



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Reference: 4bpm7d3i

Date: Friday, November 21, 2025

Type: Human rights violation

Original: English

Consent: I am/we are the representative(s) of the alleged victim(s),
and I/we have her/his/their consent

Related mandates

- cultural rights
- toxics and human rights
- water and sanitation
- Indigenous Peoples
- environment

Victims

Name: Community Representatives opposing PT DPM zinc in Dairi,
Indonesia

Type: Group

Email: aritonangjuni@gmail.com

Telephone: +6281376356331

Address:

BAKUMSU as legal representatives of the group/communities: Jl.
Bunga Kenanga No.19, Padang Bulan Selayang II, Kec. Medan
Selayang, Kota Medan, Sumatera Utara 20156



Description of the group/community (including, if relevant, number of members; number of women, men, girls and boys; indicate the group/community leader(s); other facts):

While 11 villages in 3 sub-districts are clearly located close the mine, there may be as many as 15 potentially affected villages. The name of the vilages are Bongkaras, Lae Ambat, Lae Itam, Siboras, Lae Rambong, Sumbari, Urukblin, Lae Panginuman, Lae Pangaroan, Pandiangan Bakkal Gajah, Bonian, Longkotan ,Parongil, Tungtung Batu and Sopo Butar. Please refer to the Dairi District Population and Civil Registration Service data.

Describe the activities of the group/community, civil society or other entity:

In the area around the DPM mine concession, approximately 76% of residents, the majority of whom are women, make their living as farmers and rely on trading their agricultural produce. For generations, the communities' main commodities include rice, corn, chocolate, coffee, durian, candlenut, and duku. For more details: <https://www.youtube.com/watch?v=GSZnPF8AwuE>

Ethnic, religious, social or other background of the group/community members: In a household survey of 87 people in villages that may be affected by the mine, when asked if the respondent's household was Indigenous, 95.3% of respondents said their household was Indigenous. The major group is Batak Toba, with some Batak Pak Pak, Batak Karo and Simalungun people

Occupation of group/community members: 76% of residents around the DPM mine's concession are farmers.

Submitted by

Name: Institute for Legal Consultation and People Advocacy of North Sumatra (BAKUMSU). **Type:** Group

Email: aritonangjuni@gmail.com

Telephone: +6281376356331

Address:

Jl. Bunga Kenanga No.19, Padang Bulan Selayang II, Kec. Medan

Selayang, Kota Medan, Sumatera Utara 20156

Describe the activities of the group/community, civil society or other entity:

BAKUMSU is a legal advocacy group which for more than 20 years has been helping to overcome human rights issues affecting indigenous people, local communities and human rights defenders. BAKUMSU also serves as the legal representative for the affected communities. For more details:

<https://bakumsu.or.id/>

Contact persons of the group/community, civil society or other entity:

Juniarti Aritonang, BAKUMSU

Disclosure

Does the alleged victim(s) or group/community agree to have their name(s) disclosed in a letter that may be sent to the Government, or others, such as intergovernmental organisations including United Nations entities, businesses, military or security companies?

No - At the time of submission, we do not want these to be disclosed, but this position may change.

Does the alleged victim(s) agree to have their name(s) appear in a public report to the Human Rights Council?

No - At the time of submission, we do not want these to be disclosed, but this position may change.

Case details

Country where the incident allegedly occurred/is occurring/might occur: Indonesia

District: While 11 villages in 3 sub-districts are clearly located close the mine, there may be as many as 15 potentially affected villages. The name of the villages are Bongkaras, Lae Ambat, Lae Itam, Siboras, Lae Rambong, Sumbari, Urukblin, Lae Panginuman, Lae Pangaroan, Pandiangan Bakkal Gajah, Bonian, Longkotan, Parongil, Tungtung Batu and Sopo Butar.

If relevant to your submission, please indicate whether there are additional country/ies where the incident allegedly occurred/is

occurring/might occur, or otherwise related to the case submitted: China

Please provide a short chronological summary of the incident: what happened; when (date/time); who was involved?

