

PUBLIC REPORT 2004

FIRST PART

CHAPTER I

PREFACE

GENERAL

As a public organization, YLBHI has a responsibility to make annual accountability report that represents the works and programs it had done for the past year, 2004. To determine YLBHI's success or failure, the results are valued from three main parameters, which are: **first**: whether the 2004 programs had been done in accordance with the organization's vision and mission or not. **Secondly**, were the 2004 programs consistent with 2003 – 2006 programs that had been legalized before? **Thirdly**, have the YLBHI and its programs that had been conducted throughout the year of 2004 met the needs and expectation of the stakeholders. Based on the three parameters the works of YLBHI for the past year can be effectively evaluated.

Generally, YLBHI has been known as an organization that advocates in Legal Aid, Human Rights and Democracy. The YLBHI three core competences that make YLBHI significantly unique and different from other civil organizations are carried on simultaneously under one institution. Hence, this report will give illustration on how YLBHI has conducted its programs throughout the year 2004, including those related to the issues in Legal Aid, Human Rights, and Democracy.

Part 1

Unlike the previous year annual report, October 2003 – December 2004, that had been based on work organization in YLBHI environment, the 2004 report will be based on issues and

themes that are Legal Aid, Human Rights and Democracy, in which the YLBHI and all its branches will be included in their coalition. This report will be written into two parts of activity reports as follows:

Chapter I: contains preface about the general system and the goal of the report.

Chapter II: contains work plan of the year of 2004 that was an elaboration of general programs of years 2003 – 2006.

Chapter III: contains illustration of strategic issues of Economic, Social and Culture (ESC) rights that had been advocated by board of committees of YLBHI throughout the year of 2004.

Chapter IV: contains YLBHI board of committees' activities in civil and politics strategic rights advocating throughout 2004.

Chapter V: contains one-year YLBHI financial report, the financial condition and policies, the organization financial sources, and the money spending allocation in 2004.

Part II

Chapter VI: contains brief illustration about Human Rights problems from all LBH branch offices point of views throughout the year 2004.

Chapter VII: contains reports from all LBH branch offices in Indonesia under YLBHI.

As for the financial report, YLBHI as a public organization that work for people's need, has published October 2002 – December 2003 financial report in several national newspapers, which are **Harian Umum Kompas, Harian Umum the Jakarta Post, Harian Umum Sinar Harapan** and **Harian Umum Rakyat Merdeka**. This is the first time YLBHI published its financial report for public. The mechanism of publishing financial reports for public openly should be the organization tradition for upcoming years. Therefore, YLBHI can keep and maintain its integrity

and credibility as a public organization. The 2004 financial report had been also audited by independent auditors and published in national print media.

Goal

Generally, the report is a form of YLBHI accountability report to the public that has been YLBHI-LBH stakeholders. As the stakeholders that receive implications from YLBHI-LBH works, public have the right and should make use of them to comment on and judge its scope of works.

Specifically, this report is YLBHI-LBH implementation of transparency and accountability principles that have been greatly socialized to people. The implementation of the two principles shows that YLBHI-LBH do not hold hypocrisy or have double standard in striving to fight for the values they believe. What YLBHI-LBH fights for are consolidated and realized in their internal organization management.

As final words, hopefully this accountability report would be beneficial to all, have a nice reading and analyzing.

Chapter II

Organizational Work Programs Year 2004

Work programs for YLBHI -LBH offices in 2004 – were developed by referring to Four Years Plan 2002 – 2005 document that was lastly updated at the National Leader Meeting at Wisata Jakarta Hotel in November 2002. In 2002 – 2005 period, four strategic issues was established; (1) inclusive and participatory procedure in politico-legal development; (2) democratic security and how to make democracy work; (3) real freedom for all through social justice fulfill, and finally; (4) consolidated and independent internal organizational framework. The next step is to formulate strategic goals as follows,

1. To strengthen and to increase political procedure awareness and inclusively, deliberatively, and participatory developing legal that based on gender and cultural differences aspects.
2. To guarantee democratic security and to maximize people participation to fulfill and strengthen democracy.
3. To increase people's efforts in the level of paradigm, institutional level, and real actions to socialize and expand people awareness of justice.
4. A consolidated, independent and strived YLBHI-LBH as an institution; therefore it has sufficient capability to achieve its goals.

