call for
climate justice

Climate proceedings against Swiss cement company Holcim

Indonesian fishers call for the protection of their rights

Dossier for the main hearing on 3 September 2025

A campaign by

HEKS EPER
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In collaboration with

ECCHR EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

WALHI
Wahana Lingkungan Hidup Indonesia

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Introduction

Climate change is causing sea levels to rise, which is destroying the livelihoods of the people on Indonesia's Pari Island. The Swiss cement company Holcim bears a substantial degree of responsibility for this. Four residents are now demanding justice and have filed a complaint against Holcim in Switzerland. They want compensation for the damage they have already suffered and are demanding that Holcim reduces its CO_2 emissions quickly. They are also calling for Holcim to bear some of the costs for the measures to protect Pari Island from the rise in sea levels. **On 3 September, an initial hearing will be held at the Cantonal Court of Zug. The matter to be decided is whether the Court will consider the complaint, and thereby grant legal protection to the plaintiffs.**

This will mark the first time that a Swiss corporation will be held legally accountable for its role in climate change. Swiss Church Aid (HEKS/EPER), the Indonesian environmental organisation WALHI, and the European Center for Constitutional and Human Rights (ECCHR) are supporting the "Call for Climate Justice" made by the people of Pari Island in their quest for greater climate justice.

The case is of topical interest: The disastrous landslide that recently wiped out the Swiss mountain village of Blatten has shown what enormous damage climate change is causing. This is something that isn't only happening in the Alpine region, but also in the South Pacific where the homes of Ibu Asmania, Arif Pujianto, Edi Mulyono and Pak Bobby are slowly being submerged by the sea. Recently, the Higher Regional Court of Hamm in Germany ruled in a similar case (Saúl Luciano Lliuya vs. RWE) that "carbon majors" such as Holcim, whose massive emissions are largely responsible for climate change, can be held liable for such damages.

A historic case: For the first time ever, people from the Global South who are being directly impacted by the consequences of climate change will be facing representatives of a global corporation that is partly responsible for their situation in a Swiss court. Two of the plaintiffs, Ibu Asmania and Arif Pujianto, will travel to Switzerland and attend the hearing in the courtroom in Zug. However, the decision will probably not be made on the same day.

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Further information on the case is available here

https://callforclimatejustice.org/en

Photos and maps are available here

https://heks.picturepark.com/s/uP57J9kv

Background to the main hearing

What is the main hearing on 3 September 2025 about?

As it stands, the main hearing will only examine the procedural requirements, i.e. whether the procedural requirements of the complaint have been met and whether the court will consider the claim and thus examine its content. At the main hearing, the parties will meet for the first time in the courtroom and make a verbal plea on this issue. Further steps, such as the taking of evidence, have not been announced.

The way in which the proceedings will continue after the main hearing depends on the Court's case management and it remains to be seen what will happen. Under procedural law, a decision can be made immediately at the end of the main hearing or in the weeks and months following the hearing.

The aspects negotiated on 3 September 2025 are central to issues of climate justice and the legal protection of people affected by climate change in Switzerland. A positive decision would make it clear that there is no legal vacuum under civil law when it comes to the consequences of climate change and that people whose livelihoods are threatened by climate change have access to legal protection.

Have any decisions been made by other courts in similar cases?

In Switzerland, this is the first instance of climate litigation being brought against a company and therefore the first case of its kind. However, a number of foreign courts have already reached decisions in similar cases. Their considerations are of course not binding for the Zug court, but can provide valuable guidance. In these cases, e.g. in Germany, the Netherlands, Italy and New Zealand, the courts have clearly affirmed the justiciability of comparable climate complaints and considered careful substantive reviews to be necessary.

What is the significance of the main hearing?

The main hearing will give the court an important opportunity to hear and carefully consider the arguments of both parties. From the perspective of HEKS/EPER, WALHI and ECCHR, the hearing on 3 September 2025 is also an important interim step in the fight for climate justice: For the first time ever, people from the Global South who are being directly impacted by the consequences of climate change will be facing representatives of a global corporation that is partly responsible for their situation in a Swiss court. The significance of this moment is also underlined by the fact that Ibu Asmania and Arif Pujianto have decided to travel to the main hearing in person. We hope that their accounts of how they have been personally affected and their call for climate justice will not only be heard by the court, but also by the Swiss population.

Background to the case

What is the case about?