2012: DPM's exploration activities caused a toxic waste spill. DPM halted exploration, and revised its mine plans. The revised plan relocated the tailings dam, added an explosives warehouse unlawfully close to residential dwellings, and included a new mine portal. These changes required multiple Addendums to the initial Environmental Approval (EA) in 2005. See further below regarding the revocation of the EA for this revised plan. 18 Dec. 2018: A flash flood—believed by residents to be caused by DPM's mining—left some local communities without clean water for 51 days. Women were hit hardest, forced to travel for water.

Mar. 2019: Japanese and Indonesian experts reported that DPM mine's ore body would cause acid mine drainage, soil degradation, trace element contamination, and human health problems.

Dec. 2020: The coalition of NGOs working with local communities commissioned two independent international experts—Dr. Steven H. Emerman and Richard L. Meehan to review the 2019 EIA Addendum (“2019 Addendum”) for the DPM mine. Meehan noted that the mine is located in a highly seismic zone posing significant risks. Contrary to claims in the EIA Addendum, the experts reported that the proposed tailings damsite is likely underlain by unstable volcanic ash (Toba Tuff). Emerman highlighted hydrological and technical flaws: the tailings dam is located less than 1km from homes and places of worship; it is designed for only a 100-year flood rather than the Probable Maximum Flood or 10,000-year flood, as required by Indonesian law and international standards. The experts stated that the 2019 Addendum also fails to adequately assess water contamination risks, relies on non-representative and statistically unreliable data, overlooks downstream water impacts, lacks closure and acid mine drainage prevention plans, and contains contradictory technical information.

Apr. 2021: DPM submitted a revised EIA Addendum (2021 EIA Addendum). Dr. Emerman and Meehan reviewed the revised Addendum and found that the 2021 EIA Addendum does not address previous concerns about hydrology and waste management, though it does clarify decision-making processes. It also reveals that untreated water from the tailings pond could enter waterways 15% of the time, rendering water unsafe to drink and toxic for agricultural use. Its assessment of acid-generating waste rock is based on only four samples lacks clear separation plans, reinforcing that the mine's design remains fundamentally flawed. The 2021 EIA Addendum confirms the unstable foundation at the Tailing Storage Facility. The experts considered the vaguely defined proposed mitigation measures to be implausible and unproven.

6 Jul. 2022: IFC CAO released a report, pursuant to a 2019 complaint lodged by communities. The report confirmed the severe risks associated with a potential failure of the tailings dam at the DPM mine. CAO's dam safety expert found that, due to the combination of seismic risk, intense rainfall, the planned height of the dam, and proximity of downstream villages, a dam failure would be classified as “extreme” under the ANCOLD guidelines—standards DPM claims to follow. The CAO report highlights that the 2019 Addendum, then the most current document on the mine design available, lacks essential detail on long-term tailings management, with no information beyond the first eight years of the mine's projected 30-year lifespan.

The report also notes that DPM has not recognized nearby community members as Indigenous Peoples under IFC safeguard policies, raising FPI concerns.

May-June 2023: A 2022 Addendum was reviewed by Emerman and Meehan. It lacks detailed plans for long-term dam safety, tailings management, and acid mine drainage prevention. Both highlighted persistent issues and noted that contamination could reach the Indian Ocean. 2025: The company claims it will use “tailings free” techniques for the mine. Experts do not believe this is possible. New ESIA has been submitted

Does the alleged victim believe she/he was targeted due to her/his Engagement in human rights, trade union, political, religious activities or other types of activities?

While individuals have not been targeted by the project authorisation, any person resident in one of the villages will be affected. There has also been a threat of reprisal locally for community advocates, with one individual facing threats to withdraw social services from multiple generations of their family if they continued to oppose the mine. There are many people of Batak Toba and Pak Pak ethnicities who are local to the mine and will be affected by it. Both communities are considered to meet internationally recognised standards for the identification and self-determination of Indigenous Peoples.