Based on above strategic issues, YLBHI committee board held a meeting in Puncak, West Java to formulate three main basic fields of advocating programs for YLBHI-LBH future works, which are: (1) democratic assessment; (2) legal reform, and (2) access to Justice.

II.1. Theoretical Assumption and Situation Analyzing.

Since the fall of the authoritarian New Order in 1998, many problems in social, political and economical sectors need to be improved by the people of Indonesia. In nation political sector, in order to initiate more democracy, government institutions need improvement and reconstruction. The reconstructing of government institutions have been started from MPR (People's Consultative Assembly), DPR (House of People's Representative), Presidential and MA (Supreme Court). Besides the reconstructing, there are new additions of government institutions, such as Mahkamah Konstitusi (Constitutional Court) and Komisi Yudisial (Judicial Commission). The reformation of nation political system is a consequence of constitutional reformation that has been done for the last five years. Reformations have also been done in democracy infrastructure and life. Indonesia has also been reforming the system of election and political party by changing some of their laws and policies, as well as to change DPR system and management.

The changes naturally imply to people political awareness and others democratic institutions, or Civil Society Organization (CSO). The implications are challenges people and CSO must face to live a more democratic life. The challenges can at least be categorized into three levels:

First, to strive and to value the work of the institutions – formal democratic and governmental, even the infrastructures of the democracy itself, which are political parties, in guaranteeing, protecting and fulfilling people's basic rights or human rights, whether civil political rights or social, economical and cultural rights. It is very crucial to sustain the democracy process so it will not cease on the skeleton of democratic formal institutions systemizing only, but it should be a perpetual process in order for people to fight for their basic rights. In addition, people can also judge the institution's work of scope in fulfilling people's basic rights.

Secondly, to build and to lay a foundation of jurisdiction skeleton in order to guarantee people's rights legally. The making of jurisdiction skeleton should be continuously processed by revising many regulations –started from the bottom regulation like Peraturan Daerah (Regional Regulation) - that do not support Human Rights and Democracy. The revising is needed considering the decentralization process in a form of regional autonomy, has an authority and power to create many regulations intended to people.

Thirdly, to force and to provide legal system for people so that they can get their basic rights through legal and formal mechanism. It includes legal aid for people to access justice.

From the above three levels, in 2004 YLBHI tried to work on the programs systematically. The programs were inseparable parts from YLBHI four-year program, “Making Democracy Work”. To materialize idea of making democracy work, YLBHI established three main programs that would be implemented on YLBHI organizational works.

II.2 Program Planning

In this part the three YLBHI-LBH programs planning will be rationalized.

II.2.1. Democracy Assessment Program

It has been a general wish and idea that in passing and through political transition nowadays, the changes and transitions will work if nation's functions and characters are changed and adjusted in a certain way so they would go perfectly fit with the goals of the changes. Therefore it is logical that next in the process of the transformation, government institutions, including all the branches institutions under, are prone to critics in political and legal areas. Amidst the political transition in Indonesia, constructive critics to the governments – even though were delivered in

various forms based on logic – paradigmatically were dominated by neo-liberalism point of views, whose purposes and orientation could be described as follow:

First, libertarian sees that the ongoing political transition has to eradicate government's intervention toward individual rights and market mechanism. With that argument the most suitable country for them is a minimum state. This view is based on an argument that any other than a minimum state potentially threatens and eliminates individual freedom. Therefore, government's part needs to be limited effectively; political freedom is expanded while free trade economy is fully maximized. In political and legal areas, libertarian political thoughts are very right – centered, which means the more various individual rights are admitted by government, the more democratic the country is. In reality, these ideas are reflected in Human Rights issues that give priority to civil and political freedom and rights problems. Reformation critics from libertarian have a significant flaw, which is the anti state spirit (view the state as where the main problem lays) that is so prominently and perpetually strong. The anti state spirit has very big possibility to lessen the government capacity to work on its social duties. The fact that people can only enjoy some rights if the nation is “strong” sometimes is ignored and forgotten.

Secondly, freedom issue that is always voiced loudly by libertarian can be easily becomes a new empowering pillar by free trade guerillas and international trade power to dominate other public areas. In other words, this idea is not sensible enough to see economical and political implications from privatization and powerless country. The implications are rooted from the vastly expanding capitalism and new market monopoly, as they can be seen from many privatizations nowadays that set aside marginalized people and widen the gap between public access to school, affordable transportation, hospital and health care, etc.

