

SHOOTING OF FARMERS DURING PEACEFUL PROTEST IN ALASTLOGO, PASURUAN

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Kontras

KOMISI UNTUK ORANG HILANG dan KORBAN TINDAK KEKERASAN

The Commission for "the Disappeared" and Victims of Violence

Office : Jl. Borobudur No. 14 Menteng Jakarta 10320 – Indonesia

Phone : +62.(0) 21.3926983, 3928564 Facsimile : +62.(0) 21.3926821

E-mail : kontras_98@kontras.org Website : www.kontras.org

INTRODUCTION

- On 30 May 2007, there has been an incident of violence and a shooting of civilians in Alas Tlogo Village, Lekok District, Pasuruan Regency, East Java.
- This incident caused the death of 4 (four) civilians, and injuries on around 8 (eight) other civilians. Apart from physical damage on several houses and public facilities, this repressive action also led to mental and psychological suffering on the victims and victims' families, as well as on the villagers in general.
- The incident described the complexity of various potential sociological problems in Indonesia, which in the context of a different time and place may result in similar occurrence. The incident in Alas Tlogo, Pasuruan was the result of an acute land dispute in Indonesia, which was partly born out of the post-colonial dynamics of military politics, a legacy of the judicial system which had been severely non-independent in the past, a residue/legacy of military characteristics which is not yet professional, and the lack of convincing precedent of how the supremacy of law can reach (punish) military apparatus properly. Conceptually, this is referred to as impunity.

- *Konsorsium Pembaruan Agraria* (KPA) predicts that until 2007, there have been 1,753 cases of land dispute in Indonesia, involving 10 million people, while BPN (*Badan Pertanahan Nasional*) documented 2,810 case.
- The incident of Alas Tlogo, Pasuruan, is also stemmed from a land dispute that has existed since 1960. This dispute still continues both through court proceedings and political process.
- In order to learn further about what has actually taken place, KontraS has conducted a field investigation. It was conducted through interviews, secondary data collection and field visits. The team has conducted field visits in the incident site between 30 May and 12 June 2007. The team conducted several visits to create a sketch/map of the crime scene location, to examine the trails left from the shooting, to conduct interviews with a number of victims-witnesses, village staff, community leaders, religious leaders, and to visit hospitals to obtain information from the doctors.

- Since 1942-1945 there have not been many changes. The Dutch Forestry Agency (*Dient van het Boschwezen*) changed its name to *Ringyo Tyuoo Zimusyo*. All of their employees were asked continue with their tasks in their own respective posts, and Forest Ordinance for Java and Madura 1927 (*Staatsblad* 1927 No. 221) and Forestry *Verordening* 1932 (*Staatsblad* 1932 No. 446) were declared to remain in effect by Dai Nippon government to manage the forests in Java and Madura. Meanwhile, forest management outside Java and Madura was handled by the Central Government, although some is also handled by *Swapraja* Government (*Zelf besturende Landschappen* and *Inheemse Rechtsgemeenschappen*). (I Nyoman Nurjaya; 2005; p.41). At that time, the residents of Nguling and Lekok Districts were ordered to plant Jarak. The residents were also employed as forced labor to build caves for the Japanese Troops' shelters, and to build roads. Some were even forced to work in another region.
- After 1945 – 1965, the land which was ruled under *erfpacht* was once again ruled by the farmers of Nguling and Lekok communities. Many of them joined Laskar Hisbullah with its headquarters in Ranuklindungan village, Mbebekan.

HISTORY OF LAND DISPUTE

- The case of violence and shooting of farmers in Alas Tlogo village, Lekok district, Pasuruan regency, is closely related to the history of the land which is claimed as belonging to the Indonesian Navy (TNI AL). The land itself stretches to cover 11 villages in three districts. The development of the ownership also hides a collaboration involving the State, the military and BUMN (state-owned company). Such conspiratory way has caused the loss of people's access to land as their main source of livelihood.
- Through a complicated colonial land politics, in 1902, in Sumber Anyar village, Nguling district, Pasuruan regency (which now shares its borders with Alas Tlogo village, Lekok district), a village administration structure was formed, and this was followed by other villages. Residents of Nguling and Lekok districts started to obtain proof of ownership over homes, land, plantation and rice fields. Such proof, popular as *gogol/pipil*, was issued by *mantri Cellasir* or a land official.

