

**Submission Report**  
**by**  
**The Commission For The Disappeared and Victims Of Violence**  
**(KontraS, Indonesia)**

**Submitted to**

**United Nations Special Rapporteur**  
**On Human Rights Defender**  
**Focuses on Links Between large-scale Development Projects and**  
**The Safety of Human Rights Defenders in Indonesia**

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**The Commission For The Disappeared and Victims Of Violence**  
**Jl. Borobudur No.14 Menteng, Jakarta 10320 Indonesia**  
**Email: [kontras\\_98@kontras.org](mailto:kontras_98@kontras.org)**  
**Fax: 62-21-3926821**  
**Contact Person: Staff on International Desk, Ms. Rei Firdha Amalia**  
**(email: [rei.firdhaamalia@kontras.org](mailto:rei.firdhaamalia@kontras.org) /phone: 0857-9301-7953)**

## Foreword

We submit this report on behalf of The Commission For The Disappeared and Victims Of Violence (KontraS)-a non-governmental organization committed to protecting and promoting human rights in Indonesia. This report focuses on the links between large-scale development projects and a safe and enabling environment for human rights defenders, with a particular emphasis on the challenges of the human rights based approach to development and the role of human rights defenders.

We wrote this report as the input for United Nations Special Rapporteur on Human Rights Defender to inform about situation and the obstacle for Human Rights Defender in Indonesia. We hope that this report can provide adequate information for you and your organization to make further strategic advocacy for this matter.

In addition, our organization promotes political awareness of victims of abuse in order to fight for justice in Indonesia without regard to religious background, race, ethnic, ideology, class, gender, or sexual orientation. We fight for each person's right to be free from all forms of violence and repression, especially resulting from the abuse of state power within the society.

We have several Activities as our way to do advocacy, *first* we collecting and disseminating information on human rights violations (Investigating & writing reports on human rights violation, Lobbying to change law/policies/practices) ; *second*, we support victims of human rights violations through organizing the community of victims by providing legal services/advice and representing victim; *third*, we do International advocacy through Collecting & Disseminating information and attending international forum ; *fourth*, we strengthening our capacity & accountability through distribution of information related to organization's work, the use of website and communication facilities, provision of technology facilities and planning and evaluation on organization's work making effective safety system

24 June 2013,  
Executive Committee Of KontraS,

**Haris Azhar**  
*Coordinator*

## **The Contradictive of Development Project In Indonesia; Its Relevance On The Safe Environment of Human Rights Defenders**

As a developing country, in recent years Indonesia is still trying to develop and expand a range of sectors for development programs, yet it raises a contradiction. On the one hand, the government made progress in the development of various sectors, yet in the other side, some development give an implications in a setback for human rights in Indonesia, because in reality development often jeopardizes the welfare of local residents where the construction is performed. This is the basic reason for human rights defenders who demands the government to grant the rights in proportionate way to the local residents, but mostly the state apparatus (police and military) preferring committed in violence way as respons to the human rights defenders who demand justice for the local residents. Thus, has been the pattern in Indonesia where national interest in the form of development violating the local residents for giving them unequal rights, and also human rights defender in the context of freedom of expression

In example, the criminalization case to human rights defender happened in the case of Anwar Saddat- the Director of the Indonesian Forum for the Environment (Walhi) South Sumatra. He was arrested after a staged demonstration on January 29 that centered on a land dispute between the state-owned plantation company PT Perkebunan Nusantara VII Cinta Manis. He was charged with destruction of property (the gate of the regional police station) and with organizing a provocative action (demonstration) in the case of Ogan Ilir in the South Sumatra Regional Police Area in Lampung. these continued acts of violence committed by the police against activists, especially when they lead to the arrest of activists. Anwar Sadat is an environmental activist as well as an active human rights defender. He has assisted the residents of Betung Village District, Kab. Ogan Ilir, South Sumatra Province. Anwar accompanied residents who questioned the arrest of some of the village farmers. In the demonstration on January 29, Anwar Saddat asked the Regional Police a few things. First, to dismiss the Chief of the Ogan Ilir Police for violating human rights. Second, that the police no longer intervene in the conflict between the civilians and the PTPN. Third, to release farmers who had been arrested by

the Ogan Ilir Police. Anwar Sadat was arrested and remains in custody with the South Sumatra Police. There is a persistence of the correlation between development and human rights violations. Over the last three years the number of disputes against agrarian businesses that negatively impacted civilians have increased. In 2009 there were 18 complaints of agrarian disputes. In 2010 the number increased to 27. In 2011 there were 32 such complaints. To date, while we are writing this paper Anwar Sadat still remains in custody.