Thirdly, as a result of excessive orientation of formal institutions and state legal instruments, libertarian's fundamental point of view fails to see the power of 'agenda setting' from conservative factions (such as militarism and political mafia) and the ability of "non-state" actors (like patriarchs, nature destroyer industrialists, slave owners, and many more) to relive the old dominant era. At the end, this idea has to content with the fact of a very liberal country as a result of formalism in political plural life, while dominant relationship and violence start to happen and expand in people life.

From here it can be concluded that reformists' critics that based on neo-liberal argument fail significantly, especially in translating the connection between political freedom, the state (social integration) and domination.

Furthermore, besides the previous paradigmatically problem, we need to see new external sectors among Indonesia people. Even though we have left the leadership of authoritarian regime for almost a half-decade and the political leadership had been changing several times, we still are facing with some fundamentally political problems like the increasing and widening scale of corruption and bribery and the expanding violence, whether in a form of communal or formal political violence. Besides that, the ongoing multi-party system and political liberalization are not ready yet to develop a system and rational political procedure that deliberatively guarantee people authentic participation. These were obviously reflected in the failure and deadlock grass root aspiration in the power structure at regional level. It proves that political parties do not automatically improve the quality of democracy or public participation.

In addition, other than the above *routine politics* problems, democracy and the fight for human rights Indonesia still has to deal with other structural problems that influence social integrity and the future of the state, such as conflicts and violence clash in Aceh and Papua, and tense situation

among primordially and sectarianism communities. In the old practice and power paradigm, these signs are not parts of new multiculturalism and poliethniscity approach, but easily translated in to a *state security* orthodoxy approach, which at the end will underline repression and security politics a la New Order. In other words, these signs ensure us that there is a chance for militaristic style to solve social problem to revive again. This is another threat to the democracy growth and human rights in Indonesia. From those aspects we can conclude the two most essential factors that support democracy process in Indonesia are:

First, for Indonesia, the context of democracy and the efforts to fight for it in the post-authoritarian time need to be viewed in a broader concept, which mean democracy has to be seen not only as the expansion of civil liberties but also the expansion of social justice. This means democracy has to be seen as a combination of two fundamental elements, which are autonomy and solidarity. In other words, democracy is not non-interference situation but non-domination situation. In this point we can see the two most significant areas within democracy;

1. A state that is generally powerless and ignorant with its social responsibility but put more priority on factional needs, from which new possibilities of authoritarian seeds can rise from the strong impunity, lacks of attention to social programs and welfare.
2. International economic power and globalization that potentially expand and create new forms of, particularly, economy and cultural domination.

Secondly, above tendencies ensure us that reformation and democracy cannot be treated as final products that automatically materialized as soon as the previous authoritarian regime fell. Democracy is not a machine that would go itself even though its barriers had been destroyed. In a term of vision, although Indonesia democracy is an empty signifier, it opens up to all any chance, whether to strengthen the foundation of democratic security, or to weaken and destroy it

once again. From here democracy and politics generally has to be seen as an open and undecided chamber with rivalry opportunity to its components and enemies. Departing from that, the process and walk path of democracy have to be closely and continuously watched by public. For that reason YLBHI see an urgent need to create a reference instrument to objectively, comprehensively and participative judge and evaluate democracy in Indonesia.

II.2.2 Legal Reform Programs

One parameter to regulate democracy system in one country is to see how fair and impartial the legal system works. Contemporary democracy style always demands the state to run the government based on the rule of law. Government and civil society has been working on the legal reformation for long time ago, especially since the reformation era in 1998. However, Indonesia still faces problems like bad and rotten justice system that affects people's trust to the judicial system apparatuses such as, Judge, Police, and Prosecutor that have not professionally work on their duties. This bad and rotten system problem also happens to lawyers that also work within the justice system. Other professionalism problems are corruption, bribery and violation of due process of law that all of them decreasing people's trust to government. Furthermore, legal problems in Indonesia surface in structure, content, and culture of law, -including the judicial system apparatuses. Many regulations are overlapping, which means many regional regulations contradict with one another. The content of the regulation, including articles and bills that have not yet been passed, adopted principles of democracy and human rights and do not give legal assurance and opportunity to justice.

