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Special Rapporteur on The Rights of Indigenous People
Office of the High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10
Switzerland

Dear Honourable Victoria Tauli-Corpuz,

To date, Indonesia has a huge problem with respect to recognizing, protecting and fulfilling the rights of indigenous peoples. Discrimination, rights omission, ancestral territory grabbing, forced eviction of indigenous peoples from their ancestral territory for development reason continue to occur. Moreover, indigenous peoples are criminalized once they make efforts to defend their ancestral territories. This criminalization often comes up with intimidation and violence by the state through its apparatus as well as by persons/groups affiliated with the state/corporation.

Indigenous peoples cannot expect much because the state tends to neglect them by not doing an adequate law enforcement against perpetrators of violence and intimidation. In addition, in a more fundamental aspect, the state has yet to succeed in formulating a policy framework that is able to protect indigenous peoples from ancestral territory grabbing which is the living space of indigenous peoples.

According to the record of the Alliance of Indigenous Peoples of the Archipelago (AMAN), up to this day, there are 262 members of indigenous peoples in 13 (thirteen provinces) have been victims of criminalization and violence. One of these criminalization acts happened to Seko indigenous peoples because of their rejection of the plan to develop a **Hydropower Plant** in Seko Subdistrict, North Luwu District, South Sulawesi Province. A brief description of the case is presented below:

1. The Hydropower Plant development plan by PT. ASRI POWER was initiated in 2012 with a dissemination being held at Eno (district capital) and attended by the Company, North Luwu Local Government (under the administration of district head Arifin Junaedi), and all village heads without involving Pohoneang and Hoyane Indigenous Peoples. Pohoneang and Hoyane are the locations assigned for the hydropower plant development.
2. PT. Asri Power had its Principles Permit of Electric Power Supply Business issued under Number: 540/078/Distamben Luwu Utara on 28 December 2012. The company obtained Recommendation from the Mining and Energy Office of North Luwu District Number: 540/219.A/Distamben on 18 June 2014 regarding Recommendation on Technical Matters to Extend Principle Permit of PT. Tirta Energi Cemerlang and PT. Asri Power.
3. Whereas based on the request and recommendation from the North Luwu Mining and Energy Office, then the One-Stop Integrated Licensing Service and Investment Agency (BPPTSPM) in North Luwu issued the Principle Permit extension document for PT. Seko Power Prima with Number: 02080/00008/IP/BPPTSPM/VI/201.
4. This licensing document has several provisions contained therein, among others, the company, in this case, PT. Seko Power Prima is required to respect the rights to culture and tradition existing around the site, to empower the community around the projected hydropower plant area, to maintain and conserve the environment, etc. But in fact, the company has damaged the surrounding area by cutting down some cacao trees of the Indigenous Peoples.



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Due to the arbitrariness of the company that destroyed the ancestral territories and trees grew thereon and managed indigenous territories without due regard to principles regarding the universally recognized rights of indigenous peoples, Seko indigenous peoples protest and expressly reject the hydropower plant development.

The Seko Indigenous Peoples think that the Hydropower Plant development will cause:

- Loss of water resource of the community;
- Loss of some tributaries of the river;
- Loss of agricultural lands of the community
- Loss of Seko Indigenous Peoples' villages;
- Loss of some historical sites of the Seko indigenous peoples;
- A shift in water function, from living sources to energy sources;
- Changes in the river function as resources buffer;
- Elimination of social relationship among indigenous peoples and indigenous peoples relationship with their source of livelihood (nature).

Being aware of the adverse impacts that highly likely to occur, the Seko indigenous peoples have done some measures to resist and reject the existence of PT. Seko Power Prima in Seko ancestral territory. Many times, the Seko indigenous peoples raged a protest and demonstration and even submit several formal complaints to the central government and local government. However, a series of protests have never been properly responded to by either the central government or the local government or the company. Instead, the local government and the company committed intimidation, violence, criminalization leading to the imprisonment of some members of the Seko indigenous peoples.

The conflict between the Seko indigenous peoples and PT. Seko Power Prima has brought bad consequences for the Seko indigenous peoples as summarized as follows:

1. The sentence imposed on 14 members of Seko indigenous peoples whose name listed as follows

No	Name	Sentence	Current Condition
1	Piter karra	9 months of imprisonment	Released
2	Sarlon	9 months of imprisonment	Released
3	Dominungus Paongan	9 months of imprisonment	Released
4	Aspar	9 months of imprisonment	Released
5	Jani	9 months of imprisonment	Released
6	Alprianto	9 months of imprisonment	Released



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7	Aspar Bandi	9 months of imprisonment	Released
8	Henok Dappa	9 months of imprisonment	Released
9	Suhardi Dappa	9 months of imprisonment	Released
10	Yoksan	9 months of imprisonment	Released
11	Haner	9 months of imprisonment	Released
12	Marda Magau	9 months of imprisonment	Released
13	Andry Karyo	9 months of imprisonment, the Supreme Court has added the sentence into 2 years of imprisonment	the Supreme Court's verdict has not been executed yet
14	Amisandi	7 months of imprisonment	Released

2. The Wanted List

In addition to the 14 people convicted in the Masamba District Court as mentioned above, there are 14 other people who are included in the Wanted List.

