

## I. Summary

*Around 7 or 8 a.m., the military arrived. All together, there were about twenty military officers and some police—I saw them directly because I was already up and outside. I already knew their faces because they often came to our housing complex. But I was wondering why they were coming now. I asked one of them why they were here so early. I asked a military man directly. They were wearing full uniform. He said: “I have received orders from above to come here.” I asked: “For what purpose?” The military man answered: “I have instructions from my commander, but it’s not clear what my instructions are.” So I thought, he must think I’m stupid if he tells me he has instructions from above that are not clear!...*

*Starting around 9 a.m. the gangs of thugs arrived. When I saw the thugs arrive in their cars, I went to tell my friend that they’d arrived. And I said it very calmly, because I still didn’t understand, and then I went home... They were just wearing normal clothes, shirts and jeans. I was still convinced that nothing was going to happen. I had already taken a shower, had my breakfast, and was looking after my children. Then I heard the sound of the bulldozer. I heard it, I came out of my house and saw that it was digging out the front of the complex, and I said “Oh my God, this is happening.”*

*Then the thugs started coming into our houses and into my home. They told me to leave. They came into my house, into all the rooms. They smashed the windows of the house... I don’t know how many came into my room. So many. They didn’t want to give us an opportunity to get anything. They just came in to move everything and everyone out of the house. Some of them were carrying big knives, others had iron poles... My oldest daughter arrived. She was very angry with them... They destroyed her study desk...*

*We were forced to leave the location. We took out things and went to the side of the street... So now I just have to be strong... I think we should continue to pray that everything will be okay.*

—Eva Sugiharto, forty-three years old, evicted resident of Siliwangi Housing Complex<sup>1</sup>

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<sup>1</sup> Human Rights Watch interview with Eva Sugiharto (not her real name), forty-three years old, January 6, 2006. Eva Sugiharto was evicted from her home in Siliwangi, Pasar Baru, Central Jakarta, on December 21, 2005.

Experiences like those of Eva Sugiharto, recounted above, are all too common in Jakarta today: the early morning arrival of government security personnel and gangs of thugs who force themselves into people's homes and use baton sticks, bulldozers, and fire to destroy a community's homes, shops, mosques, and churches. In the space of just a few hours, evicted residents can lose years' or even decades' worth of work and investment.

Disputes over land are a frequent source of conflict in Indonesia, and forced evictions are a long-standing and recurring problem in the history of Jakarta. During the rule of earlier Presidents Sukarno and Soeharto, government forces carried out brutal large-scale evictions in order to fulfill the urban planning dreams of city and national leaders, and to serve the private interests of a few privileged developers. Yet Indonesia's transition to democracy has not led to a halt in forced evictions. During the nine years of administration by Jakarta's current Governor, Sutiyoso, many tens of thousands of people have watched Jakarta's security forces demolish their homes and destroy their personal property with little notice, due process, or compensation. Many thousands more of Jakarta's poor live in fear that one day the security forces and bulldozers will come to their communities.

This report is based on over one hundred interviews and research carried out in Jakarta in January 2006. In this report, evicted residents describe how government security forces at times beat or mistreated them before destroying their homes and possessions. In the worst cases, witnesses recount how security forces opened fire on communities and set buildings alight while people (in two cases including children) were still inside.

Many residents say they were given little warning or given confusing messages before their homes were razed, and most say that public order officials provided them with little time to collect their belongings and abandon their homes. Almost without exception, residents explain that they received either no compensation at all, or such little compensation that it did not adequately cover the losses that they experienced.

Evictees also detail the problems they have faced as a consequence of their eviction. A significant number found themselves homeless and destitute. Women and migrants relate the impediments raised to their ability to earn a livelihood for themselves, and parents and children describe the disruption caused to children's access to schooling.

Evictions are organized by the local government authorities, and are enforced by the local police, public order officials, and the military. At times, the government forces use gangs of private individuals to help them carry out the demolitions. The evictions may

remove communities from state-owned land, privately-owned land, or land where ownership is in dispute or unclear. Condemned communities exist in pockets all over the city, including slums under railways bridges constructed from salvaged materials, two-storey brick and concrete homes in the heart of the city, simple structures built on land reclaimed from the sea by fishermen, and villages with farmland on the city's periphery. In some evictions, only a few families may lose their houses, but in other instances many thousands of people have lost their homes in just one day.