In addition, a regulation formulation process has not shown public participation or adopted free and meaningful participation principle. That condition can be seen in at least seven laws, which

are (1) Criminal Codes (Kitab Undang-undang Hukum Pidana), (2) Civil Law (Kitab Undang undang Hukum Perdana),(3) Laws on Human Rights Trial, (4) Terrorism Laws, (5) Housing Laws, (6) Laws on Education, (7) Laws on Health Care.

The legal culture of the people also needs more attention. A lesson people adopted about the state's violent approach and the loosing of people's trust to judicial system apparatuses also bring up another problem, which can be seen in the newest phenomena in society like take the law into people's hand, for example, people burning because he is accused doing crime, the increasing criminal cases, and other cases.

II.2.3. Access to Justice Programs

Legal Aid Institute (LBH) was born from the awareness to help poor people accessing justice. Following that first step, LBH realized the need of systematical efforts to improve Indonesia legal system. The new awareness brought activists, legal aid workers, and lawyers together to help people and to support the reformation and democratization. Without democracy, the enforcement of laws, people protection and human rights fulfillment cannot work properly. In the next development LBH not only helps poor people but also victims of violence by the state apparatuses (structural violation). The LBH assistance to the victim of structural violence were materialized into a written concept that is called "Structural Legal Aid" (Bantuan Hukum Struktural) with a vision *to build a democratic civil society order that is participative and with fulfillment of social justice and gender.*

For more than 30 years, LBH has been defending victims of human rights violation. Traditionally LBH clients are labors, farmers, fishermen, and urban people, students and other elements that are considered as oppositions by the on power government. Megawati Soekarnoputri –then the President of Indonesia -, who leads Indonesia Democratic Party (PDI),

was a LBH client. She was a victim of repression done by New Order regime under President Soeharto in the attack of PDI headquarter office case on 27 July 1996. Many lawyers in several provinces united in PDI defending team (TPDI).

The 1998 reformation brought important changes in the state system. However, it does not automatically bring significant and fundamental changes in democracy life and legal system. People's economical, social, cultural and political rights violations done by the state are still going on in high quality and quantity. For majority of people, justice is still something that out of reach and impossible to get. That fact can be seen in number of cases from LBH client in 14 offices. Every day LBH staffs receive number of reports. For example, LBH Jakarta, receives at least ten reports per day. It becomes unavoidable that many cases need to be handled. Because of limited resources and energy, the cases are selected very carefully by referring to parameters, which are financial condition of reporter, criminal, and contribution of supporter for client to democratization and legal reformation. To work on these duties, cases are separated into three main issues, which are economical, social and cultural violations, civil and political rights and finally women and children rights violations.

II.3. Financial Support.

Working programs that have been made are going to be supported financially by public financial sources and funding agency.

Chapter III

Economical, Social and Cultural Rights Advocacy

Economical, Social and Cultural (ECS) Rights that are people's basic rights are separated into five main issues, which are: Labors Rights, Farmers Rights, Right to Education, Right to proper Housing, and Right to Health Care and Proper Environment. The five rights are based on strategic issues in Indonesia from the whole 13 items ESCR in international covenant of ESC Rights.

This chapter covers a report that was made based on the five ESCR strategic issues and their advocacy activities, which are cases advocacy, policy advocacy, campaign program and supporting program.

III.1 Labors Rights

III.1.1 Cases Advocacy Program

III.1.1.1 PT. Idea Karya Indah Cases Advocacy.

YLBHI was representing hundred of labors of garment factory PT. Idea Karya Indah (IKI). The efforts that have been done were:

1. File a report to the police about the chief director PT.IKI Agung Nugroho for Jamsostek fraud cases worth Rp.103 million
2. Making a petition to court for confiscating Agung Nugroho's personal and company's asset for his failure to pay the labors' salary and on leave money.
3. Demand the Indonesian Entrepreneur Association to black list PT. IKI head leaders, including Agung Nugroho, Baresman Batubara, I Gede Mangku, and Mrs Kyu Boon Choi.
4. Demand the Man Power Service of Bogor to report PT.IKI directors to the police for backing off from the negotiation meeting with the labors.

