

Confidentiality

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KRUHA

koalisi rakyat unyuk hak atas air

people's coalition for the rights to water

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Jakarta, 24 January 2012

To:

The Secretary, Compliance Review Panel

Asian Development Bank

6 ADB Avenue

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To The Honorable Secretary:

Thru this letter, we, at ARUM (Aliansi Rakyat untuk Citarum-People's Alliance for Citarum), a civil society group which is interested to see a sustainable and fair management of the Citarum river (majority of us are stakeholders from the Citarum river) are representing three (3) affected people, namely:

1. **Name:** [REDACTED]
Address: [REDACTED]
Remarks: This person was evicted from his place of residence and lost his source of livelihood-included in the *Resettlement Plan Loan* INO 37049.
2. **Name:** [REDACTED]
Address: [REDACTED]
Remarks: This person was evicted from his place of residence and lost his source of livelihood-included in the *Resettlement Plan Loan* INO 37049.
3. **Name:** [REDACTED]
Address: [REDACTED]
Remarks: This person was evicted from his place of residence and lost his source of livelihood-included in the *Resettlement Plan Loan* INO 37049.

We have attached the Power of Attorney of the people named above. We request that their names be **KEPT CONFIDENTIAL**, to protect them from threats and intimidations, as well as pressures that have arisen and probably will arise from this project.

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We request the Compliance Review Panel (CRP) to help us investigate whether ADB followed the operational policy and procedure of the Integrated Citarum Water Resources Management Project (ICWRMIP) –INO Loan 37049. We believe that ADB failed to follow the operational policy and procedure, especially with regards to the Resettlement, Public Communication and Environmental Policies.

Due to ADB's failure to follow said operational policy and procedure, the victims suffered losses and damages, described as follows:

- **Affected Person (AP) I**

██████ has lived in the ██████ since 1987, cultivating a piece of land measuring █████ sq. meters, with a █████ sq.meters semi-permanent structure. █████ was evicted three (3) times, in October 2009, in March 2010 and in December 2010. He incurred material losses due to the eviction, such as a house with its electrical connection and several of his important documents. Today, █████ still remains on his land by building an emergency █████ sq.meters house that was demolished in 2009 and received the ICWRMIP stamp. Every day, █████ works as a █████. As a result of the eviction, █████ cannot cultivate his landlord's land. At present, he is jobless because the land he used to cultivate is now being tilled by another person and he does not have a place to stay.

- **Affected Person (AP) II**

██████ has lived on a piece of land measuring █████ sq. meters in the █████ since 1998. On this land, █████ built a semi-permanent house measuring █████ sq.meters. He was evicted three (3) times, in October 2009, in March 2010 and in December 2010. As a result, █████ lost his house, his electrical connection and he is now staying in the house of a friend in the █████. He also lost his job from the start as a █████.

- **Affected Person (AP) III**

██████ lives in a piece of land he cultivates, measuring █████ sq. meters with a █████ sq. meter structure. He was evicted three (3) times, in October 2009. On this structure, he also had a livestock stable measuring █████ sq. meters. He was evicted in December 2010 and before this, he was also evicted in March 2010 and October 2009. As a result of this evictions, he lost his house, electrical connection, and livestock stable, and some crops he planted in the remaining portion of the land. He lost his job as a █████. At present, he does not have a place to stay as a result of the last eviction.

We have to inform you also that previously, the victims asked for help from the OSPF-ADB, but in the end, they decided to discontinue the process together with OPSF because it is taking very long and the end of it is not evident. Below are some of the complaints of the victims:

1. The complainants' questions as complainants have never been answered by the OSPF. OPSF often invites the complainants to a meeting (since January 2011), but the questions of the complainants have never been answered.
2. The complainants were requested by Mr. Frank- one of the facilitators- to process their KK (Family IDs) and KTP (Personal IDs) again, when as a matter of fact, the complainants have their KTP already even before the eviction. The complainants thought that because of this reapplication, the compensation process will soon begin. However, after obtaining the KK and the KTP, there was nothing said about the purpose of these KK and KTP.

