

AMNESTY INTERNATIONAL OPEN LETTER

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HE Ir. H. Joko Widodo
The President of the Republic of Indonesia
State Secretariat
Jl. Veteran No. 17-18
Central Jakarta
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Indonesia

16 October 2019

OPEN LETTER ON THE NEED TO ESTABLISH A PROMPT, IMPARTIAL AND THOROUGH INVESTIGATION INTO THE DEATH OF ENVIRONMENTAL HUMAN RIGHTS DEFENDER GOLFRID SIREGAR

Your Excellency:

We are writing to you regarding the recent death of an environmental human rights defender Golfrid Siregar, who worked for *Wahana Lingkungan Hidup Indonesia* (Friends of the Earth Indonesia) in North Sumatra (WALHI Sumut). We are writing to express our deep concern about the incidents that led to his death and the possibility that these were connected to his human rights and environmental work. We urge you to initiate a prompt, thorough, impartial and Independent investigation into the incident.

According to the police, Golfrid arrived at Mitra Sejati Hospital in Medan on 3 October 2019 at around 1am. Upon his arrival, he was unconscious and had serious head injuries. He was brought to the hospital by three men who handed him over to hospital staff, while two other men delivered his motorcycle. They told hospital staff that they had found Golfrid lying on a road near the Titi Kuning underpass in Medan, injured and unconscious. Golfrid was unable to speak when he arrived and lacked identity documents, thus the hospital staff called the police, who subsequently transferred him to Adam Malik Central General Hospital. Golfrid's family was only informed of his condition and location the next morning, after the police managed to track his identity through his motorcycle plate number. On 6 October, Golfrid died as a result of his injuries.

On 5 October 2019, WALHI Sumut filed a report with the Deli Tua Police Precinct (Polsek), explaining that Golfrid might have been physically assaulted rather than being part in a traffic accident as the police had initially concluded. WALHI Sumut activists raised this concern because they noticed that aside from the blunt force trauma to his head, Golfrid had no other injuries, and that his laptop, wallet, mobile phones and wedding ring were missing. However, the Deli Tua Police Officer refused to initiate a criminal investigation into the incident and asked them to report the case to the Traffic Unit of the Medan Police Resort (Polres). The Traffic Unit also declined to open a criminal investigation. Both police units insisted that his death was the result of a traffic accident rather than an assault.

On 6 October, after Golfrid had succumbed to his injuries, WALHI Sumut issued a press release that was widely covered by local and national media, describing their suspicions that his death may have been in retribution for his human rights and environmental work.

On 7 October, the forensic team of the North Sumatra Police Force (Polda Sumut) carried out an autopsy on Golfrid's body, and on 9 October the police conducted a crime scene investigation. The police have not yet announced the results of the autopsy nor made public any findings as to what led to Golfrid's death. However, on 10 October they named the three men who had brought Golfrid to the Mitra Sejati Hospital as suspects in the theft of his laptop, wallet, and mobile phone. All three men are currently held at the North Sumatra Police Force Headquarters. Polda Sumut has since insisted that Golfrid's head injury and death were due to single vehicle crash rather than any foul

practice, without providing any explanation about many incongruous details about the case, including the isolated head injury and the minimum damage to his motorcycle.

The investigation to Golfrid's death must be more thorough and, in considering the circumstances of Golfrid's death, the authorities must consider the risks and challenges linked to his work. As a lawyer with WALHI Sumut, Golfrid had provided legal assistance to many communities in North Sumatra, some of whom are indigenous people, often bringing court challenges to block the activities of corporations whose operations were allegedly causing environmental destruction. In some cases, he also initiated legal challenges against local authorities.

In all, his work assisting North Sumatra communities to defend against forest encroachment, illegal logging, construction of sand mining, and his willingness to stand against state and corporate actors led to frequent anonymous phone calls and text messages demanding that he stops his activities. He had recently filed a lawsuit against North Sumatra's Governor before the local administrative court, challenging the issuance of a permit to construct a mega hydropower project in Batang Toru, South Tapanuli, North Sumatera. In another case—linked to the same mega hydropower project—on 12 August 2019 he reported several police investigators from the North Sumatra Police Force to the National Police Headquarters' Internal Affair Unit (Propam Mabes Polri) for alleged police misconduct. Notably, just before his death, Golfrid was about to come and provide information to Propam Mabes Polri in Jakarta on 23 September 2019 concerning the police investigators' refusal to investigate allegations that the environmental expert's signature on the hydropower plant project's environmental impact assessment (AMDAL)—a compulsory element for the project's commencement - had been forged.