Many people who occupy land in Jakarta do not enjoy the right of legal access to housing because such options simply do not exist or are completely unaffordable. Only 1 percent of land in Indonesia is held in freehold ownership. In Jakarta, the vast majority of the urban poor live on land that the government has yet to officially register. The legal status of the majority of homes in the capital, especially those of the poor and lower-middle income residents is uncertain—this may be a result of failing to comply with building codes, having been built without permits, or existing in unplanned and unregulated settlements. Yet most evicted residents have, through practice, acquired several elements of legitimacy, such as regularly paying local officials for permission to live at their sites, living on the same site for decades with no contestation from public or private entities, receiving a variety of government-provided utilities, or paying government land taxes.

The government of Jakarta justifies some of these evictions on the grounds that the land is required for infrastructure projects. Other communities are demolished for the declared intent of clearing slums in the name of public order, or removing trespassers from private or state land. Many local human rights lawyers and civil society groups, however, note that residents have lived on these lands for years and in some cases generations, and allege that many evictions reflect wider, arbitrary government efforts to intimidate the urban poor, deter urban migration, and support favored groups. While the government claims that it is trying to improve the quality of life in Jakarta, it only moves the problem to other locations when it evicts tens of thousands of people and deprives them of the assistance necessary to help re-establish themselves elsewhere.

Even in circumstances where international and Indonesian law permits evictions, the government must nonetheless carry them out in accordance with the law, without violence, with consultation with the affected communities, and with the provision of adequate compensation. Taking land and property without adequate compensation is like the city government stealing from its poorest citizens.

Many of these evictions violate basic human rights protections in both Indonesian and international law. When governments forcibly evict people from their homes they deprive citizens of one of their fundamental human rights and needs, that of the right to adequate housing, and expose them to violations of other fundamental rights and hardship which may amount to inhuman treatment. While international law does not place an affirmative duty on governments to provide housing for all of its citizens, it does prohibit governments from demolishing the shelter built by the homeless and landless to provide for their own survival, except in extraordinary circumstances. Indonesia has an obligation under international law to respect individuals' right to adequate housing and to refrain from impermissible forced evictions, not only for individuals who can show documents to prove full legal title or who live on registered land, but also for people living in informal settlements.

A human rights based approach to development acknowledges that the process in which development occurs is often as important as the outcome. Local communities must be involved in the decision-making process about the use of the land they occupy in a transparent, participative, and consensual manner.

When carried out without offering residents meaningful alternatives or compensation, forced evictions decrease the available stock of housing, increase poverty, and even further reduce the urban poor's ability to access affordable housing. The current approach to carrying out evictions in Jakarta fails to address the structural problems posed by the city's insecure land tenure system, rural-urban migration, blatant corruption, inappropriate planning frameworks, poor land management systems, and economic inequality.

### ***Key Recommendations***

Evictions should never render individuals homeless or vulnerable to further human rights violations. Where evictees are unable to provide for themselves, the government should take all appropriate measures to ensure that adequate housing and assistance are available.

As a preliminary measure, we urge the Jakarta regional government to enact a short-term moratorium on all "public order" evictions. The moratorium should remain in place until officials develop and implement a mechanism—in consultation with civil society groups and representatives of the urban poor—to assess the likely impact of evictions on affected residents and determine whether the public order interest served by evictions outweighs the impact on the lives of evictees. Such a mechanism should include baseline surveys by independent experts of the affected community's population, assets, and

socio-economic situation prior to any eviction. These surveys would allow the government to determine the true costs of evictions and, should officials nonetheless conclude in any given case that evictions are necessary and justified, would help them design an appropriate and effective resettlement plan.

To emphasize its commitment to fairness and transparency, the Jakarta regional government should also place a moratorium on all evictions related to public-interest development projects until an investigation can be carried out into the alleged human rights abuses related to the “Double-Double Track” project, and any systemic problems identified are addressed.

In the future, any justified evictions should be carried out in coordination with a broad range of relevant social welfare agencies to ensure that vulnerable individuals receive any necessary assistance to deal with the economic and social impact of displacement. A joint working group from relevant government ministries and national commissions should be established to monitor and ensure that eviction procedures and practices comply with international standards.

In order to reduce the likelihood that future evictions will result in violence, the government should also consider a series of other reforms. Only well-trained police and public order officials should carry out evictions. Private individuals or gangs should never be permitted to carry out evictions. The government should grant permission to carry out an eviction only after a fair and transparent public process. Moreover, the government should provide all members of the affected community with adequate and reasonable notice, information about the reasons for the eviction, and legal remedies for those who oppose the eviction. Notice should leave enough time for the negotiation of compensation agreements and to allow for resettlement. The exact eviction date should be open to negotiation. Affected residents should receive fair market value or replacement cost compensation for any loss of land, personal property, and interruption to their income activities.