



**YAYASAN LEMBAGA BANTUAN HUKUM INDONESIA
INDONESIA LEGAL AID FOUNDATION**

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Press Release

Criminalization of Sexual Violence's Woman Advocate:

"A Grave Attack against Woman Human Rights Defender and Victim Advocate, and the Yogyakarta Regional Police's Systematic Effort to Shield a Sex Offender"

Thursday, 25 July 2024: The Yogyakarta Regional Police (Polda DIY) charged Meila Nurul Fajriah as a Suspect with defamation under Article 27 Paragraph (3) on Information and Electronic Transactions Law jo Article 45 Paragraph (3) of the Information and Electronic Transactions Law. Meila, a public interest lawyer at LBH Yogyakarta, was advocating for a sexual violence case in Yogyakarta when the charge was filed. The case was first handled in April 2020, with Meila defending 30 victims of physical and online sexual violence allegedly assaulted by IM, a former Outstanding Student at Universitas Islam Indonesia.

During the advocacy process, LBH Yogyakarta, together with other organizations and UII students, opened a complaint post as a form of legal aid service provision to ensure justice for victims. As the case progressed, the increasing number of victims discovered as the case progressed required further collaboration with other civil society networks.

In 2020, IM reported 3 LBH Yogyakarta lawyers including Meila to the Yogyakarta Regional Police on charges of defamation for mentioning IM's full name in a press release. Instead of receiving support and protection from law enforcement officials, Meila was named a suspect. During the process of handling this case, the investigators did not stand on the principle of credibility in investigations as regulated in the National Police Chief Regulation No. 15/2006 concerning the Professional Code of Ethics for Police Investigators, where investigators did not pay attention nor try to find accurate facts related to the KS case. This is despite the information by LBH Yogyakarta in which some reports had been investigated by the university, one of which was proven guilty and made the case for the Chancellor of the Indonesian Islamic University (UII) to revoke IM's status as an Outstanding Student of UII. After the award revocation, IM also filed a lawsuit against UII via the Administrative Court of Yogyakarta. In the trial, the Chancellor of UII through the Accompaniment and Advocacy Team discovered the fact that there were at least 4 victims who were sexually assaulted by IM and their psychological condition were impacted negatively, even to the extent of one of the victims even considered committing suicide ([Pages 45-46 Decision No. 17/G/ 2020/PTUN.YK](#)).

*The decision and examination carried out by the Chancellor of UII were not used as an important consideration by the Yogyakarta Regional Police, which confirmed the fact that IM had committed acts of sexual violence. As regulated in the Joint Decree between the Minister of Communication and Information, the Attorney General and the National Police Chief regarding Guidelines for the Implementation of the 2021 Information and Electronic Transactions Law which stated that **disclosing the reality or facts is not part of the offense of defamation.***

The press release was issued by Meila who at the time was a public interest lawyer at LBH Yogyakarta acting as a victim advocate at the time, which mandates internal procedures within the Advocate Honorary Council for any alleged case handling errors. However, to date, Meila has never been reported to the Council nor tried for violating the Advocate's Code of Ethics. Determining her as a suspect delegitimizes the Honorary Council's internal procedure, as her acts defending the victim do not breach the Advocate's Code of Ethics.

The Yogyakarta Regional Police's decision to charge Meila as a suspect is a serious attack on women human rights defenders and/or companions of victims of sexual violence, fundamentally setting a bad precedent for all sexual violence victims in the country. The Yogyakarta Regional Police have been careless and annulled the impunity rights of advocates under Law 18/2003 of Advocates, the impunity rights of legal aid providers under Law 16/2011 on Legal Aid, and the impunity rights of victim companions under Law 12/2022 of Sexual Violence Crimes, all of which are afforded to Meila in her role as a lawyer, a provider of legal assistance and as a victim companion.

"Women Human Rights Defenders (WHRD) should be one of the key elements in encouraging the enforcement of human rights in society. The criminalization of WHRD shows that WHRD is still in a vulnerable position and is clearly an attempt to weaken the struggle. This illustrates that the protection of not only WHRD, but also women victims of violence, has not been fully carried out and has become the state's concern." Indiah Wahyu Andari, Director of Rifka Annisa Woman Crisis Center.

In addition to the vulnerability of Women Human Rights Defenders, the condition of victims of sexual violence also encounters similar challenges. Ika Agustina, Executive Director of Kalyanamitra also said that "Victims of sexual violence until now have difficulty getting access to justice due to various obstacles in the legal system in Indonesia, one of which is related to the perspective of our law enforcement officials who have not yet had a gender perspective. Reported cases of sexual violence are often considered to lack evidence and witnesses by law enforcement officials. The victim is even reported back by the perpetrator on charges of defamation. Victim advocates often also receive intimidation and terror from the perpetrators, without any protection from law enforcement institutions."

