

ASA 21/049/2004**Bestari Raden, environmental activist**

Bestari Raden (m), an environmental and indigenous peoples activist from Nanggroe Aceh Darussalam Province (NAD), was arrested in March 2004 and charged with “separatism” (Kitab Undang-undang Hukum Pidana, KUHP Article 106), “rebellion” (KUHP Article 108) and “inciting acts of violence” (KUHP Article 160). On 2 October 2004, he was acquitted of the charges of “rebellion” and “separatism” but found guilty of “inciting acts of violence” and sentenced to two years and six months’ imprisonment by Tapak Tuan District Court, South Aceh. He is currently appealing the sentence.

Bestari Raden was arrested by members of the Southeast Aceh District Military Command (Kodim) on 23 March 2004 during a visit to the district as part of a 37 member government team set up to review the Ladia Galaska road project. The proposed 500 km-long Ladia Galaska highway has been strongly opposed by environmental groups because it will cut through virgin tropical rainforest in the Gunung Leuser National Park in NAD and North Sumatra. In contrast, there is reported to be support for the project by members of the security forces.¹ Some observers believe that Bestari Raden’s arrest may be connected to his efforts to halt the construction of the highway as well as his earlier activities protesting against logging operations in NAD. Fellow activists have suggested that the reason for his arrest may also involve the settling of old scores by members of the police and businessmen in the area.

On his arrest Bestari Raden was accused of membership of the armed opposition group, Free Aceh Movement (Gerakan Aceh Merdeka, GAM) which is involved in an armed struggle for independence in NAD. He was also accused of carrying out operations with, and extorting money on behalf of, GAM; of organizing demonstrations in support of a referendum for NAD in 1999; of protesting against environmental damage caused by the logging operations by PT Medan Remaja Timber; and of inciting others to commit an arson attack on the company’s logging camp in South Aceh District also in 1999.

Bestari Raden is reported to have confessed to all of the charges soon after his arrest because he feared that he would be subjected to torture or ill-treatment. There is no information to suggest that he was tortured on this occasion, but his fear was based on earlier experiences in 1999 when he was detained on at least two separate occasions by police in South Aceh. On one of these occasions he is alleged to have been beaten by members of the Police Mobil Brigade (Brigade Mobil, Brimob). These earlier arrests are reported to have been linked to his anti-logging protests which had earned him the reputation as a *provocateur* which, in the NAD context, implies GAM membership. His name was subsequently placed on a “wanted list” of GAM members. Colleagues, friends and relatives have always asserted that he is not a member of GAM nor linked to it in any way.

The arrests, beating and other forms of intimidation and harassment to which he was allegedly subjected in 1999, caused Bestari Raden to leave the province and take up residence in the Indonesian capital of Jakarta. From 2001 to 2003 he served as a Coordinator for the Alliance of Indigenous Peoples of the Archipelago (Aliansi Masyarakat Adat Nusantara, AMAN), a nationwide alliance that campaigns for the rights of indigenous people. In 2004 he became the national coordinator of the Environmental Caucus (Kaukus Lingkungan), a new alliance of Indonesia-based environmental groups.

Bestari Raden’s defence team in 2004 claimed that there was no basis for any of the current charges against him. Indeed, some way into the trial, the prosecution dropped the charge of “separatism” on the basis that there was insufficient evidence. His lawyers also

¹ There is speculation that the support of the security forces for the proposed highway is because it is linked to increased opportunities for logging operations in the area in which the military has traditionally had business interests.

claimed that he had not taken part in any activities in support of a referendum on NAD's political future. They also pointed out that, although he has always been vocal in his opposition to the environmental damage caused by logging, this did not amount to inciting others to commit acts of violence against logging companies.

Bestari Raden is currently detained in Tapak Tuan Prison where he is serving the two years and six months' prison sentence handed to him by Tapak Tuan District Court on 2 October 2004. He is appealing the sentence.

Please write appeals:

- expressing concern that Bestari Raden may have been imprisoned solely because of his legitimate campaigning activities in defence of environmental protection, and urging the authorities to release him if this is the case;
- reminding the authorities of their obligations under the UN Declaration on Human Rights Defenders to protect human rights defenders so that they can carry out their legitimate and peaceful work without fear of being subjected to human rights violations.

Please write politely worded appeals to:

President of the Republic of Indonesia

Susilo Bambang Yudhoyono

President RI

Istana Merdeka

Jakarta 10110

Indonesia

Fax: + 62 21 345 2685 / + 62 21 526 8726 / + 62 21 380 5511

Salutation: Dear President

Minister for Justice and Human Rights

Hamid Awaluddin

Menteri Kehakiman dan HAM

Jl. H.R. Rasuna Said Kav No. 4 - 5

Kuningan

Jakarta Selatan 12950

Indonesia

Fax: +62 21 525 3095 / + 62 21 310 4149 / +62 21 522 5036

Salutation: Dear Minister