

Monday 11<sup>th</sup> November, 2013

Dato' Sri Mohammed Najib bin Tun Abdul Razak  
Office of the Prime Minister  
Main Block, Perdana Putra Building  
Federal Government Administrative Centre  
62502 Putrajaya, MALAYSIA

*Via E-mail: ppm@pmo.gov.my*

**RE: Situation of Penan Families At Murum Dam Site, Sarawak**

Dear Prime Minister Najib,

On behalf of the undersigned organizations, we are writing to express our serious concern about the situation of hundreds of Indigenous Penan women, men and children who are peacefully protesting at the site of the Murum Hydroelectric Project and have been cordoned off by a barricade of armed police, as of 5 November, 2013. Lawyers, human rights groups, medics, media personnel and convoys carrying basic supplies of food and water for distribution all have reported that their access to the site has been blocked. At least two minors have been reported amongst a group of protesters who have been arbitrarily arrested, detained and charged, contrary to the provisions in the UN Declaration on the Rights of Indigenous Peoples and the UN Convention on the Rights of the Child.

Although people living near the site of the Murum Dam have repeatedly sought information about the project plans through various state-based and national channels, their questions and concerns have been sidelined, while their agreed upon representatives have been effectively excluded from all critical decision making processes. Significantly, consent for Sarawak Energy Berhad to build the Murum Hydroelectric Project on Native Customary Lands was never granted by affected indigenous peoples' communities, in violation of the principles outlined in the UN Declaration on the Rights of Indigenous People. Affected people and other stakeholders, including independent non-governmental organizations, have yet to access the social or environmental impact assessment documents, and to be informed of the full plans for the pending resettlement. Furthermore, compensation for assets to be lost because of the dam has yet to be paid to families. Now that impoundment of the reservoir has begun, the protest action at the dam site was initiated by affected Penan families to draw attention to their urgent concerns about the future of their livelihoods. In particular, there is widespread frustration over the lack of accountability and transparency surrounding the development of this project. Given the lack of available opportunities for meaningful consultation and discussion with the respective authorities, these families have taken steps to specifically voice their dissent to Sarawak Energy with regards to the Murum Hydroelectric Project and to the Sarawak Government's plans for their resettlement.

It is in this context that we are extremely concerned with the decision made by Sarawak authorities to isolate, intimidate and threaten the Penan families, all of whom are seeking to defend their ancestral lands, their culture, and the survival of their way of life as a people. Obtaining accurate information in relation to the health and well-being of the families inside the security perimeter being enforced by the police is nearly impossible, and raises concern over the conditions of those who are more vulnerable, including younger children and older

people. The intimidation, threats, arrests, detentions and criminalization of members of these Penan families who are seeking just remedies to their plight of forced displacement amount to clear violations of legally guaranteed rights to the fundamental freedoms of expression, association and peaceful assembly.

Given the above situation, we urgently call for:

- An immediate withdrawal of the police forces surrounding the sites of the Penan people's protests against the Murum Hydroelectric Project;
- An immediate withdrawal of all criminal charges lodged against the Penan protesters exercising their fundamental rights to free expression, association and assembly, and a suspension on further harassment and arrests of people at the protest sites exercising the above rights;
- Respective authorities in Sarawak to halt the denial of distribution of food, water and other basic supplies to the protest sites, and to facilitate the unimpeded passage of humanitarian relief supplies to the protest site, thereby upholding the right to health of all Penan families who are at the protest sites;
- Permission for independent human rights observers, as well as medical personnel, to access the protest sites, respecting their freedom of movement within the state of Sarawak;
- An immediate cessation of the impoundment of the Murum reservoir until all outstanding grievances of the affected communities have been genuinely and effectively addressed;
- Responsible authorities and Sarawak Energy to take immediate steps towards proactively respecting the articulated demands of affected communities - all of which have a basis in the provisions of the UN Declaration on the Rights of Indigenous Peoples- including for access to information, meaningful consultation about their futures, and fair compensation for all losses inflicted.

We trust you will handle these matters with due regard for the seriousness of the situation at hand and look forward to hearing how these concerns will be addressed. Your response can be sent to Tania Lee, Program Coordinator at International Rivers via the following e-mail: <tleee@internationalrivers.org> and will be duly circulated to the undersigned organizations.

Sincerely,

*Accountability Counsel, International*

*Human Rights Watch, International*

*Indigenous Peoples Movement for Self Determination and Liberation, International*

*Green Advocates International, International*

*International Rivers, International*

*Asian Indigenous Peoples' Pact, Asian Region*

*NGO Forum on the ADB, Asian Region*

*Borneo Resources Institute (BRIMAS), Malaysia*

*Jaringan Orang Asal Semalaysia (JOAS), Malaysia*

*The Sarawak Native Customary Land Rights Network (TAHABAS), Malaysia*

*Malaysian Damn the Dams Action Group, Malaysia*

*Pacos Trust, Malaysia*

*SAVE Rivers, Malaysia*

*Suara Rakyat Malaysia (SUARAM), Malaysia*

*Tenaganita, Malaysia*

*Association for International Water Studies (FIVAS), Norway*

*Borneo Project, USA*

*Bruno Manser Foundation, Switzerland*

*Burma Partnership, Burma/Myanmar*

*Cordillera Peoples Alliance, Philippines*

*Huon Valley Environment Centre, Tasmania*

*Korean House for International Solidarity (KHIS), Korea*

*Movimento dos Atingidos por Barragens [Movement of Dam Affected People], Brazil*

*Pakistan Fisherfolk Forum, Pakistan*

*Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo, Ecuador*

*Shwe Gas Movement, Burma/Myanmar*

*Sierra Leone Network on the Right to Food, Sierra Leone*

**Cc:**

Dato' Sri Pehin Sri Haji Taib Mahmud, Chief Minister, Sarawak  
Dato' Ahmad Zahid Hamidi, Minister of Home Affairs, Putrajaya  
Tan Sri Khalid Abu Bakar, Inspector General of Police, Kuala Lumpur  
Mr. Torstein Dale Sjøtveit, CEO, Sarawak Energy Berhad  
Tan Sri Hasmy Agam, Chairperson, Malaysian Human Rights Commission  
Mr. Chong Chi Nai, Director of Energy Division, Southeast Asia Department, ADB  
Mrs. Margaret Sekaggya, United Nations Special Rapporteur on Human Rights Defenders  
Mr. James Anaya, United Nations Special Rapporteur on Indigenous Peoples  
Mr. Pavel Sulyandziga, United Nations Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises