

Case 1. Criminalisation against land rights activist in Indonesia

<i>Name of victim(s):</i>	Heri Budiawan (Budi Pego)
<i>Sex:</i>	Male
<i>Nationality:</i>	Indonesia
<i>Profession:</i>	<u>Land rights defender</u>
<i>Describe human rights activities in which the victim(s) is/are engaged, including involvement with human rights organisations (the name of the organisation, main activities, focus area etc.)</i>	<p>Budi Heriawan (known as Budi Pego) is a land rights activist from Sumberagung Village, Pesanggaran Sub-district, Banyuwangi District, East Java Province, Indonesia. He has been actively condemning the development of a gold mine at Tumpang Pitu Mountain of Banyuwangi as it threatens the safety and living space of the people. The mining is operated by the two companies - PT Bumi Suksesindo (PT BSI) and PT Damai Suksesindo (PT DSI) - since 2012. The mining has had social and ecological impact upon the local community - including upon the livelihood of those from five different villages: Sumberagung, Pesanggaran, Sumbermulyo, Kandangan and Sarongan.</p> <p>The gold mine is in an area that is prone to natural disasters and the mining activity may jeopardise the security of those living in the area because the Tumpang Pitu Mountain functions as a natural defence against tsunamis. In mid- April 2016 a mud flood occurred in the areas surrounding the mine. These areas were owned by villagers and roughly 300 hectares of crops were damaged.</p>
<i>Describe what happened, where, when, and what is the current situation (please provide as much relevant detail as possible and describe events chronologically, including any previous incidents)</i>	<p>Budi Pego was arrested on 4 September 2017 for allegedly displaying a banner with a hammer-and-sickle logo during a protest against gold mining activities in the Gold Mine in Tumpang Pitu on 4 April 2017. This case was originated by a suspicion by the Police and Indonesian National Army (TNI) that during a protest on 4 April 2017, there was a logo of hammer and sickle (the logo of Communist) on the rejection banner displayed by the people. On 5 April 2017 the Police and TNI made their public statement concerning this allegation and suspicion. The fact was that the people who conducted the protest made 11 (eleven) banners for display and none of it displayed any logo that look similar to hammer and sickle as the communist logo. Therefore, the charge is fabricated to criminalise Budi Pego.</p> <p>Although there is no actual proof that the Police and TNI are backing-up the company, the villagers and lawyers suspect that</p>

	<p>the mining company is colluded with Police and TNI. For this case, Budi Pego is charged with Article 107 (a) of Law No. 27 Year 1999 on the Amendment of Criminal Code Related to Crimes against State Security, in particular for allegation of disseminating or developing Communism/Marxism-Leninism.</p>
<p><i>Describe actions taken by the victim(s) and/or the authorities after the alleged violation. Is there any ongoing investigation of the case?</i></p>	<p>Budi Pego is legally represented by TeKAD GARUDA (Advocacy Team for Peoples' Movement for Land Sovereignty). TeKAD GARUDA is a network consisting of several NGOs and legal aid organizations which includes: YLBHI (LBH Surabaya), WALHI Jawa Timur, WALHI, JATAM, For Banyuwangi, and KontraS Surabaya.</p> <p>Since 2017, there have been more than 13 hearings about this case. Finally, Budi Pego was sentenced for 10 months of imprisonment by the District Court and his appeal to the High Court was rejected. The lawyer team then appealed the verdict to the Supreme Court. On 19 November 2018, the lawyer team received the copy of Supreme Court verdict dated 16 October 2018, which is increasing the punishment into 4 (four) years of imprisonment. The lawyer team is going to submit request for reconsideration upon the verdict to the Supreme Court.</p>
<p><i>Describe the link between the alleged violation and the victim's human rights work or their exercise of human rights</i></p>	<p>State security officials have targeted Budi Pego and the residents of five villages have been affected as a result of their activism. Within five years (2012-2017) there have been at least five criminal charges against villagers of Sumberagung and the surrounding areas. Budi Pego is one of those who have been criminalized. They have been very active to condemn the development of a gold mine at Tumpang Pitu Mountain of Banyuwangi as it threatens the safety and living space of the people</p>
<p><i>Provide name, contact details and professional role (if relevant) of the individual or organisation submitting the allegation*</i></p> <p><i>*This shall remain confidential</i></p>	<p><u>Cornelius Damar Hanung (hanung@forum-asia.org)</u></p> <p><u>Rachel Arinii Judhistari (rachel@forum-asia.org)</u></p>