

**When we fight for our rights we can win:**

# **Indonesian farmer's land returned after 15 years**

Central Sulawesi farmer and land defender Hemsu has fought relentlessly against PT Mamuang, a subsidiary of Astra Agro Lestari (Indonesia's 2nd largest palm oil company), since it forcibly took over his land in 2005. The company has been embroiled in protracted land conflicts with local farmers ever since it began operations in the area and tried to grab land that it claimed was included in their Right to Cultivate although it never provided evidence as such.

Farmers that tried to defend their rights have been subject to repression, violence, intimidation, and criminalisation. Hemsu was imprisoned three times and regularly received threats to himself and his family. He has now received recognition of his rights over 20 of the 50 hectares the company tried to take due to his tireless resistance, the backing of his community, and legal support and advocacy targeting the financiers of Astra Agro Lestari by the Indonesian Forum for Environment (WALHI) and other members of the Friends of the Earth network.



The Suku Toraja Farmer Group of 100 members prepare land to plant crops in Mertasari Village. They plant palm oil following the handing over of the customary land with a letter of relinquishment of customary land (SPPHT) and a granting of land tenure ownership certificate (SKPT).

1995-2004

The head of Lalundu and Panca Mukti village and legal experts go to the field to take measurements in accordance with the governor's decree in 1999, which stated that Hemsis's plantation area was included in the Panca Mukti Village area in Central Sulawesi (outside PT Mamuang's Right to Cultivate area, situated in West Sulawesi).

2009



The company sends a group to build a hut next to Hemsis's and threaten him with death if he and his family do not leave the plantation. Hemsis finds solidarity in 200 people in Rio Pakava villages who agree to help him defend his land.

2015

After Hemsis is released from prison with the assistance of WALHI, he files pleas to 13 government institutions in Jakarta. He also contacts the National Land Agency, which confirms that Hemsis's 50 hectares of land is not included in PT Mamuang's Right to Cultivate. A day after his wife gives birth to their third child, Hemsis is arrested and found guilty of theft for which he is sentenced to another five months in prison. He files unsuccessful appeals to the High Court in Makassar and the Supreme Court in Jakarta (for which he only receives the ruling in July 2021).

2018-2019



Hemsis travels to the Netherlands accompanied by WALHI and Milieudefensie to meet with financiers of PT Mamuang and parliament members. While abroad, police visit his house and meet with his wife. When he returns, Hemsis and WALHI hold a press conference about his trip.

2019  
OCTOBER

2005-2008

PT Mamuang begins operations and claims land that belongs to farmers such as Hemsis, forcibly uprooting their plants and destroying their tools. Those who stand up for their lands face violence and intimidation by the police. The farmers fight back by uprooting and chopping up the oil palm planted by the company on their land. But PT Mamuang reclaims the land from the farmers. By 2008, only 25 of the original 100 members in the Suku Toraja Farmer Group remain.



2010

The company returns and starts harvest at the same time as the farmers, also taking the fruit the farmers harvested. Two farmers are arrested without a warrant and when Hemsis stands up for them he is imprisoned for three months.

2017

Hemsis files a report against PT Mamuang on charges of stealing and confiscation after it returned again to take the fruit harvested by the farmers, but it was not followed up. Hemsis is detained by the police for alleged theft and destruction of a motorcycle after a report was filed by PT Mamuang. He is found guilty and imprisoned for five months.



2020  
JUNE

20 of the 50 hectares of land grabbed by PT Mamuang are returned to Hemsis and he receives a formal land certificate from the National Land Agency. The other 30 hectares are still in the process.

# How Hemsí won

Despite the numerous hardships and obstacles, Hemsí never let go of the belief that he should fight for what rightfully belongs to him. Community organising was central to strengthening resistance and building solidarity and support from other farmers to provide safety and strength in numbers. Engaging with government authorities and legal strategies also contributed to the successful return of Hemsí's land. His trip to the Netherlands to meet with policy makers and financiers was key to stopping the company from replanting palm on his land. Hemsí was supported by the international community, providing both a morale boost and additional pressure on decision makers at the company and government.

**“I'm not afraid to fight, the struggle doesn't end here. As long as I'm still alive, I will continue to fight against injustice. No matter how many threats or subpoenas are sent to me, no matter how many times they put me in jail, I will never stop defending my rights. I invite my friends to keep fighting so that our rights are not taken arbitrarily by these companies.”**

## Call to Action

Hemsí and his community call upon those affected by similar struggles or organisations and people that want to join the struggle. The impacts of industrial monoculture plantations and related land grabbing are unacceptable. Violence, sometimes resulting in death; criminalisation of community members; and environmental pollution all have a profound impact on communities' health and wellbeing. United in international alliances, we can support communities and environmental human rights defenders locally. At the same time, we campaign for system change, such as the UN Binding Treaty for Business and Human Rights and international legislation that holds companies and the financial sector accountable for deforestation and human rights violations.



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