3. Threat of Arrest

Deputy Chief of North Luwu District Police threatened to arrest all the men in Kampung (village) if they continue to resist the hydropower construction. This threat was accompanied by multiple shots that made hundreds of indigenous peoples in Pohoneang both men, women, and children fled and left their home and village heading to the forests and even to the neighboring districts and provinces near Seko. The pro-hydropower parties also mobilized dogs to pursue indigenous peoples hiding the middle of the forest.

4. Violence Against Students

Violence also happened to 3 school children namely Aldi from Pokappa'ang (12th grader, senior high), Simran Hoyane (11th grader, senior high), and Yahya from Pasang Kalua, Central Seko. The three were hit by one of the community leaders who support the hydropower development. They were beaten because they refused to follow the wish of those supporting the hydropower.

5. Violence Against Women

The indigenous women who opted to remain in the village, defending their ancestral territories from the hydropower plant development, also suffered violence. The Seko indigenous women came to one of the drilling sites of PT. Seko Power Prima in Ratte Area, Central Seko. Rahmawati was slapped and beaten in the head until she fell down by the North Luwu District Police officer who was guarding the drilling site. In addition, there were two others women who were pushed down, and according to the witness, besides pointing a gun towards the crowd of women, the police officers also fired shots resulted in some women being fainted.

6. Torture and Abuse of Authority

Violence and abuse of authority were committed by the North Luwu Police officers, who were then identified as Sahrul and friends, against two Central Seko peoples named Aris Marlon and Ivan. Both



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were arrested and suffered torture during the arrest and detention at the North Luwu Police Station. Both of these indigenous peoples were arrested on their way to Masamba District Court to testify as witnesses at Amisandi's pretrial hearing. Marlon and Ivan were brought to North Luwu Police Station. Marlon was named suspect with alleged threats against the company.

Impacts of Criminalization

The criminalization committed by police officers against 14 members of the Seko indigenous peoples have the following impacts:

1. Fear, as the police threatened to arrest all men in the village. As a result, peoples fled and take refuge into the forest and the neighboring districts up to Toraja in Central Sulawesi and West Sulawesi.
2. Horizontal conflict, in which the pros and contras of the development plan have caused tension in the field, resulting in the crisis of confidence of the community.
3. The increased burden on women as their husbands are imprisoned and they have to deal with displacement.
4. Children's school activity is interrupted because they have to help their parent working in the farm or flee to a safer place

Conclusion

1. The Government of Indonesia c.q. Local Government of North Luwu has denied the rights of the Seko indigenous peoples by allowing the criminalization and violence to take place.
2. The Local Government of North Luwu does not at all promote the respect and protection of Indigenous Peoples' rights despite the Local Government has enacted Local Regulation No. 300 of 2004 concerning the Recognition of the Seko Indigenous Peoples.
3. The Government (including the Police) in fact legitimized the grabbing of customary territory by committing intimidation, silencing every protest made by the indigenous peoples, and imposing legal proceeding against indigenous peoples defending their ancestral territories.
4. Police are actively involved in violence and abuse of authority against indigenous peoples. Also, the Government committed an omission by not enforcing the law against violence and abuse of authority done by the Police.
5. The Government (including the Police) has allowed the violence by groups supporting the hydropower development to happen by not enforcing the law against the perpetrators who intimidate and beat some indigenous peoples. Intimidation, assault, and battery are crimes as stipulated in the Indonesian Criminal Code. It is, therefore, the obligation of the Government of Indonesia to act fairly in upholding law and justice.
6. The Government committed omission and denial of the acts of violence and injustice against Seko indigenous peoples. There is no rehabilitation or remedy over the prolonged fear of the Seko indigenous peoples.

Recommendations

Over the omission by the Local Government in Seko Subdistrict, North Luwu District, South Sulawesi Province of violations against the rights of Seko indigenous peoples, we expect support from the international community to:



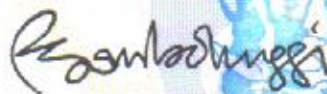
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- a) Urge the Government of Indonesia to directly investigate the criminalization against indigenous peoples in Indonesia;
- b) Encourage the Government of Indonesia to immediately fulfill its obligations to acknowledge, protect, and fulfill the rights of indigenous peoples in Indonesia;
- c) Encourage the Government of Indonesia to immediately restore the rights of indigenous peoples
- d) Encourage the Government of Indonesia to immediately follow up the report of the National Human Rights Commission particularly on violations of the rights of indigenous peoples in Indonesia.

We hereby conclude the points of our letter. Should you have further questions, please contact us. Thank you for your kind attention.

Jakarta, 30 July 2018

Alliance of Indigenous Peoples of the Archipelago (AMAN)



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