

October 12, 2018

Mr. Shinzo Abe, Prime Minister

Mr. Taro Kono, Minister of Foreign Affairs

Mr. Shinichi Kitaoka, President, Japan International Cooperation Agency (JICA)

URGENT REQUEST: FREE THE FARMERS IN INDRAMAYU!

Japanese Government Must Stop Any Support for the Indramayu Coal-fired Power Plants, West Java, Indonesia

Dear Mr. Abe, Mr. Kono, and Mr. Kitaoka:

The undersigned groups from across the world are writing to express our great concerns about serious human rights violations against the local farmers who are protesting the expansion of the Indramayu coal-fired power plant (including transmission line, substation and switchyard¹) (hereinafter, the “Project”) in West Java, Indonesia. The international civil society has already warned the Japanese government on the ongoing criminalization in Indramayu by a letter last May 2018², and has called on JICA not to provide any more support for the Project. The human rights condition has never been improved since then, and the Indonesian government is continuously suppressing the local farmers, who have kept their efforts to protect their life and environment from the Japan-funded dirty and destructive Project in Indramayu.

Two farmers, namely Mr. Sawin and Mr. Sukma, from the village affected by the Project were unjustly arrested again by the Indramayu Regency police on September 24, 2018. They were arrested temporarily last December with the allegations of “National Flag Contempt,” or that the Indonesian flag was raised upside down. They were released within 24 hours at the time, but their status remained to be the suspects. The Regency police kept its investigation with the same crime, and sent each farmer a summons dated on September 21. Thus, both farmers went to appear at the Regency police with their lawyer on September 24th.

The two farmers have been the active members of the local residents' network, JATAYU (Jaringan Tanpa Asap Batu Bara Indramayu, or Indramayu Network of Free Coal Smoke), which has continuously protested the Project and has kept its administrative lawsuit, demanding the cancellation of the environment permission for the Project. On September 24, many members of JATAYU gathered in front of the Indramayu Regency police and called on it to stop the unjust arrests of two farmers. However, the Regency police decided to detain two farmers for 20 days until October 13 due to the fears for escape, destruction of evidence, and so on.

Currently, both farmers have been detained by the General Prosecutor since September 27. The prosecutor has shown its biased recognition that the local farmers are protesting the Project only because they want to occupy the land, despite the real intention of the local farmers: that is, they are concerned about their livelihood to be destroyed and the health to be deteriorated by the Project.

¹ https://www.jica.go.jp/english/our_work/evaluation/oda_loan/economic_cooperation/c8h0vm000001rdjt-att/indonesia130328_02.pdf

² <http://www.foejapan.org/en/aid/180518.html>

Local residents of Indramayu have demanded the cancellation of the Project, raising the Indonesian flag with a banner protesting the Project. Mr. Sawin and Mr. Sukma, who are unjustly detained, also installed the flag and banners in their villages on December 14, 2017 to show their strong intention to continue protesting the Project and protecting their life and environment. According to the testimonies by their neighbors and the photo evidence, it is obvious that the "National Flag Contempt," or "raising the national flag upside down," is a false accusation. And two farmers have firmly kept rejecting such "Contempt" by themselves. It is very high possibility for the Indonesian government to repress or harass the local residents who are protesting the Project, so that the government can make them silence.

As a background to the fact that this "National Flag Contempt" case is being brought up again at this time, there is another criminalization case, where four local residents, including one of the plaintiffs of the said administrative lawsuit, are imprisoned due to the violence case with a subcontractor of Indonesia's state-owned electricity company (PLN) over the construction of access road for the Project on November 29, 2017. These four residents have been detained from the beginning of April 2018, and a 6-month prison sentence was ordered at the middle of August 2018. They have been just released in the beginning of this October. The Indramayu Regency police seem to have brought up the case of "National Flag Contempt" again as it saw that another case had ended. This could also serve as its goal of constantly putting pressure on the local residents who oppose the Project. In fact, it cannot be denied that the local residents, especially those who are directly subject to such repression and their families are deprived of their daily lives and have some heavy burden both mentally and physically.