5. Demand the Regional Office of Industry and Trade of Jakarta to abort the company's permit.
6. File a report of Mrs. Kyu Boon Chai, as the capital owner, to Korean Embassy for neglecting her labors.

The labors held a protest in early December 2003 because their November salary had not been paid. Moreover, without any notice the company was suddenly closed. Next, the labors took Agung Nugroho a hostage for two days one night. The labors leader was arrested at that time, but now was freed from jail.

III.1.1.2 Hotel Indonesia Workers Case Advocacy

On 24 May 2004, YLBHI welcomed 56 Hotel Indonesia (HI) staffs that had been fired. The case had begun when HI planned to step into privatization with BOT system (build, operate, and transfer) for 20 years with PT. Cipta Karya Bumi (PT. CKB) from PT. Djarum group. PT. CKB would renovate HI and Inna Wisata by investing Rp. 1.3 trillion, then firing the staffs. In this advocacy process YLBHI teamed with LBH Jakarta.

III.1.1.3. Industrial Conflict Between Indonesia Labors Association and PT. Idola Bangun Idea, Tangerang.

YLBHI facilitated and gave legal help for labors that joined Indonesia Labors Association (GSBI) when PT IBI fired its 360 workers. The outcome was P4P decided to win the labors and ordered the company to hire them again.

III.1.2. Policy Advocacy Programs

III.1.2.1. Law Advocacy on Labors Conflicts

YLBHI actively criticized Draft of Law/ Laws (RUU/UU) of Labors Conflicts by participating in public discussions campaigning about the flaws of the regulations.

III.1.2.2. Advocacy of Man Power Regulation Draft and Industrial Conflict Resolving Regulation Draft (PPHI)

During the process of discussing the Man Power Regulation Draft and Industrial Conflict Resolving Regulation Draft (PPHI) plans, YLBHI with other NGOs actively scrutinized its content. Besides that, YLBHI also reported a presumably bribery of a DPR member in this process to Komisi Pemberantasan Korupsi/ Commission for Corruption Eradication.

III.2. Farmers Rights

III.2.1. Case Advocacy Programs

III.2.11. Case Advocacy of Manggarai- NTT Farmers, the victims of violence by security apparatuses

YLBHI with other NGOs teamed in Tim Advokasi untuk Rakyat Manggarai(TARM)/ Advocacy for People of Manggarai to give legal aid for casualties from a clash between police apparatuses and people in Manggarai, Ruteng police headquarter, on March 10, 2003. Among the victims are 5 dead casualties, 28 badly injured from the shooting, and more than 10 people suffers from small injury. TARM reported Antony Bagul, Mayor of Manggarai and military involved with the clash to Human Rights National Committee (Komnas HAM). This incident cannot be separated from series of violence done by the military operation to farmers since 2002, especially after the memorandum of understanding, No 09/DJ-/IV/LH/2002, between Forestry Department (DepHut) with Indonesia Police (Polri) and Military, about forest watch operation and forest commodity. Based on the understanding, all farmers' productive fields were destroyed by a team of Manggarai Polres, Kodim 1612 Ruteng, People Police, Natural Resources Conservation

Board, Ruteng, Ruteng State Court, and officials from subdistrict. This incident induced farmers' protest since 2002.

III.2.1.2. Facilitating People of Desa Marga Mulya, Cileles, Lebak, Banten Case.

YLBHI helped to facilitate people of the village to Department of Public Works (Departement Pemukiman dan Prasarana RI) to complain about the unusable main road that connect Marga Mulya village to other areas. The very bad road had hindered transportation from and to this village and had slowed food distribution. Department of Kimpraswil sent surveyor team to survey the condition of the road and to analyze the possibility to improve the road. The improvements included main road, *palt duicker*, bridge and alleys. To build the new facilities Department of Public Works included the road improvement in Marga Mulya village budget to 2005 National Budget.

III.2.1.3 Advocacy of Farmers Case in Cilamaya Village, Karawang

District attorney and local police accused farmers in Cilamaya village to fraud KUT fund. To counter the accusation YLBHI asked the district attorney and the local police to issue SP3. YLBHI is still representing Cilamaya village farmers and the case still being investigated by Karawang police.

III.2.2 Policy Advocacy for Farmer's Rights

III.2.2.1. Judicial Review of Constitution No.7/2004, on Water Resources in the Constitutional Court.

