user communities in Bogor and Lombok. This training involved screening a short film concerning narcotics policy under Jokowi, before teaching participants how to use film as a means of advocacy.

Finally, LBH Masyarakat acted as a training facilitator for volunteers at the National Commission on Violence Against Women, educating 15 volunteers about legal process and arrest procedure.



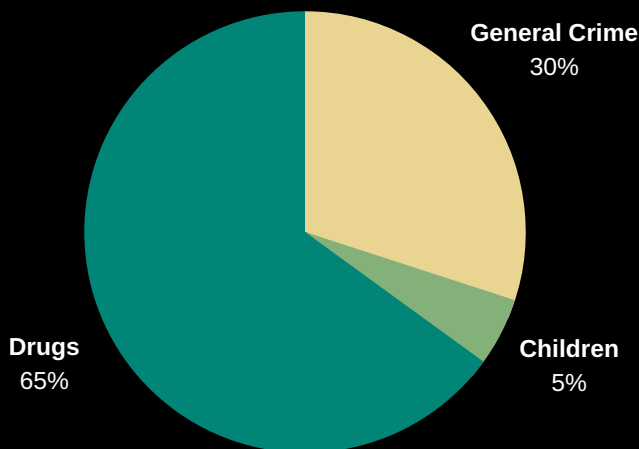
# Presenting Justice

## TYPE OF LEGAL AID



In 2017 LBH Masyarakat handled 156 cases, a 27% increase from 2016. Essentially we offer three types of legal aid, acting as lawyers/legal representation, shadow lawyers or consultants. Usually, the clients we do not officially represent are already involved with another lawyer or public defender. Meanwhile, for cases which are not a priority for LBH, we provide consultation and refer them to other organisations more aligned with their particular case or issue.

## TYPE OF OFFENCE



## DEATH PENALTY CASES



Aware that in-depth analysis is required to ascertain the root causes of human rights violations occurring in Indonesia, LBH Masyarakat undertakes a large amount of research. This research is used to advocate for humanist policy change and make available basic studies designed to educate the community; in particular university students interested in studying human rights development and phenomena.

Listed below are several of the research projects conducted by LBH Masyarakat during the past year.

**1.** We produced a paper titled "Impact of the Work of Paralegals on Access to Justice and Healthcare". Using data obtained through questionnaires, in-depth interviews, and focus group discussions, this research was intended to illustrate the positive impact of the work of paralegals on the community, and help to improve existing paralegal programs.

**2.** In cooperation with International Drugs Policy Consortium (IDPC), No Box Philippines, and the Ozone Foundation, LBH Masyarakat conducted research about female drug offenders in Thailand, Indonesia and the Phillipines.

# Research and Analysis

This research involved collecting data about female drug offenders from each country, identifying the sosio-economic backgrounds of female drug offenders, examining the social and economic impacts of imprisonment and developing recommendations for government and law enforcement for the handling of female drug offenders' cases.

**3.** in an effort to improve rehabilitation access for drug users, LBH Masyarakat, together with Mainline, visited several rehabilitation institutions managed by the Ministry of Health, Ministry of Social Services and the National Narcotics Agency to discover and map out methods and strategies used in rehabilitation. It is expected this research can assist drug users in choosing a rehabilitation method appropriate to their needs.

**4.** LBH Masyarakat was entrusted with conducting research into women sentenced to the death penalty in Indonesia, as part of an international Cornell University research project concerning women and the death penalty. From July to September 2017, LBH Masyarakat examined related documentation and interviewed three women in Jakarta and Medan sentenced to death. This research was later presented at a forum in Budapest.

**5.** LBH Masyarakat observed and documented human rights violations covered by mainstream media in Indonesia, producing a series of seven reports concerning the following issues: Stigma and discrimination against LGBTIQ, HIV-related stigma and discrimination, deaths in custody, implementation of Islamic law, human rights compliance in relation to people with mental illness, handling of serious narcotics cases, and drug trafficking in prisons.

