

URGENT ACTION

FARMERS FACE TRIAL AMID ENVIRONMENTAL WORK

Syamsul Bahri and Samsir, father and son from a farmer community in North Sumatra province, are to be tried over a criminal charge that is feared to have been fabricated and linked to their work as environmental human rights defenders. Released on bail by the police on 24 February, after spending 14 days in detention, the court is set to start their trial on 29 March. Amid suspected criminalization attempt against them, it must be ensured that Syamsul Bahri and Samsir are granted a fair trial, and that prosecution is impartial and based on sufficient and credible evidence.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Dr. H. ST. Burhanuddin, SH., MH
Attorney General of the Republic of Indonesia
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South Jakarta, Jakarta, Indonesia (12160)
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Dear Attorney General,

*I am writing to you to express my concerns about **Syamsul Bahri** and **Samsir**, members of Nipah Farmer community in North Sumatra, who are facing criminal prosecution amid their work to conserve the environment and to defend their access to land. They are being brought to trial under what many feared to be spurious charges that appear to be used to restrain the farmers' work in rehabilitating a mangrove forest in the area and in defending their rights to a healthy and sustainable environment.*

Syamsul Bahri and Samsir are accused of committing violence under the accusation of a man who witnesses say had fabricated the incident. While it is a relief that the father and son have been granted bail, I find the allegations against them troubling, with regards to the context of their work as environmental human rights defenders, who are increasingly subjected to criminalization, threats, and intimidation while doing their work to promote and protect human rights.

As you will be aware, Article 66 of Law No. 32/2009 on the Environmental Protection and Management stipulates that "every person who defends the right to a good and healthy environment shall not be prosecuted by criminal or civil offence." Therefore, the criminalization of Syamsul Bahri and Samsir does not only violate their rights as protected by the law, but also put the rights and work of all human rights defenders, including those who peacefully claim their access to land, at further risks in the country.

I, therefore, urge you to ensure that Syamsul Bahri and Samsir's fair trial rights are guaranteed in accordance with international standard. Prosecutions should only be brought when they serve the interest of justice, and is based on impartiality as well as sufficient, credible, and admissible evidence.

Otherwise, I call on you to terminate the proceedings if there is insufficient evidence. I also appeal the authorities to ensure that all human rights defenders and their families can carry out their peaceful activities without fear of persecutions in line with Article 66 of Law No. 32/2009.

Yours sincerely,

ADDITIONAL INFORMATION

Syamsul and Samsir were detained on 10 February 2021 and spent 14 days in prison until they were released on bail by the police on 24 February. In early March, the police handed over the investigation dossier to the Langkat Regency Prosecutor's Office. The latter had submitted the dossier to the Langkat District Court, which is scheduled to start the trial on 29 March. The prosecutors are expected to read out the indictment on the first hearing. If found guilty under Article 170 (1) of the Criminal Code, they could face up to 5 years and 6 months in prison.

In late 2017, the government granted the Nipah Farmer community the right to manage a 242-hectare land in Kwala Serapuh Village, North Sumatra province, for sustainable use under a social forestry permit. The community has since then been working to rehabilitate mangrove forests in this area. The community is protesting the operation of a palm oil company that owns a plantation on land the community claims the right to manage.

The accusation filed against Syamsul Bahri and Samsir dates to a case in December 2020 while members of the Nipah Farmer community were working on an environmental rehabilitation project on the land they manage under the social forestry scheme. According to witness testimonies collected by local NGOs, including WALHI North Sumatra, LBH Medan, and Srikandi Lestari, two people arrived at the site on 18 December and took pictures of their activities.

Syamsul Bahri, the community's chairman, questioned the two individuals on their intention of visiting the area. Afterwards, one of the individuals walked away and called his friend saying that he was "being beaten up" in a loud voice so that others could hear, before jumping into the river. The Nipah Farmer community quickly rescued him with a boat and took him to safety before asking him to clarify the statement he had previously made in the call. The individual then said that he was not being beaten up by any of the community members and his statement was recorded in a video by a member of the community. The man's friend came to pick him up not long after.

Almost two months later, on 8 February 2021, Syamsul Bahri and Samsir received a letter of summons by the Tanjung Pura Police to appear for questioning on 10 February as suspects regarding allegations brought by one of the men who had filed a report to the police stating that Syamsul and other farmers assaulted him on 18 December 2020. The two were charged under Article 170 (1) of the Criminal Code on group violence. The dubious charges against the pair have raised questions since Syamsul and Samsir had never been questioned as witnesses or asked to comment on the report before.

Local NGOs who advocate for the case believe the arrest to be based on false accusations against Syamsul Bahri and Samsir and to be a form of criminalization aimed to stifle the community's work in conserving the mangrove forests and claiming their rights linked to access to land. In a statement to the coalition of NGOs, Langkat Regency Police Chief Adj. Sr. Comr. Edi Suranta Sinulingga denied concerns over criminalization and claimed the police have collected evidence over the assault.

Environmental human rights defenders in Indonesia who work to protect and promote environmental rights and those linked to access to land are increasingly harassed and criminalized when state and economic actors perceive their activities as a hindrance to the implementation of development policies. One of the most notable cases of criminalization occurred in 2017 with the sentencing of environmental activist Heri Budiawan, also known as Budi Pego, to four years in prison for spreading communism in relation to his work to protest gold mining activities in Tumpang Pitu, Banyuwangi, East Java province.

In 2020, Amnesty International recorded the arrest, attack, and intimidation of at least 202 human rights defenders in Indonesia, including environmental activists who defended their rights to land and a healthy environment.

PREFERRED LANGUAGE TO ADDRESS TARGET: [Bahasa Indonesia, English]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: [25 May 2021]

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: [Syamsul Bahri and Samsir] (he/him/them)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa21/3728/2021/en/>

