

ANNEX 1. Violations of indigenous peoples' rights in the context of mining, logging and plantations

1. Killing of indigenous peoples in Mesuji in South Sumatera

In mid-April 2011, there was a clash between the PT Treekreasi Margamulya (TM)/Sumber Wangi Alam (SWA) company and the indigenous peoples living in the district of Mesuji in South Sumatera. The forced planting of oil palm on the indigenous people's territory and the subsequent occupation of the plantation and cropping of the oil palm fruits by the indigenous inhabitants triggered the conflict. The company reacted by calling in the special police. In the clash that followed between the special police forces and the indigenous population, seven people lost their lives. On 21 April, the palm oil company's security guards and police forces killed another two people from the indigenous community of Sodong. During a clash on 11 November, two people were killed and four were injured by gunshots. Five company staff were shot dead during the counter-attack by local inhabitants. The conflict in Mesuji remains ongoing.

2. The conflict in the territory of Rakyat Penunggu people in North Sumatera

On 25 May 2011 the state-owned plantation company PTPN 2 ordered the mobile brigade (a special police force entrusted with domestic counter terrorism and law enforcement), heavily armed and clothed like thugs, to displace the indigenous inhabitants of the village of Secanggang. Representatives of PTPN 2 tried to erect a signpost stating that the territory was controlled by the special police forces. They were, however, hindered from this by hundreds of local indigenous peoples. Finally the plantation company decided to abandon the territory but threatened to come back with 1,000 security personnel in order to rid the territory of Secanggang of its indigenous inhabitants.

The indigenous community of the village of Sei Jernih experienced a similar incident, in the Deli Serdang Regency. On 17 June 2011, 20 members of the special police forces and security guards from the PTPN 2 arrived, heavily armed, and beat and mistreated five members of the community. The conflict escalated on 18 June when five trucks with special police and PTPN 2 security forces burned down the traditional community house of Sei Jernih, destroyed the plants, and beat up and injured 14 inhabitants. On 21 July, PTPN 2 instructed 300 people to destroy 24 houses and burn down another two in the village of Klambir. The traditional territory of Rakyat Penunggu in Klambir is still controlled by the police and the situation is very tense.

3. Members of Tengger community displaced by logging

On 16 October 2011, on the orders of the state-owned logging company Perhutani Lumajang, dozens of people destroyed and burnt down the homes of the Tengger community in Kandang Tepus village in Senduro district in East Java. The forest management said that the Tenggers were guilty of encroaching the forest, illegal

logging activities and inhabiting 60 hectares of land in the protected forest. Several buildings and cattle sheds were burnt down. On 11 October the police arrested four inhabitants blaming them for encroaching and destroying the forest illegally. The inhabitants are still hiding in the forest and frightened because of the forest management forces' brutality.

4. Golo Lebo community in East Nusa Tenggara

The Golo Lebo in East Manggarai district in the province are constantly under pressure from the local government as they resist the mining of PT. Manggarai Manganese operating in their ancestral territory. The company's permit has reportedly expired on 7 December 2013.

5. Tana Ai people in East Nusa Tenggara

More than 700 families belonging to the Tana Ai indigenous group in Sikka, Flores of East Nusa Tenggara, received threats of evictions from the Sikka Local Government. They were accused of living on the concession area of PT. Diosis Agung (DIAG), a coconut plantation company, which later changed its name to PT. Krisrama. The company's HGU (cultivation right on land) had expired on 31 December 2013. So, the people repeatedly attempted to reclaim the public land and territory through a series of activities, both by visiting the relevant agencies as well as by engaging in dialogue with the Local Parliament and the Sikka District Head. Both the Local Parliament and the Sikka District Head claimed that the authority to solve problem lied with the central government, not them. In November 2015, several Tana Ai indigenous representatives struggled to get to Jakarta to seek the settlement of their case. They met with the National Land Agency (BPN), which decided not to process the renewal of the HGU requested by the company until the problems affecting the Tana Ai indigenous people have been resolved.

6. Sedulur Sikep tribe in Central Java

In March 2015, five Sedulur Sikep persons from the two districts of Kayen and Tambakromo in Central Java filed a lawsuit at the State Administrative Court in Semarang. The lawsuit was against the District Head Decree No. 660.1/4767, dated 8 December 2014, granting the Environmental Permit for the Cement Plant Construction and Limestone and Clay Stone Quarry in Pati District by Sahabat Mulia Saksi Factory (SMS). The Decree, if implemented, would have potentially destroyed farmlands and displaced indigenous communities. After a lengthy and cumbersome process, on 17 November 2015, the State Administrative Court ruled in favour of the plaintiffs and invalidated the Decree. The judges found the Decree was contrary to several laws, the Regional Spatial Planning (RTRW) of Pati District and good governance principles.

ANNEX 2. Violations of indigenous peoples' rights in the name of conservation

1. Tungkal Ulu community in South Sumatera Province

On 21 October 2014, the District Court of Palembang in South Sumatra sentenced five indigenous leaders to 2 years and six months in jail, a fine of 50 million rupiah (subsidiary 4 months confinement). Mr. M. Nur and four others of Tungkal Ulu community were charged with violating the Conservation Law as the government claims their ancestral territory as conservation area.

2. Arrest of Bachtiar M. Sabang (Turunan Baji community) in South Sulawesi

Mr. Sabang of Turunan Baji community has been arrested since October 2014 and his case is currently proceeding at Sinjai District Court. He is facing at least 3 years in jail in accordance with the Conservation Law as the Government claims his ancestral territory as protected forest.

3. Semende community in Banding Agung, Bengkulu Province

On 24 April 2014, the District Court sentenced 3 years imprisonment and a fine of 1.5 billion rupiah (or additional one-month imprisonment) to four members of the Semende community in Banding Agung, Sumatra. The appeal at the Appellate Court was rejected and the sentence has been confirmed by the decision of the Supreme Court. The four villagers were charged under the Law on Prevention and Eradication of Forest Destruction as the Ministry of Forestry has claimed their ancestral territory as National Park.

4. Indigenous peoples of Pekasa in West Nusa Tenggara

On 21 December 2011, about 30 members of security forces, including special police forces, military and forestry police of the Regency West Sumbawa, arrived in the territory of the indigenous peoples of Pekasa with barrels and straight away destroyed and burned down the indigenous villagers' houses. They refused the request of Pekasa villagers to talk and did not provide any possibility for the villagers to save their possessions in their houses. 63 houses were demolished, only the mosque was left undestroyed.

After seeing the brutality of the government forces, many villagers escaped in the forest to hide. It was the third time the community was expelled from their territory and the reason given was prevention of forest encroachment, which is illegal under Forestry Law 1999 (Law No. 41). Besides destroying the community's houses and plants, the combined security forces arrested the community's traditional leader and brought him to the local police. He was released after three days, as evidence could not be brought against him. It is further reported that police forces are investigating 23 Pekasa villagers on charges laid by the Forestry Department.