- In 1960, KKO pressured Alas Tlogo residents to hand over their land to KKO, saying that the land will be used to build a runway. It was the first step in the taking over of the land belonging to Alas Tlogo village. This happened in the west area of the village where KKO removed *petok D* land without approval from the owners.
- In 1961 Alas Tlogo residents were rounded up by the Village Head and were forced to hand over to KKO the land that they have been living on and managed as rice fields. The Village Head menyatakan said that KKO will take over the land as soon as possible. Alas Tlogo residents have never received any compensation and neither have they made any deal in any forms with KKO.
- After 1965, when the New Order regime started to come into power, TNI-AL (the Commander of the Navy's Main Base in Surabaya) intimidated the residents of Sumberanyar village in Nguling district and the residents of Alustlogo village in Lekok district, both in Pasuruan regency. Those who refused to hand over their land were labeled PKI (communist).

- In 1966 – 1984 the land was managed by Puskopal, and was planted with jarak and palawija crops. In 1984, a decree from KSAL No. Skep/675/1984 was issued on 28 March 1984, appointing Puskopal, in this case Yasbhum (Yayasan Sosial Bhummyamca) to use the land as a productive plantation by hiring local villagers as workers.
- In 1986, Lantamal III Surabaya tried to obtain certificates for the villagers' land that was claimed as belonging to TNI-AL, including those in Alas Tlogo.

- On 8 June 1992, the Head of East Java Regional Land Agency Office issued its decree No: 278/HP/35/1992, which gives the right of usage to the Department of Defense and Security cq. TNI-AL (the Commander of Navy's Main Base in Surabaya) to use the land as navy residence. However, the Department of Defense and Security cq. TNI-AL (the Commander of Navy's Main Base in Surabaya) leased the land to a state-owned company (BUMN), PT Rajawali Nusantara Indonesia in 1997, who uses the land for sugar cane and fruit plantation.
- Residents in Nguling and Lekok districts protested the decree. Finally, the head of Pasuruan Regency Land Office formed a team to conduct an in-depth review on the decree and also on the Land Examination Record No: 1/1992, dated 11 January 1992. The team also conducted a field visit on 23 May 2000.

- The team found discrepancies between the physical ownership evidence and legal administrative evidence within the record No: 1/1992 on 11 January 1992 as follows:
 - There is no Dossier of Land Capping for a 5,435,010 m² of land located in Sumberanyar village, Nguling district, Pasuruan regency. It is not found in the decree No. 278/HP/35/1992 dated 8 July 1992, as listed in the letter from the East Java Regional Land Agency Office No: 570.35-4898 dated 27 April 2000;
 - There is a discrepancy in the statement in the record No: 1/1992 dated 11 January 1992 in point C regarding: OTHER PEOPLE'S INTERESTS AND PUBLIC INTERESTS. All items of statements were written NONE AND/OR NO OBJECTIONS by the Land Examination Committee.
 - ***The mistake in the making*** of Situational Map No: 22/1987. In reality, there are public and social facilities such as: land and houses belonging to the residents of Sumberanyar village, Nguling district, Pasuruan regency, village office, schools (SD II Sumberanyar 1976-1977, SMPN I Grati 1979 - 1980, SMAN I Grati 1981-1982), fields, public roads (1962-1963) towards PLTU and public cemetery;

- Based on these findings, on 16 October 2000, Commission A (Administration) of Pasuruan City Council held an audience meeting which was attended by the Commander of Navy's Main Base (DANLANTAMAL) Surabaya, the Commander of PROKIMAL TNI-AL Grati, the Head of Pasuruan Land Agency Office and 5 (five) representatives of Sumberanyar village residents from Nguling, Pasuruan.
- The residents of Alas Tlogo village have submitted a Perdata action against the Department of Defense and Security, TNI-AL (Commander of Navy's Main Base Surabaya) and the National Land Agency (BPN) East Java regional office in Bangil – Pasuruan District Court. However, on 5 March 2007, the villages lost their case and submitted an appeal which is now still in its legal process with the East Java High Court.
- On 29 May 2007, PT Rajawali Nusantara Indonesia still continued to use the land in dispute although the case is now still in its appeal process. Therefore, the residents urged that the company's activities be stopped.
- On 30 May 2007, PT Rajawali Nusantara Indonesia (RNI) still continued its activities but this time they employ the service of the Navy to guard them. Alas Tlogo residents then tried to stop the activities but it triggered an attack and shooting by the navy, which killed four residents.