Has the incident been reported to the relevant authorities? Yes**Please include details of any complaints filed or any other action taken by the alleged victim(s) or anyone else on their behalf?**

Ministry of Environment and Forestry (which is now the Ministry of Environment) was found by the Jakarta State Administrative Court (Ruling No. 59/G/LH/2023/PTUN.JKT, dated 24 July 2023) to have violated multiple provisions of Law No. 32 of 2009 on Environmental Protection and Management in issuing PT Dairi Prima Mineral's Environmental Feasibility Decree (SK.854/MENLHK/SETJEN/PLA.4/8/2022). Specifically, the Ministry failed to ensure that the EIA was based on accurate data, reflected actual environmental and disaster risks, and upheld the right of communities to participate, violating Articles 1(11), 35, 37(1), and 63(2) of the law. The court also concluded that the Ministry's actions violated core principles of good governance, including transparency, accuracy, participation, and non-discrimination. In August 2024, the Supreme Court affirmed Ruling No. 277 K/TUN/LH/2024, ordering the revocation of DPM's environmental feasibility approval, following constant community pressure. The delay between the judgement and its implementation highlights persistent issue within Indonesia, specifically in timely enforcement and environmental governance.

Moreover, local government officials in Dairi Regency, including at the sub-district and village levels, were found by Komnas Perempuan to have facilitated biased public consultations by selectively engaging only pro-mining residents and excluding or intimidating those opposed to the project, including women.

Together with Inclusive Development International, an international NGO, we have filed a complaint to International Finance Cooperation's Compliance Advisor Ombudsman.

Has the Government taken action to prevent or investigate the incident, punish the perpetrators, or ensure compensation to the alleged victim(s)? No

Cultural rights

If the alleged violation relates to the right to access to, and enjoyment of cultural heritage, please provide information about such cultural heritage: whether it is recognized as national or international cultural heritage; who is responsible for protecting/safeguarding and managing it; which communities have a specific interest in it; etc.

As noted by The National Commission on Violence Against Women (Komnas Perempuan), the proposed DPM in Dairi Regency, overlaps with areas that hold deep cultural, historical, and spiritual significance for local communities:

- **Natural Cultural Sites:** Within the mining concession lies a natural spring emerging from rock, believed by locals to have been discovered by Sisingamangaraja, a legendary ancestral leader of the Batak people. This spring remains sacred and is considered a symbol of ancestral presence and protection. It also became the sole source of clean water for the community during the December 2018 flash flood, linking its cultural and survival significance.
- **Ancestral Burial Grounds:** The area contains traditional burial sites of local ancestors, which are regularly visited and honored through rituals and remembrance practices, central to the community's spiritual life.
- **Agricultural Heritage:** The fertile land is a site of intergenerational agricultural knowledge and practice, passed down through families. The name of Bonian itself is rooted in the word Bunin/Bibit (meaning seedling), symbolizing a longstanding cultural connection to farming, land stewardship, and biodiversity.
- **Affected Communities:** These sites and landscapes are closely tied to the identity, spirituality, and way of life of local Indigenous and farming communities, especially women, who play key roles in land care, food production, and cultural transmission. If the project proceeds, irreparable damage to all of the aforementioned community cultural heritage and tangible and intangible cultural property is likely to occur. The project risks severe impacts on the enjoyment of cultural life and could cause physical harm to sites of major cultural significance to local people. Any destruction brought about by the collapse of the tailings dam or ongoing contamination is likely to severely impact the rights of local communities to practice and enjoy their cultural heritage. Those impacts could be particularly severe for members of local Indigenous communities. If built, the project is also likely to have a deleterious impact on the treaty rights to self-determination.

Additionally, the lack of meaningful consultation by DPM and the failure of the Indonesian government to ensure adequate consultation precludes communities' participation in decision-making on matters that will have direct bearing on their cultural heritage both in the immediacy and for generations to come. Again, Indigenous community members may feel these impacts most acutely.

Perpetrators

Please specify the number of alleged perpetrators: 4

Is the identity/occupation of the alleged perpetrator(s) known? Yes

PT Dairi Prima Minerals (DPM) is a project vehicle for the DPM mine, which currently is the only project under the company. It is an Indonesian joint venture between the China Nonferrous Metal Industry's Foreign Engineering and Construction Co., Ltd. (NFC), a subsidiary of the Chinese state-owned mining conglomerate China Nonferrous Metal Mining (Group) Co., Ltd. (CNMC), and Bumi Resources Minerals (BRM), a subsidiary of the Indonesian coal-mining giant Bumi Resources. NFC's investment in DPM in 2018 was approved by the Chinese government.