Climate change is already threatening the human rights of millions of people around the world. One direct consequence of climate change is the global rise in sea levels. On Pari Island in Indonesia, it has already caused damage to houses, roads and businesses. The inhabitants of Pari Island therefore have to take measures to protect their island. They bear the costs themselves, even though they have not caused climate change. In addition, due to climate change, large parts of Pari Island are expected to be covered in water by 2050, destroying the livelihood of its 1500 inhabitants. This is a situation that is unfair. The Swiss-based Holcim Group

is the world's leading cement manufacturer and one of the 100 largest CO_2 emitters among companies worldwide. Owing to its decades of excessive CO2 emissions, the Group has been a major contributor to climate change. As a result, four people—Ibu Asmania, Arif Pujianto, Edi Mulyono and Pak Bobby—representing the inhabitants of Pari Island have taken legal action against Holcim.

They are demanding the following from Holcim:

1. The proportional compensation of the climate-related damage caused on Pari Island
2. A 43% reduction in CO_2 emissions by 2030 and 69% by 2040 compared to 2019.
3. A proportional contribution to the costs of the adaptation measures on Pari Island.

The required reduction in emissions would be in line with the Paris Climate Agreement's goal of limiting global warming to 1.5°C.

Who are Ibu Asmania, Arif Pujianto, Edi Mulyono and Pak Bobby?

Ibu Asmania, Arif Pujianto, Edi Mulyono and Pak Bobby are residents of Pari Island, which belongs to Indonesia. All four have experienced damage or loss of employment caused by the island's frequent flooding. Ibu Asmania, Arif Pujianto, Edi Mulyono and Pak Bobby filed an application for conciliation in Zug, Switzerland, where Holcim has its headquarters, in July 2022. A conciliation hearing was held in October 2022. As no agreement was reached at this hearing, the four filed a complaint with the Cantonal Court of Zug in January 2023. They are supported by Walhi, the largest environmental network in Indonesia, HEKS/EPER and the Berlin-based European Center for Constitutional and Human Rights (ECCHR).

Why Holcim of all companies?

Holcim is one of the world's leading manufacturers of cement, the base material used to make concrete, and one of the 100 largest CO_2 emitters among all companies worldwide. Huge volumes of CO_2 are released during the production of cement. A study shows that the Swiss company emitted over seven billion tons of CO_2 between 1950 and 2021, which equates to 0.42% of all global industrial CO_2 emissions since 1750. In other words, more than twice as much as the whole of Switzerland in the same period. Holcim therefore bears a significant share of the responsibility for the climate crisis and is the largest so-called "carbon major" in Switzerland (further information on HEKS/EPER's criticism of Holcim's climate behaviour).

What does this complaint mean for the inhabitants of Pari Island and for people in other regions threatened by climate change?

With this complaint, the four Indonesians are demanding justice for the climate damage they have suffered. At the same time, they are making the public aware that climate-related damage and losses are a real and existential problem. The consequences of climate change are causing human rights violations, and the prospects for the future are frightening. The four plaintiffs know that the main perpetrators of the climate crisis are primarily located in the Global North, and that carbon majors such as Holcim bear a significant historical responsibility for the damage they have suffered and their future prospects. Rapid reductions in emissions are needed to avert the worst consequences of the climate crisis. By filing their complaint, the four Indonesians are thus also standing up for all those people who are already suffering climate-related damage and losses.

What legal steps are we talking about?

The four Indonesians filed an application for conciliation in Zug, where Holcim has its headquarters, in July 2022. This is the first step required to initiate civil proceedings (see Art. 197 et seq. of the Swiss Civil Procedure Code). With this mandatory procedural step, the judiciary attempted to avoid unnecessary proceedings. The Justice of the Peace sought to find an amicable solution with the parties. Were this to fail, the plaintiffs would have three months to file a complaint with the civil court. Unfortunately, Holcim did not signal any willingness to acknowledge its shared responsibility for climate change at the conciliation hearing in October 2022. The hearing was therefore unsuccessful. As a result, Arif Pujianto, Ibu Asmania, Pak Bobby and Edi Mulyono filed a complaint against Holcim with the Cantonal Court of Zug on 30 January 2023. In the summer of 2023, the Cantonal Court initially limited the proceedings to the question of the admissibility of the comp-

laint. Both sides have since commented on this in writing on several occasions. A trial will now take place on 3 September 2025, at which the plaintiffs and Holcim will be able to comment on these issues once again.

Why are the four Indonesians filing a complaint in Switzerland?