**6.** LBH Masyarakat released its Documentation of Human Rights Violations report covering the period from October 2016 until August 2017. At least 387 human rights violations were found to have been committed against HIV/AIDS, gay men, drug users, sex workers, and TB patients. Finally, on the same day LBH Masyarakat also disseminated the results of a HIV Law and Policy Study conducted in six cities and regencies.



# Reaching Society

In order to provide easier access to information about the current human rights climate, LBH Masyarakat uses social media for publication and advocacy. The public's desire and need for access to this information is illustrated by the increasing number of people who follow LBH Masyarakat on social media.

By the end of 2017, LBH Masyarakat had over 3,400 followers on Facebook, including 900 new followers in 2017. Meanwhile, our Twitter followers rose to 1,500, a 69.3% increase on the previous year. LBH Masyarakat also opened LINE and Instagram accounts in 2017 in response to society's current patterns of accessing information. Within their first year, these accounts gained 170 and 780 followers respectively.

With the help of our media allies, we also spread information concerning the human rights situation in Indonesia through mainstream and alternative media. Throughout 2017, **267** Indonesian-language articles were published containing LBH Masyarakat perspectives, including **13** in alternative media and forums.



Meanwhile, **67** articles featuring comments from LBH Masyarakat appeared in international media publications.

# YOUR SUPPORT

For 10 years LBH Masyarakat has served society, dedicating its energy to defending those whose rights have been transgressed, opposing injustice, and fostering hope in order to create an Indonesia friendly to all humans

Our ability to champion humanity is in part thanks to the help and support of the many parties involved in the work of LBH Masyarakat.

To these parties, organisations and individuals, we would like to express our sincerest thanks.



# BECAUSE EVERY HUMANS MATTERS

"LBH MASYARAKAT IS A BRIDGE TO JUSTICE FOR THOSE LEFT BEHIND. WE BELIEVE THAT WITH INJUSTICE, HUMANITY IS LOST. TOGETHER WE CAN COMBAT INJUSTICE, PROTECT HUMANITY, AND RESTORE HOPE. BECAUSE EVERY HUMAN MATTERS."

[KNOW OUR TEAM](#)

## RICKY GUNAWAN

### DIRECTOR

Ricky holds a Masters' Degree in Human Rights in Theory and Practice from the University of Essex, England, and is actively involved in human rights advocacy and discussion at both national and international level. In 2017, Ricky was one of a number of drug policy reformers honoured through the medium of painted portrait at the Museum of Drug Policy in London. In the same year Ricky was the winner of the British Council Alumni Awards' social impact category, recognising his dedication in the field of human rights.

## AJENG LARASATI

### RESEARCH AND POLICY COORDINATOR

In 2017, Ajeng earned her LLM in Economic, Social and Cultural Rights from the University of Essex. She was trusted to become a member of the Indonesian HIV policy evaluation team. Ajeng, together with UNAIDS Regional Office, was also responsible for carrying out an evaluation of legal and human rights compliance in HIV policy. Ajeng was also involved in reviewing the draft of South Tangerang City's new regulations concerning HIV and AIDS response. Ajeng also attended the UN Universal Period Review for Indonesia in Geneva.

## MUHAMMAD AFIF

### CASE ADVOCACY COORDINATOR

Afif oversees the case strategies of LBH Masyarakat, including for death penalty cases. In 2017, Afif won a complaint in relation to the human rights violation committed by the Attorney General and the High Court during the third round of death penalty executions under the current administration. Afif also successfully prevented the criminalisation of LGBT during the Mahkamah Constitution Judicial Review through his role as lawyer for the National Commission on Violence Against Women.

## ANTONIUS BADAR

### OPERATIONAL COORDINATOR

Badar obtained his law degree from Atmajaya Catholic University. Coordinator and public defender Badar recently conducted an investigation regarding one of our clients sentenced to the death penalty. Aside from his responsibilities leading our operational team, Badar also handles cases of children rights, drugs, and labor.