MILITARY BUSINESS IN THE DISPUTED LAND

- TNI AL commercialized the asset by giving the certificate granting the right of usage (until year 2018) for 2,600 ha (73%) of land to PT Kebon Grati Agung which is a subsidiary of PT Rajawali Nusantara. However, after the shooting of Alustlogo residents, TNI Commander Djoko Suyanto immediately cancelled the contract between TNI AL and PT Rajawali Nusantara.
- Alustlogo incident is related to the interest of securing the joint business owned by PT Rajawali - TNI AL on the land supposedly own by TNI AL. In this case, there have been an abuse of state's asset for business purpose and an abuse of state apparatus to secure the business.
- The employment of a navy's fully armed fighting unit in a disputed land is against the procedure of securing and resolving conflict , which is actually under the authority of law enforcement officials, including the police, and not to be taken into the hands of one disputing party, especially not with the use of firearms.
- The conflict which later develops is not only related to land but has also spread to impact the economy and to the intimidation suffered by local villagers. The root of the problem itself has never been settled fairly and the conflict accumulated and led to the shooting of local residents.

RECONSTRUCTION OF THE SHOOTING OF ALASTLOGO FARMERS

- On 26 May 2007, PT Rajawali Nusantara, guarded by the personnel from the combat training center Puslatpur TNI-AL Grati, bulldozed some parts of the land own by villagers in order to be planted with sugar cane. It was originally planted with mango trees. This action was immediately cancelled because the Head of Sumber Anyar village coordinated with the district and regency administration in Pasuruan. The Village Head also calmed the villagers to not be provoked by the activities conducted by PT. Rajawali Nusantara and Puslatpur personnel.
- On 29 May 2007, in Alas Tlogo village, the bulldozer owned by PT. Rajawali and guarded by TNI-AL immediately plowed the land for sugar cane. The villagers asked that the activity be stopped. Then, there was a tense negotiation between the villagers and TNI-AL. At that time, the field commander (*Letda Budi Santoso*) threatened to shoot any villagers who tries to stop the activity. However, the villagers maintained their position and expected that it will be stopped because there are plants owned by the villagers on that land. After receiving continuous threats from Puslatpur personnel, the villagers finally stood still and watched the land being plowed.

- On 30 May 2007, PT Rajawali Nusantara guarded by 13 fully armed marine personnel from Puslatpur (*firearms and long rifles*) resumed their activity. At around 09.00 West Indonesian Time, seeing that their land was being plowed, the villagers warned the personnel not to destroy the villagers' land and to stop the plowing.
- TNI-AL personnel on site stated that they had received order from their superior to take action against any villagers who insisted on stopping the PT. Rajawali Nusantara's activity. The personnel warned the villagers that they would be shot on site if they still insisted on moving towards PT Rajawali Nusantara activity site.

- There was a verbal argument between the villagers and TNI-AL personnel before an order to shoot was heard coming from the TNI-AL field commander (Letda Budi Santoso). The shooting order was then followed by a series of shots aimed at some villagers who were crowding about 20 meters from where the navy personnel were.
- At once, four Alustlogo villagers dead from the shots, while the personnel continued to chase villagers who were frantically running up to 80 meters away from the plowing site. Data on the dead victims:

No	Victims	Remarks
1	Sutam bin Saruyam a.k.a Pak Utam, 45 y.o, Male, Farmer	Dead, shot on left jaw, bullet went through his nape. The victim was watching the plowing by Rajawali company, guarded by the marines. The victim was standing on the corner of a terrace of a house belonging to Saupir. He shouted to teh marines, "If you want a war, not here, do it in East Timor." A marine asked Munaji, "Who is that in green shirt, noe his name, he will be shot". <i>Sutam was the first victim who was shot and he died instantly.</i>
2	Mistin binti Samat, 21 y.0, Female, Housewife	The victim died on location She was chased by the marines and shot a few times on her back, the bullet went through her chest and one projectile hit her child (Choirul) whom she was holding at that time.
3	Dewi Chotijah , 21 y.o, Female, Housewife	Dead, shot wound under the right eyebrow. The bullet went through the back of his head. The victim's right eye was destroyed. She fell on her back and died in the kitchen behind her house.
4	Rohman bin Saumar , 17 y.o, Male, Farmer	Died from a shot wound on his head, the bullet went through from the front to the back of his head The victim was sitting on the side of the road with witness Erwanto. Rohman was surprised to see witness Erwanto was shot on his thigh. The victim was about to help the witness but the victim was shot right on his forehead and the bullet went through to the right part of his nape. The back of the victim's head was destroyed and the victim died.