The complaint was filed in Zug, where Holcim Ltd has its headquarters. There are international treaties that Switzerland has ratified that govern where a complaint must be filed if the plaintiff and the defendant are not domiciled in the same country. In the case of a complaint for damages, the proceedings must be brought at the place of the defendant or at the place where the damaging act was committed. This is derived from the Lugano Convention (Articles 2 and 5) and from the Swiss Federal Act on Private International Law (Articles 33(2) and 129 et seq.).

What are the four plaintiffs demanding?

The four plaintiffs are each seeking individual damages from Holcim, compensation for psychological stress and a contribution to the costs of adaptation measures on the island (for the planting of mangroves and the construction of breakwaters—referred to in Indonesian as "bronjongs"—to protect the island). When converted into Swiss francs, their damages total around 3600 francs per person. It is important to emphasise that the plaintiffs are only demanding 0.42% of the actual costs to cover the damage and initiate adaptation measures, as a study carried out by the Climate Accountability Institute states that the company is responsible for 0.42% of all industrial CO_2 emissions generated since 1750. In addition, and this is the most important point, the plaintiffs are demanding a 43% reduction in Holcim's greenhouse gas emissions by 2030 and a 69% reduction by 2040. This is the only way to prevent further, even more serious damage for the inhabitants of Pari Island, as well as for millions of people living on islands and in low-lying coastal areas.

How are the plaintiffs justifying their claims?

The plaintiffs argue that their island is being flooded more often and more intensively. These floods are a consequence of rising sea levels, which are constantly increasing due to climate change. The plaintiffs claim that their personal rights have been violated, basing this on Article 28 et seq. of the Swiss Civil Code (CC). They assert, among other things, that rising sea levels and the increasingly frequent and severe flooding of their island are directly affecting their livelihoods, their right to life, their right to physical integrity and their economic prosperity, and that if emissions are not reduced, there is a risk of even more serious damage in the future. Compensation and gratification are based on the provisions set out in the Swiss Code of Obligations. In this sense, traditional legal remedies under Swiss law are applied.

What role is HEKS/EPER playing in this campaign?

HEKS/EPER has long been committed to the issue of climate justice on the basis of its strategy: Everyone has the right to a clean and healthy environment. Climate justice is based on the UN principle of "Common but Differentiated Responsibilities" and thus on the principle that the party responsible is liable for the damages. The main responsibility for the climate crisis lies with those actors who emit the most greenhouse gases, damage biodiversity or disproportionately exploit natural resources. At the same time, people who have barely contributed to the climate crisis are suffering from the consequences of climate change. Climate justice calls for a fair distribution of the burden between states, companies, individuals and generations. This is why the main causers of global warming—such as companies and countries that generate a high volume of emissions—bear a particularly large responsibility for the rapid and large-scale reductions of emissions as well as for the consequences of climate change, such as tangible or intangible climate-related damage and losses and climate-related human rights violations. In Switzerland, HEKS/EPER raises public awareness of the global connections between the causes and effects of the climate crisis and calls for the main causers of climate change located in Switzerland to participate in tackling the climate crisis. Based on its positions on climate justice, HEKS/EPER is therefore helping the four people from Indonesia by means of a support and awareness-raising campaign (see callforclimatejustice.org). HEKS/EPER is conducting this together with its long-standing Indonesian partner organisation Walhi and a renowned network of lawyers (ECCHR). For example, HEKS/EPER is organising various events to mark the main trial in September 2025. HEKS/EPER itself is not taking any legal action and is therefore not a party to the proceedings. The four plaintiffs are represented in court by a Swiss lawyer.

What are HEKS/EPER's goals with this campaign?

The aim of the HEKS/EPER, Walhi and ECCHR campaign is to help the Swiss population recognise and question existing injustices. Switzerland and Swiss companies contribute significantly to climate change through their global activities, but have not yet been held liable for this. The costs of the climate crisis have so far been borne primarily by people in the Global South. They must be able to claim compensation for their damages and losses. HEKS/EPER wants to support them in doing this.

What does HEKS/EPER want from Holcim?