## DOMINGGUS CHRISTIAN

PUBLIC DEFENDER

Chris graduated from Faculty of Law, Pancasila University. He primarily handles torture and death penalty cases, but is also involved in a civil society coalition for criminal law reform, and together with Ma'ruf works to free wrongfully accused clients of LBH Masyarakat.

## NAILA RIZQI

PUBLIC DEFENDER

Naila, a graduate of Jember University, is active in advocacy on various issues, particularly LGBT and child welfare. In 2017, Naila succeeded in preventing the criminalisation of LGBT through her role as the legal representative of the National Commission on Violence Against Women. She was also a guest speaker at Harm Reduction International 2017 in Montreal, Canada.

## YOSUA OCTAVIAN

PUBLIC DEFENDER

Yosua completed his legal education at Christian University of Indonesia. Aside from working hard in our outreach programs, last year he handled a variety of narcotics cases, along with four death penalty cases.

## MA'RUF BAJAMMAL

PUBLIC DEFENDER

A graduate of Trisakti University's Law Faculty, Ma'ruf handles narcotics and other general criminal cases. In his first year at LBH Masyarakat, Ma'ruf successfully extricated one of his clients from criminal charges.

## RIKI EFFENDI

PUBLIC DEFENDER

After beginning his service at LBH Masyarakat as a paralegal, Riki now handles many narcotics and child welfare cases, including more than 15 such cases last year. He also works to increase access to healthcare for our friends in the drug-user community.



## ALBERT WIRYA

### RESEARCHER

Albert earned his criminology degree from University of Indonesia. He led four research projects undertaken concurrently by LBH Masyarakat in 2017. He is involved in human rights advocacy relating to the issue of mental health. He also handled several HIV/AIDS cases, including a case involving the transmission of HIV/AIDS to a child.

## FUJI AOTARI

### PROGRAM OFFICER

Fuji manages many of LBH Masyarakat's programs, including two major programs in 2017, along with carrying out various studies and advocacy connected with the issue of HIV/AIDS. One such study undertaken involved documentation of human rights violations towards at-risk sections of the population in 17 cities.

## ARINTA DEA

### GENDER ANALYST

In 2017, Arinta headed two of LBH Masyarakat's research projects, regarding women sentenced to the death penalty and female narcotics offenders. Arinta presented the results of one of these projects at a workshop held in Budapest titled "Understanding the Gendered Impacts of Drugs, Drug Policy and Drug Policy Enforcement".

## YOHAN MISERO

### DRUG POLICY ANALYST

Throughout 2017 Yohan observed the development of drug policy in Indonesia, and was involved in policy advocacy at a provincial and national level. He appeared a number of times in the media as a spokesperson regarding drug policy, including appearances on four different TV programs, and over 90 articles from media inside and outside the country quoted his arguments regarding drug policies in Indonesia.

## **ALI MUDOPAR**

HEAD OF HOUSEHOLD

Dopar assists with the running of the operational program at LBH Masyarakat, including LIGHTS 2017 and press conferences held at LBH Masyarakat's office.

## **HERLINA**

ADMINISTRATOR

Not only does Herlina handle administration at LBH Masyarakat, she is also involved in various campaigns opposing violence against women, such as the One Billion Rising campaign and Women's March Jakarta.

## **DEDE KHAERUDDIN**

FINANCIAL OFFICER

Dede manages all of LBH Masyarakat's financial processes, including carrying out a financial audit together with two other staff. In 2017 Dede also successfully completed his study in the field of accounting.

## ASTRIED PERMATA

### COMMUNICATION OFFICER

Astried holds a Communications degree from University of Indonesia. She handles LBH Masyarakat's communications operations, including developing and maintaining ties with the media, social media, and running campaigns, including four major campaign events in last year.

## GILBERT LIANTO

### FUNDRAISING OFFICER

Aside from taking responsibility for LBH Masyarakat's fundraising activities, Gilbert is involved in several gender equality and diversity campaigns and activities, such as One Billion Rising and Women's March Jakarta.



**PERKUMPULAN  
LEMBAGA BANTUAN HUKUM  
MASYARAKAT**

## CONTACT

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Cover photo by Willy Symhponia