Since the end of May 2004, YLBHI together with others CSO have been preparing to judicial plea to review the law No.7/2004 about water resources (SDA) that contradicts the Constitution (UUD 1945). Formally, the law on SDA contradicts with articles 18, 27, 28, and 33 of the state constitution.

III.3. The Right to Housing

III.3.1. Case Advocacy Program

III.3.1.1 Advocacy of Purnawirawan Perwira Tinggi (Pati) Indonesian Army in the case of service house conflict in Pati Gatot Subroto housing compound.

Pati army veterans complained to YLBHI about the Army High Chief's plan to take their service houses in which they have been living for years. Some who lodged the complain were Brigjen TNI (Pur) Ben Mboi, a former governor of East Nusa Tenggara and his wife dr. Nafsiah Mboi; Letjen TNI (pur) Mashudi, a former governor of West Java; Mayjen TNI (Pur) Atam Sukasumah, a former Head of military Police ABRI; and two still active armies, dr.Sudarso, who works in Department of Defense and dr. Sumardjo who still serves at RSPAD (Army Main Hospital). The report was followed by a letter issued by the Commander of Detasement Indonesian Arm Forces Headquarters (Dandenma), Colonel (Kav) Endang Supriadi, No SE/51/111/2004, which was an order to move out within one month. According to dr. Nafsiah Mboi, since the letter was issued on March 30 2004, it meant they have to move out on April 30 2004. The letter also said that Indonesia Army offered Rp.120 million compensation per house and helps on moving facilities. YLBHI tried to mediate and help to negotiate with KSAD, General Ryamizad Ryacudu.

III.3.2 Campaign Program for Right to Proper Housing

III.3.2.1 Housing Policy for the Earthquake and Tsunami Victims in Nanggroe Aceh Darrusalam and North Sumatera.

YLBHI eagerly promoted victim's needs and wishes considering their urgent housing rights in Aceh reconstruction and rebuilding program. YLBHI supports LBH Banda Aceh as the operational base for the program.

III.4. The Right to Health and Healthy Life Environment

III.4.1 Case Advocacy Program

III.4.1.1. Case Advocacy of Bojong People to Reject Collective Waste Management (TPST) in Rawajeler Village

YLBHI with other NGOs advocate thousand of people from four villages in Klapanunggal sub-district, Bogor District who refused TPST Bojong in Rawajeler village, Bojong. One of many arguments from people was that this TPST violated Natural Environment Management, specifically article 5 that states every citizen entitles to healthy and clean environment. Moreover, the TPST also violated Regional Regulation No 17/2000. On November 22, 2004 a clash between military apparatuses and people of the village erupted. Until now YLBHI still gives legal help to the victims.

III.4.1.2. Advocacy on Buyat Case

On September 2004, YLBHI demanded the police to keep investigating the presumably case of Teluk Buyat pollution by PT. Newmont Minahasa Raya (NMR). The demand was a respond of USA Ambassador Ralph L Boyce's intervention when he asked for a delayed arrest for one American suspect of the case. Before that he also came to the President Megawati to deliver his wish on the arrest. Boyce should respect Indonesian Law and not interfere with the case. Lately YLBHI and other NGOs also stated their anxiousness and dissatisfaction toward the court's decision that won NMR.

III.4.2. Policy Advocacy Program

III.4.2.1. Advocacy on Draft of the Euthanasia Regulation

YLBHI stated that not only in Indonesia but also in other countries, euthanasia is still a long controversial argument. For that reason, many countries still have not legalized the act of euthanasia yet but Dutch and several states in USA. The legalization, though, needs to be underlined because it is not judicial institution coverage but medical jurisprudence coverage. Under Indonesia positive law, which is based on KUHP, legal protection can be given under three conditions, life/body, dignity and material. In this case of euthanasia can be included in life/body. The problem is an occurrence of a dilemma: is it better to save life of a patient or “torture” them. There is not any article in KUHP that specifically states about euthanasia. In article 344 and 345 KUHP for instance, only states about taking someone’s life, but never discuss about brain dead or else. Another dilemma could even emerge on a definition about life or spirit that refers to beliefs or religions. YLBHI really hopes that all parties could discuss and share ideas about this matter.

