

Monday 11th 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 dismissal 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: <tlee@internationalrivers.org> and will be duly circulated to the undersigned organizations. Thank you.

Sincerely,

Accountability Counsel, International

Accountability Project, International

Human Rights Watch, International

Indigenous Peoples Movement for Self Determination and Liberation, International

Green Advocates International, International

International Rivers, International

World Rainforest Movement, International

Asian Indigenous Peoples' Pact, Asian Region

NGO Forum on the ADB, Asian Region

Pesticide Action Network-Asia Pacific, Asian Region
Borneo Resources Institute (BRIMAS), Malaysia
Jaringan Orang Asal Semalaysia (JOAS), Malaysia
Malaysian Damn the Dams Action Group, Malaysia
Pacos Trust, Malaysia
SAVE Rivers, Malaysia
Suara Rakyat Malaysia (SUARAM), Malaysia
Tenaganita, Malaysia
The Sarawak Native Customary Land Rights Network (TAHABAS), 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
Polaris Institute, Canada
Rainforest Rescue, Germany
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