In line with that, Dimas Bagus Arya, Coordinator of KontraS said, "The police do not side with the victims and instead become the perpetrators of harassment against the advocate profession. We can see that the Kill The Messenger pattern has reoccurred in this case, which has nullified the mentoring role played by Meila towards the victims and shifted the burden of responsibility from what should focus on sanctioning the alleged perpetrators, instead putting it on the advocates. In addition, we see that the police have flawed logic in the process of

determining the suspect. The police should have stopped the case because it did not fulfill the offense of defamation because what Meila said is not an offense related to the content of insults and / or defamation if it is an assessment, opinion, evaluation result or a reality as stipulated in point C of the SKB Guidelines for ITE Law."

"Although we are engaged in environmental issues, the case is our common issue. We regret the legal action taken by the DIY Police against Meila, what was done was to show that the law enforcement officers who should be at the forefront to protect the victims have not understood the urgency of the Sexual Violence Law". Khalisah Khalid, representative of Greenpeace Indonesia

In addition, Nenden Sekar Arum, Executive Director of SafeNet said that "This case shows that the rubber articles in the ITE Law are very dangerous and effective in criminalizing critical parties. We need to see article 27 paragraph 3 of the ITE Law as problematic content and how the results of the second revision of the ITE Law still do not pay attention to aspects of gender sensitivity and digital rights perspectives".

Eni, a representative of the Purple Code Collective, also added that "The criminalization that occurred against Meila is a frightening specter for victims of sexual violence who are struggling. How could it not be because the victim's own companion became the target of criminalization by the alleged perpetrator".

The chairman of the LBH Indonesia Foundation, Muhamad Isnur also expressed his response regarding support for Meila, "The LBH-YLBHI family would like to thank colleagues who expressed their attitude that Meila is not alone. Meila is an advocate and implementer of legal aid, this criminalization is nullifying state efforts in law enforcement. This is not just about Meila and LBH-YLBHI, this is about all of us; the victims, survivors, families and those closest to us."

Ultimately, this criminalization marks a step back taken by the Yogyakarta Regional Police amidst the nationwide commitment to support victims of sexual violence and fight against the culture and acts of sexual violence by anyone as outlined in Law 12/2022 of Sexual Violence Crimes. Instead of being the front guard institution in implementing the Sexual Violence Crimes Law, the counterproductive action that the Yogyakarta Regional Police chose was to protect the perpetrator and criminalize the victim's companion.

Based on the points above, we, the undersigned civil society network, urge:

- 1. Chief of the Indonesian National Police Listyo Sigit Prabowo to directly carry out a comprehensive evaluation of the Yogyakarta Regional Police;*
- 2. Chief of the Yogyakarta Regional Police Suwondo Nainggolan to immediately revoke and cease all criminalization of Meila Nurul Fajriah, a Woman Human Right Defender, Lawyer, and Victim Companion;*
- 3. The National Police Commission to conduct holistic supervision of the Yogyakarta Regional Police and its Investigation Team's handling of the a quo case by*

- guaranteeing professionalism and accountability and reviewing the entire criminalization process of Meila Nurul Fajriah;
4. The National Commission on Violence against Women to pay close attention to the criminalization of Meila Nurul Fajriah and evaluate the entire process of naming Meila Nurul Fajriah as a suspect;
 5. To invite all elements of the Indonesian society to fight against acts of sexual violence, protect victims of sexual violence and fight against all actions that threaten victims' companions and human rights defenders.

Jakarta, 25 July 2024

Civil Society Coalition:

1. Yayasan LBH Indonesia
2. LBH Yogyakarta
3. LBH Manado
4. LBH Medan
5. LBH Padang
6. LBH Jakarta
7. LBH Makassar
8. LBH Surabaya
9. LBH Pekanbaru
10. LBH Semarang
11. LBH Project Base Kalimantan Barat
12. LBH Bandung
13. LBH Banda Aceh
14. LBH Papua
15. LBH Bali
16. LBH Bandar Lampung
17. LBH LBH Samarinda
18. LBH Palangkaraya
19. LBH Palembang
20. LBH Apik Semarang
21. Southeast Asia Freedom of Expression Network (SAFEnet)
22. Kolektif Purple Code
23. Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (Kontras)
24. INFID - International NGO Forum on Indonesian Development
25. LBH Apik Jakarta
26. Kalyanamitra
27. Trend Asia
28. Amnesty International Indonesia
29. Greenpeace Indonesia
30. WALHI Yogyakarta
31. UII Bergerak
32. Lingkar Belajar Untuk perempuan Sulteng
33. SEAPIL
34. Aliansi Sumut Bersatu
35. Perkumpulan Kediri Bersama Rakyat
36. Himpunan Serikat Perempuan Indonesia (Sumatera Utara)
37. Women Crisis Center (WCC) Rifka Annisa