Suspicions about the circumstances of Golfrid Siregar's death are heightened by the fact that there have been a long series of problematic incidents over the past few years, involving physical attacks, threats, intimidation, and the criminal investigation of environmental human rights defenders. Most of these threats and attacks are carried out with impunity in Indonesia.

A review of some recent examples underscores the severity of the problem. On 11 April 2017, Novel Baswedan, a prominent investigator for the independent state anti-corruption commission (Corruption Eradication Commission, or KPK), suffered an acid attack in Jakarta that severely damaged his corneas. After two years of investigation, the police have not identified those responsible.

In January 2018, environmental activist Heri Budiawan was sentenced to ten months of imprisonment by the Banyuwangi District Court, East Java Province, for violating Article 107a of the Indonesian Criminal Code on "crimes against state security" for displaying during a protest the hammer and sickle symbol of communism, a banned ideology, allegations which he denies.

In October 2018, the Supreme Court upheld the conviction and increased the sentence to four years' imprisonment. On 28 January 2019, the house of Murdani, the Executive Director of WALHI West Nusa Tenggara (NTB), in Central Lombok, was burned by unidentified assailants. The assailants blocked the doors of the house and torched Murdani's car. During the attack, Murdani was sleeping with his wife and his two children inside the house, and they were only able to escape because their neighbours rescued them. Prior to the attack, Murdani had received numerous death threats, via text message, for his work assisting local communities in challenging gold and sand mining projects in West Nusa Tenggara. To date, the police have not identified any suspects in the attack.

In May 2014, during its initial review of Indonesia's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESR), the UN Committee on Economic, Social and Cultural Rights highlighted its concern about the situation of human rights defenders working on environmental issues. It emphasized that such defenders were subjected to violence and persecution, and it recommended that the Indonesian authorities "engage in constant dialogue with human rights defenders, protect them from acts of violence, intimidation and harassment, and thoroughly investigate all allegations of reprisals and abuse so as to bring perpetrators to justice".¹ We are concerned that, to date, the authorities have not yet implemented these recommendations.

¹ Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of Indonesia, 19 June 2014, UN Doc. E/C.12/IDN/CO/1, para 28, the document is available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/IDN/CO/1&Lang=En.

The failure to end impunity for serious human rights violations against human rights defenders is also at odds with commitments made by the Indonesian government during the third cycle of the UN Human Rights Council's Universal Periodic Review, in May 2017. During that session, the government pledged to "adopt legislative measures to prevent and combat intimidation, repression or violence against human rights defenders, journalists and civil society organizations and take further steps to ensure a safe and enabling environment for all human rights defenders".²

The authorities now need to take decisive action to end the problem of impunity and ensure that environmental human rights defenders can carry out their important and necessary work without fear of reprisals. The lack of progress in addressing these ongoing attacks is a dark stain on Indonesia's efforts to promote sustainable development and protect human rights. It also further reinforces the culture of impunity in relation to human rights violations, which presents an imminent threat to the country's rule of law.

We therefore urge you, as the President of the Republic of Indonesia, to take the following steps as a matter of priority:

- Initiate a prompt, thorough, impartial and independent investigation into Golfrid Siregar's death. The investigation should examine the possibility that the attack was carried out in retaliation for his activities as an environmental human rights defender;
- Ensure that environmental human rights defenders are effectively protected so that they can carry out their work safely and free from fear of reprisals;
- Support the passage of specific legislation aimed at providing better legal protection for human rights defenders to ensure a safe and enabling environment in which they can carry out their crucial work.

We remain at your disposal should you wish to discuss this matter. A copy of this letter will be sent to Police General Tito Karnavian, Chief of the Indonesian National Police and Mr. Ahmad Taufan Damanik, Chairperson of the National Human Rights Commission (Komnas HAM).

Thank you for your attention.

Yours sincerely,

Usman Hamid
Executive Director

Carbon Copied:
Chief of the Indonesian National Police, Police General Tito Karnavian
Chairperson of the National Commission of Human Rights, Ahmad Taufan Damanik

² UN Human Rights Council, Report of the Working Group on the Universal Periodic Review on Indonesia, 14 July 2017, UN Doc. A/HRC/36/7, para 139.24 and 141.56, the document is available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/7.