Wounded victims

No	Victims	Remarks
1	Erwanto, 17 y.o, male, farmer	The victim was sitting on the side of the street with victim Rohman when he was suddenly shot on his right thigh the bullet went through his intestines, he is receiving treatment at RS. Syaiful
2	Nasum, 27 y.o, male, farmer	The victim was chased by a marine. Within 6 meters distance the victim raised both his hands and asked for mercy. The marine shot his right leg, above the ankle. He is being treated at RS dr. Sudarsono Pasuruan
3	Rohman a.k.a Pak Bima, 29 y.o, male,	His right hand is broken due to shot wound, treated at RS dr. Sudarsono Pasuruan
4	Misdi, 40 y.o, male, farmer	He was shot on his backside and right leg. Before he was shot, he was hit with the butt of a riffle, kicked by a marine, he is now being treated at a hospital.
5	Choirul Agung , 4 y.o, male	Being treated at Syaiful Anwar hospital, Malang. A bullet is left in his chest (the same bullet that went through his mother's body,
6	Satiran, 45 y.o, male, farmer	He suffered from a scratch wound on the back of his head. He had been treated at a hospital.
7	Samat, 45 y.o, male, farmer	He was hit with the butt of a riffle, kicked with an army boot, punched and kicked alternately. His jaw was bruised and several parts of his body suffer from scratch and bruises.
8	Asmad, 34 y.o, male, farmer	Suffer from a scratch wound on his chin, resulting in swelling. Treated at Syaiful Anwar Hospital, Malang

Response After the Incident

- TNI Commander in Chief, Djoko Suyanto and the Marine Corps Commander Mayjen Safzen Noerdin in their official statement immediately expressed apology to Alustlogo residents and promised to bear the cost for hospital treatment and burial.
- POM TNI AL has established 13 marine personnel as suspects and detained them at POM AL Lantamal V, Surabaya.
- To make the legal proceedings easier, the Commander of Marine Combat Training Centre Grati, Major Husni Sukarwo, was discharged from his position.
- Mayjen Safjen Noerdin himself was then replaced by Mayjen Nono Sampono as the Marine Corps Commander.

- Komnas HAM formed an investigation team led by its chief, Abdul Hakim Garuda Nusantara, and went to the incident site. Komnas HAM's findings show that this bloodied case is a violation of human rights and not only a shooting incident but it also includes other acts of violence such as battery and hostages (3 people). However, on 6 July 2007, Komnas HAM concluded in its report that the shooting of Alustlogo residents is a serious human rights violation and not a gross one.
- Since 8 June 2007 in Polsek Grati, Puspom TNI has been examining Alustlogo residents as witnesses to the shooting with 13 marine as suspects.
- Meanwhile, TNI is being resistant towards public's demand to take this case to an ordinary court mechanism.

KONTRAS' FINDINGS

- KontraS found preliminary facts that there have been violence committed by military personnel against civilians prior to the shooting incident in Alas Tlogo on 30 May 2007. In the past year, there have been threats and other acts of violence occurring in at least 10 other villages around the company or combat training centre area. Details as follows:
 - 29 March 2006, TNI-AL personnel took by force the tools used by villagers to dig stones needed for building foundation.
 - 6 April 2006. Two tanks that belonged to TNI AL were driven through the back side of the villagers' houses, destroying plants and damaging a bicycle owned by a villager. The personnel also drove the tanks into a pile of red bricks that were ready to be sold, destroying them.

- 6 July 2006. During the day at around 10.00am, two combat vehicles (tanks) owned by TNI AL entered residential area and destroyed the roads in Wonokaton village, Belung.
- 20 July 2006. Several personnel came to two houses and took by force the farmers' tools such as shovel, and seeds that were meant for planting.
- 24 November 2006. During the day at around 10.00 am, marine personnel took two villagers of Sumber Anyar village to the office of Combat Training Center. The two villagers claimed to have been hit by the marine personnel.
- 14 December 2006. Several TNI AL personnel put stakes around villagers' land. At that time, one of the personnel hit a villager named Misdi (27 y.o). After this incident, the local villagers protested by blocking the provincial road for about two hours.

- 10 January 2007. Around 25 TNI AL personnel stepped all over the plants owned by villagers, destroying the plants. The villagers again blocked the provincial road as a sign of protest.
- 5 March 2007. TNI AL personnel took by force the tools of the farmers who were on their land. They also destroyed the villagers' corn plants.
- 26 May 2007. PT Rajawali started cultivating on the villagers' land in Sumber Anyar, guarded by TNI AL personnel. The personnel threatened to shoot any villagers who tried to protest the activity.
- 29 May 2007. A number of marine personnel came to Alas Tlogo village and threatened to shoot dead any villagers or anyone who stand in the way of the workers who were working on the disputed land. At that time, the commander of the unit, Letnan Satu Budi Santoso, said that he has received an order from his superior and a letter of order from the Head of Pasuruan Regency was shown to villagers inside an envelope.