In April 2024, the parent companies of DPM disclosed that Carren Holdings Corporation Limited will provide a loan of US\$245 million for the development of the project. Carren Holdings is a Hong Kong registered investment firm which is ultimately controlled by China's State-owned Assets Supervision and Administration Commission of the State Council (SASAC), a government agency, through the state-owned investment holding company China Reform Holdings Corporation (中国国新控股有限责任公司) and its subsidiary CNIC Corporation Limited (國新國際投資有限公司).

Were the alleged perpetrators State agents or believed to be State agents? Yes

MoEF was found by the Jakarta State Administrative Court (Ruling No. 59/G/LH/2023/PTUN.JKT, dated 24 July 2023) to have violated multiple provisions of Law No. 32 of 2009 on Environmental Protection and Management in issuing PT Dairi Prima Mineral's Environmental Feasibility Decree (SK.854/MENLHK/SETJEN/PLA.4/8/2022). Specifically, the Ministry failed to ensure that the EIA was based on accurate data, reflected actual environmental and disaster risks, and upheld the right of communities to participate, violating Articles 1(11), 35, 37(1), and 63(2) of the law. The court also concluded that the Ministry's actions violated core principles of good governance, including transparency, accuracy, participation, and non-discrimination. In August 2024, the Supreme Court affirmed Ruling No. 277 K/TUN/LH/2024, ordering the revocation of DPM's environmental feasibility approval, following constant community pressure. The delay between the judgement and its implementation highlights persistent issue within Indonesia, specifically in timely enforcement and environmental governance.

Moreover, local government officials in Dairi Regency, including at the sub-district and village levels, were found by Komnas Perempuan to have facilitated biased public consultations by selectively engaging only pro-mining residents and excluding or intimidating those opposed to the project, including women.

If the alleged perpetrators were State agents, were they acting in their official capacity? Yes**Additional information**

We bring this case to your urgent attention because it represents not only a gross violation of national and international environmental and human rights standards but also a looming humanitarian disaster. With this in mind, it is imperative that all licensing processes are suspended and the project is stopped before it is too late for local people and their environment. We do not believe that this project can ever be safely developed or brought into compliance with human rights and environmental standards. Experts do not believe the project can be constructed without a tailings dam, despite the company's claim. It is believed that a tailings dam will almost definitely catastrophically fail due to the location being underlain by unstable volcanic rock and extremely high precipitation. The threat of acid mine drainage will remain in perpetuity.

While the MoE has complied with the Supreme Court's instruction to revoke the environmental feasibility approval, this action alone is not enough to protect communities or fulfill Indonesia's obligations under domestic and international law. The fact that PT DPM retains its 2005 Approval and can still reapply for a new environmental approval for updated designs, means that the threat remains real and ongoing.

This case is a crucial test of Indonesia's commitment to the rule of law and to the human rights and environmental standards it claims to uphold. As noted above, the Indonesian government holds protective and pre-emptive obligations to protect the rights and environment of local people. To allow this project to proceed in any form would, in the view of the complainants, amount to an acceptance of unlawful levels of risk under both domestic and international law. Indonesia has obligations under international human rights law, including the ICCPR, ICESCR, UNDRIP, and responsibilities under the UN Guiding Principles on Business and Human Rights, to protect against foreseeable environmental and social harms, ensure access to remedy, and prevent further violations. The Indonesian government must act decisively to prevent further legal approval of this inherently dangerous project.

Alongside state obligations, business enterprises, including DPM and parent companies have clear responsibilities under the UNGPs to respect human rights, conduct human rights and environmental due diligence, and avoid causing or contributing to harm. Their failure to take actions about seismic risks, toxic exposure, and the threat of tailings dam failure demonstrate serious breaches of these responsibilities.

This ongoing situation represents a human rights crisis unfolding in real time, with immediate risks to the lives, health, and well-being of affected communities. Given the serious environmental, cultural and social concerns, we urge mandate holders to intervene.