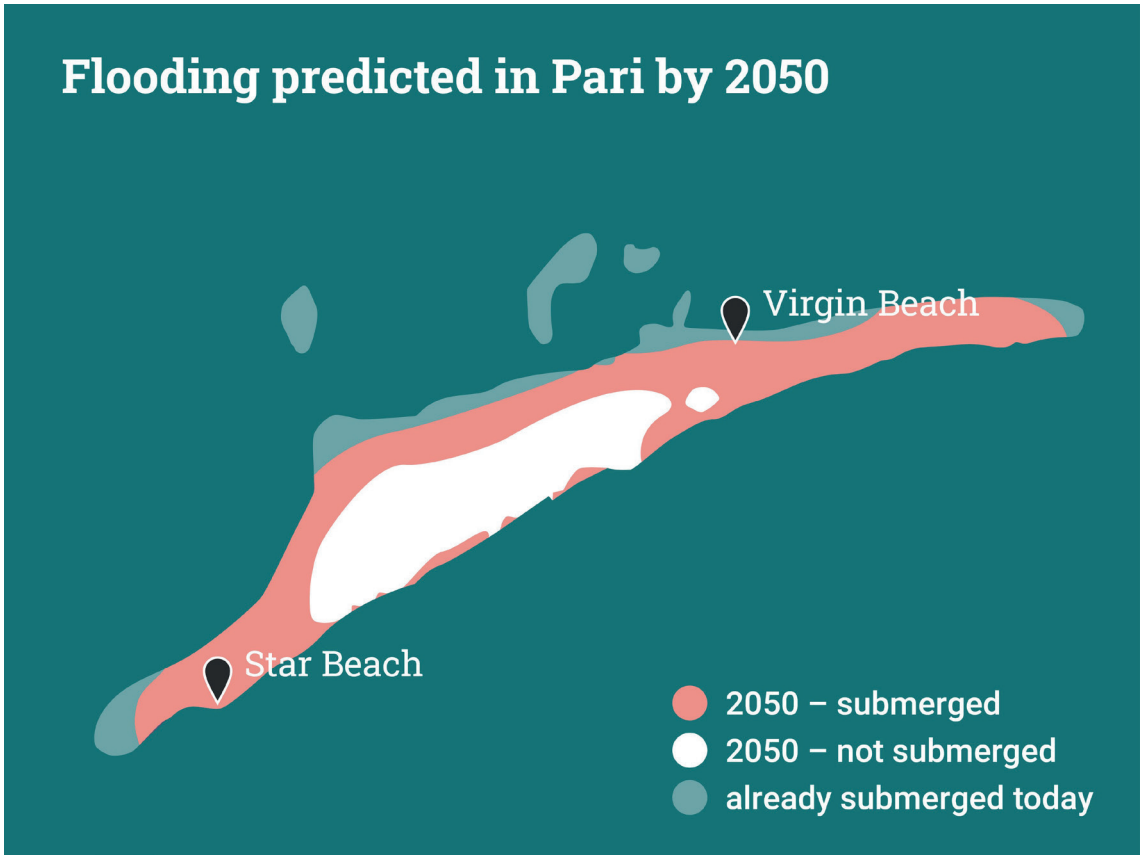
As the Intergovernmental Panel on Climate Change (IPCC) states in its Sixth Assessment Report, there is an urgent need to reduce CO_2 emissions worldwide in order to limit global warming to 1.5°C. Given the severity and irreversibility of the negative effects of global warming and Holcim's historical responsibility and economic performance, HEKS/EPER is calling on the company to set at least the following emission reduction targets in order to do its part to limit global warming to 1.5°C: a reduction in absolute and relative emissions of at least 43% by 2030 and 69% by 2040 compared to 2019 levels. HEKS/EPER confronted Holcim with these demands back in June 2022. As Holcim has not agreed to take the average emissions reduction path necessary to limit global warming to 1.5°C, HEKS/EPER is supporting the civil complaint filed by the four Indonesians against Holcim. The measures and targets currently set voluntarily by Holcim have proven to be insufficient due to the urgency of the climate crisis (further information on the climate behaviour of Holcim).

Who is financing the complaint?

The plaintiffs have submitted an application to the court for legal aid for the filing of their complaint. The Cantonal Court subsequently granted them legal aid.

Maps

Indonesia
Jakarta
Pari


Flooding predicted in Pari by 2050
Virgin Beach
Star Beach
2050 – submerged
2050 – not submerged
already submerged today

Asmania's story

Name: Ibu Asmania
Date of birth: 10 April 1983
Family: Married to Tono, three children: Ahmad (2006), Umai (2008) and Alwy (2014)
Profession: Owner of a guest house and a small store.

"I was born in Bekasi, in the west of the island of Java. When I was 22 years old, I married my husband Tono and moved to Pari Island. I have three children with him. Ahmad, the eldest, is already going to school on the mainland. My first job was as a fisherwoman and cultivating seaweed. But the ecosystem began to change and I had to give up the seaweed business in 2010.