- KontraS found that there has been violence and shooting of civilians on 30 May 2007 in Alastlogo village. The incident caused the death of 4 civilians and injured 8 others. Around 25 bullet holes were found around the victims' houses, other houses, several trees and a small mosque. Apart from physical damages, the incident has also caused psychological suffering for the victims' families and other residents.
- It was found that the shots were not aimed at one target only. It was aimed at a certain target (*target shooting*) as well as random shooting.

- There was no fact to support the presence of any physical attack or any violence committed by the villagers against on site navy personnel. The villagers did not trigger the incident with violence. They merely expressed a verbal protest towards the personnel. The verbal action was responded with threats of shooting and followed with real shooting of civilians.
- KontraS found that the navy personnel's movement was within approximately 80 meters from the original site.
- KontraS found and received evidence in the form of bullet cases (caliber 5.56 mm) from villagers who found the cases in the shooting site after the incident.

- Facts were found that apart from firing their firearms, the TNI-AL personnel chased, kicked, and hit with their fists and the butts of their rifles. The facts were, among others, bruises on the jaw and right upper arm of witness-victim Samat, who was hit with the butt of a gun while he was led by the personnel.
- The facts on the victim's wounds show that the victims had their backs on the personnel. This can be seen from the position of victim Mistin, who was chased about 45 meters towards a house she meant to hide in. It was her uncle's house at around 80 meters from where the personnel originally were.
- Facts were found from the witnesses testimonies that they have been residents in the area for generations. These facts also deny the racist assumption that said Alas Tlogo villagers were originally migrants in large numbers (exodus) during ethnic conflict in Kalimantan (sampit).

- KontraS found clues that the existence of Rajawali Nusantara Indonesia (RNI) company indicates business interests in the activities of navy personnel.
- There is lack of police involvement in the investigation process, as an agency with an investigation authority. The yellow police line at the crime scene has been replaced with military police line. POM AL is calling and examining several villagers to be questioned, borrowing Sektor Grati police station to conduct the process.

CONCLUSION

- The shooting of civilians, who were conducting a peaceful protest, committed by Marine/Navy personnel was committed intentionally to cause death and suffering for the villagers, who have been seen as enemies by the perpetrators.
- That the chain of command within TNI AL, starting from the commander to the unit that committed the shooting, must have known that incident was going to happen, but they did not take any preventive measures.
- The TNI Commander and the Commander of the East Armada tend to cover the truth with various reasons – such as self-defense, or that the victims were killed by bullets that bounced off, or that the villagers were occupying the land – in order to justify the killing .

- That TNI AL has committed mistakes in securing the State's asset (land) that it manages, by taking its own actions, including employing violence and shooting.
- TNI AL has commercialized the State's asset by renting it to PT. Kebun Grati Agung (KGA) and PT Rajawali Nusantara Indonesia (RNI). The security of the asset should have been handed over to the regional government and Polri, especially when it involves legal actions.
- That the marines have committed excessive use of force which is not in proportion with the villagers' verbal protest. The marine personnel disregarded moral consideration and did not calculate the impact that might be resulted from the shooting, both the target shooting and the random shooting. Such use of excessive force can be categorized as a gross violation against human rights. Therefore, it is clear that there have been human rights violations (arbitrary execution or extrajudicial execution). They are in violations against Article 6 in the Covenant of Civil and Political Rights, which has been ratified by the Indonesian Government in its Law No. 12/2005.

- That the area of Alas Tlogo village and other villages around it is not a war zone and not a military operation zone either. Therefore, it is not appropriate for TNI AL to say that the shooting has been done according to procedures.
- That there is no regulation that gives any authorities to TNI to handle non-defense matters. The use of Standard Operational Procedure in responding to the villagers' protest was under Polri's authority.

RECOMMENDATION

- Urging the TNI Commander to transfer the case to ordinary court, including human rights court, as a momentous breakthrough to boost TNI reformation. The reformation must also be done in terms of stopping military business practices, as have been regulated in Law No.34/2006.
- Requesting Komnas HAM to conduct a re-investigation seriously, based on the framework listed in Law No. 26/2000 on Human Rights Court, in order to learn about the possibility of gross human rights violations in the category of crimes against humanity.

- Requesting the President and the Head of National Land Agency to give the disputed land to the residents of 11 villages in 3 districts in Pasuruan Regency: Lekok (9 villages), Nguling (1 village), Grati (1 village).
- Urging the government to change its policy in resolving land dispute between villagers and TNI AL so that the violence against the villagers will stop immediately.
- Proposing to the President and the Head of National Land Agency to provide land for the Navy's combat training center, and to move the center from Pasuruan to a location outside Java, far from residential area. Any locations near civilians residential areas have the potential to lead to military violence against civilians.