In the year of 2011, KontraS has been recorded 57 cases of land conflict and the perpetrators came from the Police and Military, while in 2012 it was increased until 151 cases. Acts of violence committed by the perpetrators came in various way, such as; torture, arbitrary arrests, intimidation and murder. In those types of actions, in 2012 we recorded 51 perpetrators came from the police, 13 people from the military, 57 from civilians, 2 unidentified people and 28 others come from company employees. Due to land conflicts and violence, it has led to 20 people died, 182 people get injured due to persecution and torture, 236 people have been arrested and intimidated. The most vulnerable places as the source of conflict are; the first is plantation, followed by forestry, and mining in the third place.

There are several reasons underlying conflict in natural resources area still occurring, such as ; *first*, agrarian reform is not running well on the current regime as mandated in MPR Decree No.IX/MPR/2001 on Agrarian Reform and Natural Resources Management; *second*, the existance of policies which is destructive to the system management of land. In example, Law no. 2/2012 on Land Procurement for Development for Public Interest which implies the imposition of land grabbing by the government on behalf of the public interest; *third*, the overlapping laws and legislation that resulted in vulnerable abuse of authority related on its implementation.

On behalf of national interests, both the police and military are performing forces in the ways that are imposed and violated the constitution, it can be inferred from the persistent abuse by military authority against citizens in the land owners cases. For example, a case involving police brutality in the conflict of state-owned plantation company PTPN II Deli Serdang with the local residents. The land conflict itself has been going on since years ago in the case of PTPN II Deli Serdang Sumatra, Since the conflict arised, to date more than 100 people became victims. Including three people had been shot by the police in 1998. Recent case, there was a kidnapping

of six people, lead to arbitrary detention committed by police officers against Zakaria (46), Arifin Keliat (63), Alpiyan, Jafaruddin (42), Sapriadi (32) and Edi Polo (30) .

The abduction and arbitrary detention is the aftermath of the events on April 19 and May 22, 2012, where there was clashes between residents and PTPN II. It began when the local residents impede the group of PTPN-II whose came to Sei Mencirim and Namurube Julu village to carry out a land occupation. This event has been reported by residents on May 28, 2012 to the Police Kutalimbaru, but to date the report was never followed-up by the local police.

Lately, the police officers actually tend to be more aggressive with committed such actions; abduction (arrest out of procedure) and arbitrary detention against civilians. Instead of following up on the reports, they did the opposite act, the police act performing intimidation and also criminalization of the farmers. Until now, any act of terror against local residents is still ongoing, such as patrolling with excessive force at certain hours.

Besides conflict between local residents and state-owned company as the result of development project, there are also some cases in the area of natural resources where military and police committed violence in order to defend private company that explore natural resources in some region in Indonesia, such as;

- in Serang district, Lontar residents who are mostly fishermen, rejected the Sand Mining Ship- operated by PT Jetstar which is operating in the areas of local residents fishing areas since 2003. The conflict led to shooting incidents by Police in 2 September (three people shot by gunfire) and 26 November 2012 (one person shot).
- The rejection act of Batang Toru residents over mine waste pipeline of PT. Agincourt Resources to the local watershed led to criminalization by the authorities in July 2012. 12 of 32 people arrested currently named as suspects. 20 people have been released but under the conditions of physical injuries caused by torture and inhumane acts.
- The shooting incident of Limbang Jaya village, Ogan Ilir regency by mobile brigade members on July 27, 2012.
- The violence by the police to the people in Picuan Lama mining areas, District Motoling, South Minahasa

Ironically, as the impact of the development performed by government particularly in natural resources sector, there has been occurred violations towards human rights defender and also local residents committed by military and police in the name of government.

Thus, we respectfully recommend International Community, including United Nations to ask the following points to Indonesian government, inter alia;

- a) to undertake legislation that would regulate state-owned businesses and development project to hold them responsible for human rights violations.
- b) To revoke government regulations regarding to the existence of policies which is destructive to the land system management and has a huge impact on human rights violation
- c) Regulate the protection for human rights defenders because of their vulnerabilities and threat from many parties to them as the result of their work.
- d) to reform the military sector so that the state apparatus (military and police) does not continue to use their force and power against civilians.

We are fully appreciate for the follow-up by your organization and welcome the opportunity to provide your offices with further information or to clarify any issues in relation to this matter.