38. Keluarga Besar Buruh Migran Indonesia (Kabar Bumi)
39. Olin Monteiro, Artsforwomen Indonesia
40. Nabila Tauhida, Emancipate Indonesia
41. Susi Handayani_ Yayasan PUPA
42. Fiolita Berandhini, Animals Don't Speak Human
43. Ferena Debineva - Setya Garuda Remaja Cendikia (SGRC)
44. Frenia Nababan - Yayasan Kesehatan Perempuan
45. Ayut Enggeliah (Sawit Watch)
46. Lita Anggraini- JALA PRT
47. Dian Septi Trisnanti - Marsinah.id
48. Kekek Apriana DH- Srikandi Sejati Foundation
49. Othe Patty - Yayasan Peduli Inayana Maluku.
50. Mike Verawati - Koalisi Perempuan Indonesia
51. Jumisih - JALA PRT/FSBPI
52. YERYANA _PEREMPUAN AMAN
53. Danielle Samsoeri - Akara Perempuan
54. Dani Manu - LBH APIK NTT
55. Dewi Tjakrawinata - YAPESDI
56. Dewi Rana, Libu Perempuan Sulteng
57. Purwanti, SIGAB Indonesia
58. Iim Suluh Perempuan
59. Wahidah Suaib - ANSIPOL
60. LBH APIK Banten
61. Jakarta Feminist
62. Ika Ayu - Perkumpulan Samsara
63. Save All Women and Girls
64. Jaringan Perempuan Yogyakarta
65. Cari Layanan
66. Gerak Bersama Perempuan Maluku
67. Jaringan Perempuan Borneo
68. Ditta Wisnu, PasahKahanjak
69. Nazla Mariza
70. Valentina Sagala, Institut Perempuan
71. Kolektif Semai
72. PKBI DIY
73. Perempuan Mahardhika
74. Ikatan Perempuan Positif Indonesia (IPPI)
75. Institute for Criminal Justice Reform (ICJR)
76. Save Amira
77. Tim Advokasi Untuk Demokrasi (TAUD)
78. ASB Plural Official
79. Saukang Sahabat Konservasi Lingkungan
80. Yayasan Konservasi Way Seputih
81. FIK ORNOP Sulsel
82. Yayasan Samahita Bersama Kita
83. Forum LSM DIY
84. Lokadaya Nusantara
85. Penabulu Foundation
86. Ina Irawati, KPuK (Koalisi Perempuan untuk Kepemimpinan) - Malang
87. Laili Zailani, Himpunan Serikat Perempuan Indonesia (HAPSARI) Sumut

88. HopeHelps Network
89. Sri Rahayu, Kelas Perempuan Mandiri Berbudaya (KELAPA MUDA) Sumut
90. Tong Pu Ruang Aman
91. LRC-KJHAM (Legal Resources Center untuk Keadilan Jender dan Hak Asasi Manusia)
92. Koalisi Anti Kekerasan Seksual - Jayapura
93. Nurhasanah, Yayasan Swara Parangpuan Sulut/Gerakan Perempuan Sulut (GPS)
94. Khotimun S, Asosiasi LBH APIK Indonesia
95. Servina P. Payon
96. Emmy Astuti-ASPPIK
97. Berti S D Malingara, Gerakan Advokasi Transformasi Disabilitas untuk Inklusi (GARAMIN) NTT
98. Resister Indonesia
99. Combine Resource Institute
100. Lembaga Kajian Islam dan Sosial (LKIS)
101. Sekretariat Nasional Jaringan Gusdurian
102. Forum Perlindungan Korban Kekerasan (FPKK) Daerah Istimewa Yogyakarta
103. Rumah Muda Integritas
104. DPD IMM DIY
105. Thinkpath Indonesia
106. Solidaritas Perempuan Kinasih
107. Forum Pancoran Bersatu
108. Cakra Wikara Indonesia
109. Afrintina, DAMAR Lampung
110. Nyingalaha Maluku Utara
111. Front Anti Kekerasan Maluku Utara
112. Gerak 28 September
113. Partai Hijau Indonesia
114. Elly Bin Yahya – Individu
115. Ersa - Gender Mahardika Yogyakarta (Feminis Yogya)
116. AJI Yogyakarta
117. Harapan Fian
118. Feminis Jakarta (KOMPAKS)
119. PBHI Yogyakarta
120. Sindikasi Jogja
121. Cilacapbisa
122. Anggun - Zinethink
123. Jesse - SINDIKASI Jogja
124. Pusat Studi Hak Asasi Manusia (Pusham) Universitas Islam Indonesia
125. Protection International