In addition, such repression seems to be intensified. The prosecutor as well as police have been asking both criminalized farmers who told the local farmers to protest the Project, in order to identify their supporters. It is highly concerned that the police and the prosecutor will persecute the individuals and groups who are supporting the local farmers, which clearly violates the Article 28E (3) of The 1945 Constitution of the Republic of Indonesia, or the right to the freedom to express opinions.

Despite the local people protesting against the Project by lawsuit or peaceful means, the situations that they are repressed by such public authority should not be allowed. In addition, the hardline acts of such public authority may instill a feeling of fear among the local residents, bring about atrophy effect to not a few local residents, and hinder them from participating in the protest activities and freely expressing their opinions. This is our grave concerns from the viewpoint of human rights protection. If there is no improvement in this serious human rights violations, it is highly concerned that the Project is just pushed through oppressively without ensuring "the meaningful participation of stakeholders" and "social acceptability," which is required by the JICA Guidelines for Environmental and Social Consideration (hereinafter, "the Guidelines").

Even in the Development Cooperation Charter of the Japanese government³, as "Principles for securing the appropriateness of development cooperation", it states that "Japan will pay adequate attention to the situation in the recipient countries regarding the process of democratization, the rule of law and the protection of basic human rights." The Japanese government must not support any project where local residents are unable to freely raise their voice to protest it, that is, in the situation where basic human rights, such as freedom of expression, and adequate participation of local residents are not secured. Your providing funds in such situation is the same as being

³ <https://www.mofa.go.jp/files/000067701.pdf>

complicit in human rights abuses, and there is also the possibility to give the recipient country's government a false recognition that the Japanese government is satisfied with the current human rights situation.

The decisive action of the Japanese government is very crucial, given that Indonesia is the largest recipient of Japanese Official Development Assistance (ODA) cumulatively, and that Japan is the largest donor for Indonesia⁴. One other thing that must not be ignored is the fact that JICA has provided the continuous support for the Indonesian national police, or "Support Program for Reform of the Indonesian National Police⁵" since 2001 till today, including its technical cooperation, grant projects, and trainings. The Japanese government should be aware that the above-mentioned case shows that the national police have never changed yet since the new order era in their way to suppress the people who peacefully protest government projects, that is, they just use any criminal article to trap good citizens.

Therefore, we call on the Japanese government and JICA to take the following measures immediately;

1. To confirm with the Indonesian government and PLN on the facts concerning the said unjust arrest/long-term detention of two local farmers, and to urge them the unconditional release of the two farmers. Also, to request the improvement of human rights situation, including the recurrence prevention of this kind of criminalization against the local farmers as well as their supporters who raise the concerns over the Project;
2. To express to the Indonesian Government and PLN a strong concern about human rights abuses including the involvement of local military and police officials at the Japan-supported project sites, and to express in more clear way that the Japanese government cannot support for projects where severe human rights violations occurred;
3. To suspend the disbursement of its engineering service (E/S) loan for the Project due to the violence of the Guidelines in the Project (including transmission line, substation and switchyard). Also, even when requested by the Indonesian government, not to consider providing any Yen loan to the main construction of the Project (including transmission line, substation and switchyard).

We would like to reiterate that this kind of repression, which severely hinders meaningful participation of local residents and freedom of expression, must not to be an option. We humbly expect the Japanese government to wisely and promptly respond to this matter, sincerely listening to the local people's protest and concerns.

LIST OF SIGNATORIES

This letter is signed by 188 organizations, including those working at international and regional levels plus organizations working nationally in 26 countries, and 7 individuals.

Contact:

Wahana Lingkungan Hidup Indonesia (WALHI – FoE Indonesia)

⁴ <https://www.mofa.go.jp/mofaj/gaiko/oda/files/000367699.pdf#page=19> (in Japanese)

⁵ https://www.jica.go.jp/indonesia/english/office/others/pdf/NL_200708_02.pdf ;

<https://www.jica.go.jp/indonesia/english/activities/activity10.html>

Jl. Tegal Parang Utara No 14, 12790 Jakarta Selatan , Indonesia
Phone: +62 21 79193363 Fax: +62 21 7941673

Friends of the Earth Japan
1-21-9, Komone, Itabashi, Tokyo, 173-0037
Tel: +81 3-6909-5983 Fax: 03-6909-5986