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**INDIGENOUS ISSUES**

**Written statement\* submitted by the International NGO Forum on Indonesian  
Development (INFID), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2005]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## INDIGENOUS ISSUES

The year 2004 was clearly not a good time for Indigenous Peoples in Indonesia with regards to respect and protection of their rights before Indonesian Laws. It's been a long time since the National Legal System finally recognized their existence, until what known as the Reform Era come in 1998. Since then it seems that there would be a better future for the Indigenous People (IPs) in Indonesia, at least in terms of legal recognition. However, it is practically insufficient. Here is the case of Colol Community in Manggarai, a District in Flores Island, central part of Indonesia, describing how IPs rights have been ignored by other stakeholders due to State's policies provide the chance for that.

March 10, 2004 hundreds of farmers stormed Manggarai Police Station to demand the release of seven of local residents who have been detained by police a day before for planting coffee in their garden, that is also claimed by Local Government as forest conservation. The police started opened fire that caused 5 peoples death and 26 people injured seriously. The five death victims identified as Max Piu, 30; Frans Magur, 60; Yoseph Tafuk, 23; Vitalis Jarut, 23; and Dominicus Amput, 40.

The case was clearly only *casus belly* of the manifest clash after a long latent disappointment among indigenous peoples on the gazette of their gardens as conservation forest through Head of District Decree No. Pb.188.45/27/VI/2002 about *The Establishment of District Manggarai Joint Team on the Order and Security of Manggarai Forest*.

Disappointments had been growing among Colol community due the process of gazette, which they considered as merely a power imposed than participatory process. Another fact is that a great deal part of indigenous peoples from Colol community have been working on the lands for generations in a system of farming and living space known as *Gendang One Lingko Pea*. In this traditional system, the lands that have been determined as forest concervation are their traditional lands. They had not known about the new development in Local Regulation that already taken over their lands. Living in subsistent mode of production, they only know that working on those lands is the only way of surviving their lives. The indigenous peoples which have been accused as having broken the law leading to the detention of seven of them in March 9, 2004.

The judicial process had been taken following the clash. Adj. Sr. Comr. Bonifasius Tompoi, the chief of the Manggarai Police was identified as being responsible for the shooting incident, along with 15 indigenous peoples. Those fifteen peoples were Petrus Embok (38), Petrus Gaur (35), Agustinus Gaur (41), Albert Barus (36), Yohanes Barus (49), Paulus Sering (24), Yosep Dabuk (30), Rafael Rongkas (35), Nobertus Lon (34), Agustinus Geong (25), Arnoldus Ambut (35), Stanis Harsan (33), Maximus Sarjon (26), Fion Farion Nggun (23), Damianus Antur (17). The court had verdict that those peoples were responsible for the clash and sent them to the jail. Some of them stayed until seven months in the jail (Albert Barus and Yohanes Barus).

During the judicial process and still until today, indigenous peoples have also been trying to settle the cases through National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia or Komnas HAM) and other out of court steps. Advocacy works are still continue in collaboration with various NGOs working on Human Rights Issues and indigenous organizations at local and national level. However, all these efforts have only got a very little achievement in terms of getting what they demand. The lands are still become a "forbidden area" for farming, while the future of the peoples arrested and or have been released still in vague. Some of them

are still being accused for having stained the reputation and the personality of the Head of District, while another are being prohibited from working on the lands. The Local Court had verdict that the people were not stained the Head of District. Later the Head of District make appeals to higher court at provincial level. It seems that the roots of cases that is on indigenous peoples lands will be fade away by the process in the court which have been concentrating the cases on stained reputation and personality of Head of District.

Another aspect of human rights violations is that the peoples were not permitted to see their injured families in the hospitals as well as those who were in the jail. Hospital and the jail were being a restricted area except for Local Government apparatus and the police. The restriction led to the very little information could be got from victims.

The process with National Commission on Human Rights has shown a good sign. They had decided in its plenary session in January 2005 to make field investigations to get information from parties involved in the clash.

The above case is one of many cases faced by IPs in Indonesia, which are almost similar in the roots and impacts. Therefore we ask the honorary Commission to:

1. Endorse finalization of the declaration on the Indigenous People Rights
2. Urge the Government of Indonesia to ratify the International Convention on Economic, Social and Cultural Rights
3. Urge the Government of Indonesia to enhance the role of National Commission on Human Rights in dealing with the Indigenous People cases.

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