In 2013, the residents of Pari Island decided to open up their homeland to tourism. I set up a small store and then opened a guest house. Today, we have four rooms that we can rent out to guests. Since 2020, I've also been cooking meals for my guests, so they can get the full service if they want it. We also rent out snorkelling equipment to tourists.

My husband and I also have a share in a fish farm off the coast of our island and own 14 sections there. If all goes well, we can sell the full-grown fish every nine months. My husband often goes fishing at sea himself, but we usually need his catches to feed our family and our guests.

The recurring floods affect our income. They bring dirt and oil with them and flood the fish farm. In 2021, I lost 300 of the 500 fish that were being reared at the time and there were almost no tourists for two months. We couldn't rent out rooms, we couldn't sell food, there were no customers in the store and nobody wanted to go snorkelling.

I'm worried about our future. I am also concerned with how women on the island are feeling the effects of climate change twice over. Family incomes are getting lower and lower, but women still need to be able to provide for their families. I prefer not to think about it too much, otherwise I feel sad.

To protect my family from flooding, my house would have to be raised on a higher foundation. And we urgently need a system to filter the water when the sea spoils the wells. We need to plant more mangroves and build breakwaters and dams so that the island is better protected from flooding. However, these measures are very expensive and we don't have the money for them."

Arif's story

Name: Arif Pujianto
Date of birth: 31 March 1971
Family: Married to Ibu Darsih, one child: Dandi (1999)
Profession: Mechanic and beach manager

"I come from the east of Java and came to Pari Island with my parents when I was three years old. This is where I married my wife Darsih. We have a son, Dandi, who is 26 years old. Dandi is a good diver and hunts with a harpoon. We make the harpoons ourselves, otherwise they are too expensive. Fish hunted with a harpoon also bring in more money than those caught with nets.

I live with my family in a house made of bamboo on Star Beach. There, I make sure that the beach is clean for the tourists. We work together with the other families living nearby and clean the sand regularly. We have installed a donation box on the beach. We need the money generated by this box to maintain the picnic tables and the hammocks and chairs that we provide. We divide what is left among ourselves, but it doesn't add up to much, so I also work as a mechanic in my workshop behind the house. I repair motorcycles, the diesel engines from small boats and also the tuk-tuks. These are the collective taxis that we use on Pari Island. There are no cars here. I can just about make ends meet with the workshop. Fortunately, I can also weld. Only a few people on the island can do that, so that's how I gain new customers.

Star Beach is flat, which is why the floods at the end of 2021 and 2024 caused major damage here. The courtyard and all of the rooms in our house were completely flooded. The floods often come at night, quietly and unexpectedly, which really scares us. We then have to quickly rescue all of our electronic devices, raise the fridge off the ground and get ourselves to safety.

After the flooding in 2021, parts of the walls of our house started to rot and I had to repair them. We also had to buy water because our well was spoiled by the saltwater. And of course, no more tourists came to the beach. We also had a garden with banana and papaya trees which all died after the floods.

The tides sometimes wash baby turtles onto the beach and they can't survive on their own. That's why I put them in a large water tank and now feed them. I love all animals and also look after seven Angora cats.

I'm scared that there will be more flooding and my house will be damaged again. I'm also worried about the water situation. In addition, more and more sand is being washed away, which means we are losing the beach. To protect my family, I would have to rebuild my house on the beach on a more stable foundation. Or move to another location on higher ground. But we can't afford that."

HEKS supports cooperative development projects in over 30 countries on four continents to combat poverty and injustice and to advocate for a life in dignity for all people. At the same time, HEKS works towards systemic change through its development policy work – in Switzerland and worldwide.

ECCHR is a non-profit and independent human rights organization based in Berlin. It was founded in 2007 to enforce the rights guaranteed in the Universal Declaration of Human Rights, as well as in other human rights declarations and national constitutions, through legal means. Together with affected people and partners worldwide, we use legal means to ensure that those responsible for torture, war crimes, sexualized violence, economic exploitation and sealed borders do not go unpunished.

The “Indonesian Forum for a Living Environment” (Wahana Lingkungan Hidup Indonesia, WALHI) is the largest and oldest environmental NGO in Indonesia and part of the Friends of the Earth International (FoEI) network. Founded in 1980, WALHI is comprised of nearly 500 organizations with independent offices and grassroots groups in 27 of the country's 31 provinces. WALHI addresses a wide range of issues, including conflicts over access to natural resources, farmer and indigenous rights, as well as coastal, marine and forest conservation. In addition, WALHI works on several overlapping issues such as climate change, equality and disaster mitigation.