

# URGENT ACTION

## FISHERMEN ON TRIAL AFTER PROTESTING ENCROACHMENT

Ilham Mahmudi and Taufik, two fishermen from North Sumatra Province, face trial amid efforts to save their coastal village from drowning. They face up to five and a half years in prison after being indicted for alleged group violence and property damage. Local NGOs and advocates view the charges as a form of unjust criminalization linked to their activities as environmental activists. They, along with their community, strive to protect the mangrove forest in the area from encroachment, which they fear could lead to flooding and cause their village to sink. The Indonesian authorities must ensure a fair and impartial prosecution and grant their right to a fair trial.

### TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

**Yuliarni Appy, S.H.,M.H.**

Head of Langkat Regency Prosecutor's Office  
Jl. Proklamasi No.51, Kwala Bingai, Stabat,  
Langkat Regency, North Sumatra Province,  
Indonesia (20811)

Email: [Kaurlangkat@gmail.com](mailto:Kaurlangkat@gmail.com)  
and [kejari.langkat@kejaksaan.go.id](mailto:kejari.langkat@kejaksaan.go.id)

Dear Prosecutor,

I am writing to express my concern for Ilham Mahmudi and Taufik, two fishermen from Kwala Langkat Village who currently stand trial after their efforts to save their coastal village from drowning. Together with the locals, the two fishermen have been vocal in protesting the encroachment of a protected mangrove forest in their village by a private entity, fearing that it would lead to coastal erosion that endangers the village's existence.

On 15 July 2024, the prosecutors indicted Ilham and Taufik for allegedly participating in group violence and property damage during a protest on 21 March 2024, which involved the damaging of a makeshift hut in the forest. They were put on trial following weeks of pre-trial detention after they were arrested separately on 18 April and 11 May 2024, respectively. Both were arrested without warrants by plainclothes police officers and they were not accompanied by legal counsel during their first interrogation. While Taufik has been released from pre-trial detention since 4 July, Ilham remains in the prosecutor's office detention. They risk up to five and a half years in prison.

Furthermore, the villagers have also reported that they received intimidation and threats of being criminalized for protesting the encroachment. I find this situation troubling, especially within the context of the community's efforts to protect their right to a clean, healthy, and sustainable environment, as well as the environmental activists' right to due process and a fair trial.

**Therefore, I urge you to:**

- Ensure that Ilham and Taufik's fair trial rights are guaranteed in accordance with international standard. Excessively harsh charges should be avoided, especially in view of the limited damage caused, and prosecution should be based on evidence establishing the reasonable suspicion of the involvement of Ilham and Taufik in the damaging of the makeshift hut;
- Comply with the presumption of innocence by releasing Ilham during the course of the trial unless there is a real risk of flight, harm or interference with evidence or investigation;
- Ensure that Ilham has access to regular, unrestricted access to a lawyer of his choice and is not subjected to torture or other ill-treatment, and is provided access to healthcare and medical treatment if he requires it;
- I also appeal the authorities to ensure that all human rights defenders and their families, including Kwala Langkat community, can carry out their protests peacefully without fear of harassment, intimidation, arbitrary detention or imprisonment.

Yours sincerely,

## ADDITIONAL INFORMATION

In 2014, residents of Kwala Langkat Village, Langkat Regency, North Sumatra Province, started to rehabilitate mangrove trees in the area, given that mangrove ecosystem is crucial to support their livelihoods, as majority of the villagers work as fishermen. However, in the years that follow, the conservation work was constrained by the encroachment from palm oil operations in the area. The damages in mangrove ecosystem have affected the work of local fishermen, who now need to sail further into the sea to get to their catchment area, and have also caused tidal flooding into their village. The villagers grew concerned over further erosion, given that the neighbouring Tapak Kuda Village has been submerged due to rising sea level.

In January 2024, a swath of the mangrove forest was further encroached for palm oil operations, drawing protests from the villagers who later reported the encroachment to the North Sumatra Regional Police. Upon receiving the report, police officers visited the forest and confiscated an excavator on 6 February 2024, but took no further actions to investigate the encroachment activities. Due to frustration with the police's inaction, some local residents demolished a hut in the mangrove forest that had been used by the excavator operators to rest in.

On 22 March 2024, Ilham Mahmudi was reported to the police for his alleged involvement in the demolition of a makeshift wooden hut by a man linked to the encroachment activities. On 18 April 2024, police officers in plain clothes came to his house and arrested Ilham without warrant. Witnesses said that Ilham was tied up and shoved into the car. He was not accompanied by a legal counsel during his first interrogation and later was forced to be represented by a lawyer chosen by the police, before lawyers from Medan Legal Aid Institute (LBH Medan) took over his case on 26 April 2024. Shortly after Ilham was arrested, on the same day, some villagers reportedly hurled stones at a house owned by a man with alleged ties to the encroachment activities, breaking some windows.

Taufik was initially arrested along with another fisherman, Safii, on 11 May 2024, and were accused of alleged involvement in damaging the house on 18 April. They were arrested by the police while fishing for shellfish in a boat on the sea. Plainclothes police officers came with a speedboat and arrested the two without warrants and threatened to shoot them if they refused to follow. They were also not accompanied by a legal counsel during their first interrogation in the afternoon of 11 May, until lawyers from LBH Medan came and signed the power of attorney in the evening of the same day. According to LBH Medan, the CCTV that the house owner submitted to the police as evidence showed that Taufik only stood near the house's premises while Safii was attempting to prevent the villagers from damaging the house on the day of the incident.

While in the police custody, Taufik was also investigated for his alleged involvement in the demolition of the makeshift hut in the forest and later named suspect in the case. On 4 July 2024, Taufik and Safii's charges in the 18 April case were dropped and the proceedings were terminated after they signed a settlement letter with the house owner, leading to Safii's release. On the same day, Ilham and Taufik's trial was set to start, but was postponed as their lawyer was sick. However, on that day, the judges ordered the release of Taufik from pre-trial detention, while Ilham remains in the Langkat Prosecutor's Office detention since his transfer from police custody on 14 June 2024. On 15 July 2024, prosecutors indicted Ilham and Taufik under Article 170 (1) and Article 406 of the Criminal Code on group violence and property damage, respectively. Local NGOs believe the criminal proceedings to be a form of criminalization aimed to stifle the local community's work in conserving the mangrove forests and defending their right to a clean, healthy, and sustainable environment.

Indonesia has committed to ensuring environmental sustainability and achieving net-zero emissions "[by 2060 or sooner](#)" as part of efforts in tackling the climate crisis. However, environmental activists in Indonesia are increasingly harassed and criminalized when state and economic actors perceive their activities as a hindrance to the implementation of development policies. Between January 2019 and June 2024, Amnesty International recorded at least 18 cases of arrests, attacks, and intimidation of environmental activists who defended their rights to land and a healthy environment, with 24 victims.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** Bahasa Indonesia, English

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 17 October 2024

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PREFERRED PRONOUN:** Ilham Mahmudi, Taufik (he/him/them)

## ADDITIONAL TARGETS

His Excellency Dr Desra Percaya  
*Ambassador Extraordinary and Plenipotentiary*  
Embassy of the Republic of Indonesia  
30 Great Peter Street SW1P 2HW  
020 7499 7661  
Fax 020 7491 4993  
kbri@btconnect.com  
www.indonesianembassy.org.uk  
Monday-Friday 09.00-17.00  
Salutation: Your Excellency