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3. At one time, the complainants requested for a clean water supply facility (well) but instead were given Hand Phones, although initially, the complainants refused. Since Mr. Anton repeatedly and continuously visited the victims, offering the Hand Phones (and being hospitable) , the victims hesitated to refuse the offer. Finally, the victims reluctantly accepted the Hands Phones and Mr. Anton requested them to sign a contract, even if the victims do not clearly understand what the Hand Phone is for.
4. Oftentimes, the victims are asked to meet with OPSF directly or with the facilitator, causing discomfort to the complainants because of rumors going around the victims' neighborhood. They look at the complainants with contempt , as if the complainants have already received a big amount of money from the compensation process.
5. At the time the complainants were given the HPs, OPSF promised them a phone load amounting to Rp50,000 per month. The truth is, the complainants got said load for the first 2 months only and were never informed when the load will stop. One of the complainants, at one time, requested for such load from one of the facilitators, and he was told by this facilitator to request from Mr. Hamong.
6. The process, said the complainants was long and protracted for them, for each time they have to meet with the OPSF, they have to leave their work. When they meet with OPSF, they are forced to listen to the OPSF side only. OPSF does not want to hear their side. The complainants asked for process clarification and assurance but OPSF always gives this answer- " it is not us who decide". Such that the complainants felt there was no need any more to meet with OPSF.
7. Several times, OPSF held meetings with the parties concerned, with the IRM ADB, with BBWS, but up to now there is no adequate solution and method yet to rectify the existing faults and failure. Now, management is regathering data, however, not one officer has given any information to the affected people (at least, the victims that we represent).

Other than these, several of the victims' requests have not been granted by OPSF, namely:

1. Provide a guarantee regarding the just compensation in accordance with ADB policy on resettlement and job opportunities for the evicted persons.
2. Provide funds to OTD for their relocation.
3. Provide guarantee for a definite location where the victims can live decently.
4. Provide capital to the victims to start their businesses again, which were affected by the arbitrary eviction.
5. Ensure that the impact is mitigated and that compensation is given and that all processes related to the ICWRMIP are followed, specifically the information process, consultation process and the eviction planning process in the entire project area , for accountability purposes.

Thus we send you this letter and once again we ask the Compliance Review Panel to help us investigate this matter.

Respectfully,

(Sgd)Hamong Santono
Koalisi Rakyat untuk Hak Atas Air- Kruha
(People's Coalition for the Rights to Water)
Anggota ARUM (Aliansi Rakyat untuk Citarum)

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Member (People's Alliance for Citarum)

POWER OF ATTORNEY

The undersigned:

1. **Name** : [REDACTED]
KTP No. : [REDACTED]
Address : [REDACTED]
Occupation : [REDACTED]
2. **Name** : [REDACTED]
KTP No. : [REDACTED]
Address : [REDACTED]
Occupation : [REDACTED]
3. **Name** : [REDACTED]
KTP No. : [REDACTED]
Address : [REDACTED]
Occupation : [REDACTED]

Herein referred to as Authorizing Parties, authorize:
ARUM (Aliansi Rakyat untuk Citarum-People's Alliance for Citarum) as the recipient of this authority, to act on behalf of the Authorizing Parties to resolve the Authorizing Parties' eviction case against the parties concerned. In this case, the Authorizing Parties chose the Parties' address as domicile to carry out the functions including but not limited to:

1. Taking lawful action to settle the dispute.
2. Accept payment and sign documents pertinent to the eviction case.
3. Taking steps and exerting efforts to protect the interest of the Authorizing Parties.

24 January 2012

Authorized Party:

(Sgd) Hamong Santono

Authorizing Parties:

1. (Sgd) [REDACTED]
2. (Sgd) [REDACTED]
3. (Sgd) [REDACTED]