

Indonesia: Forced evictions in Pancoran a gross human rights violation: LBH Jakarta

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Jakarta — The Jakarta Legal Aid Foundation (LBH) says that the forced evictions of Buntu Lane II residents in Pancoran, East Jakarta, by employees of the state-owned oil-and-gas company PT Pertamina which involved a social or mass organisation was a gross human rights violation.

In an official statement, LBH Jakarta said that the actions were a case of Pertamina “taking the law into their own hands” because the land dispute at Pancoran is still being heard at the South Jakarta District Court.

“LBH Jakarta deeply deplores that PT Pertamina ‘took the law into their own hands’”, the group was quoted as saying in an official statement on Friday March 19.

According to LBH Jakarta, Pertamina should respect the legal process that is taking place. LBH Jakarta said that Law Number 48/2009 on the Authority of the Judiciary explicitly states that the execution of a civil court ruling is carried out by the clerk of courts and the bailiff. Both are under the authority of the head of the court.

“Absolutely not by thugs or private parties”, read the LBH Jakarta statement.

LBH Jakarta also said that the forced evictions, which were accompanied by intimidation, ignored attempts at consultation, finding alternative solutions and other stipulations related to the protection of residents impacted on by development.

“Pancoran residents who are a poor social group, are legally illiterate and oppressed, were actually defending their right to a place to live”, read the release.

According to LBH Jakarta, the forced eviction was a gross human rights violation as referred to in United National Human Rights Commission Resolution Number 77/1993. Moreover, a court hearing on the matter is still taking place.

“Which asserts that forced evictions are a ‘gross violation of human rights’ [English] or a gross human rights violation”, wrote LBH Jakarta.

In addition to this, LBH Jakarta suspects that the police failed to take action over the forced eviction.

“It was carried out by a group of thugs and a social organisation (ormas) allegedly on the orders of PT Pertamina against residents of Buntu Lane II”, said LBH Jakarta.

Speaking separately, the lawyer reprinting the hereditary owner of the land at Pancoran Mangkusasmito Sanjoto, Edi Danggur, said that the police had not been neutral in the dispute.

The indications of this, said Danggur, were that police escorted the bulldozer that flattened the residents' houses, which according to Danggur, shows that there had been an agreement by police over the evictions.

"They arrived escorting the people who bulldozed [the houses] right, meaning they agreed with the bulldozing", said Danggur when contacted by CNN Indonesia on the afternoon of Thursday March 18.

In legal terms, he said, this is known as the principle of "silence can be mouth as acceptance" [sic], meaning accepting something by choosing to be silent when the law is broken. "Yeah, they appeared to support it or accept the actions", said Danggur.

Danggur also shrugged off a press release by Pertamina which stated that it did not deploy members of the paramilitary Mobile Brigade (Brimob), police or ormas. This is because based on photographs he obtained, members of Brimob can be seen carrying weapons as they watched over the demolition of residents' homes in Pancoran.

In another picture Danggur showed to CNN Indonesia, two fully armed Brimob officers can be seen driving a motor trail bike down one of the residents' lanes.

In another photograph, around 12 Brimob officers can be seen gathering at an Education for Children in their Early Years (PAUD) School belonging to residents. A crowd of ormas wearing orange uniforms can also be seen escorting the bulldozer.

"These photographs speak the truth, do they not?", said Danggur. "[We were] fighting for [our] rights, you don't use a youth ormas, you're not allowed to use the police either. What business did the police have in it?", he protested.

When sought for confirmation, South Jakarta district police chief Senior Commissioner Aziz Andriansyah said that CNN Indonesia should go back and re-question the person who accused the police of not being neutral.

"Try asking the person concerned again, was their testimony right or not", said Andriansyah when contacted on Friday March 19. CNN Indonesia attempted to re-contact Andriansyah again to ask for further details but have yet to receive a response.

The hereditary heir of the Sanjoto family has been involved in a dispute with Pertamina over 4.8 hectares of land at Buntu II Lane. Both parties claim to be the official owners of the land.

Pertamina claims that its efforts to retake the land at Pancoran were in accordance with procedures. They also denied the involvement of a specific ormas and said they had only asked for assistance from police.

"Currently, more than 75 percent of the land has been returned to Pertamina, and everything that we did was in accordance with procedures and there were no anarchic methods of using a certain ormas in the process of recovering our asset", said Pertamina SVP Corporate Communication and Investor Relation officer Agus Suprijanto in a statement on Thursday.

Notes

Although this article does not mention which ormas was involved in the incident, other reports by CNN specifically cite the group Pemuda Pancasila (Pancasila Youth, PP), which can be easily identified by their orange and black military fatigues. Pancasila Youth was established by the army

in October 1959 and took an active part in the 1965 anti-communist purges. Under Suharto's New Order it evolved into an association of thugs and petty criminals who did the regime's dirty work. Post 1998 it maintained close ties with the military and police and has been linked to criminal activities such as racketeering and extortion and has been involved in attacks on leftist groups and events that it deems to be "pro-communist" or "anti-Pancasila". In 2019 it endorsed President Joko Widodo's reelection campaign with Widodo attending an anniversary event and applauding the group for its contribution to the nation.

[Translated by James Balowski. The original title of the article was "LBH Jakarta Sebut Kasus Lahan Puncoran Pelanggaran HAM Berat".]

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