III.4.3. Campaign Program

III.4.3.1. Promotion of the Environmental Right as one of the Human Rights

YLBHI believes that we need a mechanism to examine and to put criminals in environmental cases before court. YLBHI eagerly and actively campaigns the environmental through activities held by many organization or others CSO. YLBHI views the Constitution (UUD 1945) has regulated the matter in article 28 on social environment, article 28, letter H, verse 1 that explicitly says about the environmental, and also article 33, verse 4 about national economy. Article 33 verse 4 is one of Indonesia economy foundations states that development improves, not degrades the country, including in the case of environmental degradation.

III.5. Other Issues on Economical Social and Cultural Rights

III.5.1. Corporate Social Responsibility Seminar

Other than advocating on Economic, Social and Cultural strategic issues, the YLBHI Board of Committee also promotes the idea of *Corporate Social Responsibility* to be legalized by Government. To promote the CSR, the board of committee held a seminar on Corporation Crime and Corporate Social Promotion (Accountability) Responsibility. In this seminar YLBHI promoted corporation accountability in Human Rights fulfillment. This one-day seminar, which was a work of consolidation between YLBHI with Graduate Program of Faculty of Law from Sriwijaya University, presented DR. Todung Mulya Lubis, the head of Legal Bureau of PT. Pupuk Sriwijaya, and A. Patra M. Zen, Director of Law and Human Rights YLBHI. Other than promoting through seminar, YLBHI also actively involves as speakers in many discussions and seminar held by other NGOs.

III.5.2. The Molding of Corporate Social Responsibility Network

The network advocates, monitors and campaigns the corporate social responsibility concepts/ideas to companies in Indonesia.

III.6. Jurnal Diponegoro 74 Publishing

To support the ideas of Economic, Social, and Cultural strategic rights, YLBHI tried to encourage scientific discourses related to the ESCR. One effort YLBHI has been doing is consistently publishing a scientific journal, named Jurnal Diponegoro 74, which has reached intellectuals and society hearts so far. No.11/February – May 2004 edition was a national newspaper's (Kompas 20/3/2004) choice of review. Started from that edition, the journal has been having changes, not only on its layout but also its scope of analysis; not only it covers

Human Rights and Democracy, but also analysis of social theory and politics. In this edition many knowledgeable writers like Abdullahi An-Na'im, a social researcher from Sudan; Ernesto Laclau, a professor in Political Theory; Antonius Widyarsono, a political science doctoral student of University of Essex; Alan Badiou, a French scientist; and Robertus Robet, YLBHI vice chief, contributed to the journal. The next edition of 12/October – December 2004, presented the contributed writers were such as Etienne Balibar, a philosophy professor from *Universite de Paris-X*, French Natterre and a Critical Theory professor at University of California, Irvine, USA; Daniel Hutagalung, YLBHI research director; Jon Simmons, a senior lecture of Critical Theory and Director of MA program at Postgraduate School of Critical Theory and Cultural Studies, University of Nottingham, England; A Patra M. Zen, YLBHI Director of Laws and Human Rights; Togi Simanjuntak, a journalist, writer and editor of historical, political, media and human rights books; and Tariq Ali, a historian, film maker, novelist and chief editor at *New Left Review*.

Chapter IV

Political Civil Rights Advocacy

Preface

YLBHI Board of Committee also conducts an advocacy for people's Political Civil Rights. The advocacy covers cases, policy and also campaign and supporting programs.

IV.1. Case Advocacy Program

IV.1.1 Case Advocacy of the Raid against CIJ Convent in Waibalun, Larantuka East Nusa Tenggara.

YLBHI with other NGOs formed Tim Solidaritas untuk Gerakan Rakyat Larantuka (TERGERAK)/Solidarity Team for People of Larantuka Movement. The team issued a statement regarding “ The Raid and Dismissing of a Peace Protest in Waibalun – Larantuka, East Nusa Tenggara”. This case began January 2 – 3 2004, when police officers from satuan Perintis Polres East Flores and Brimob attacked CIJ Convent Waibalun to dismiss a peace protest from Civilians for Abolishing Corruption, Collusion and Nepotism (KKN) in East Flores. East Flores Police apparatuses dismissed the solidarity camp, and then followed with an attack to private places (clausura) of CIJ Waibalun nuns without any notice or coordination to head of the convent before. A group of drunk civilians also involved in this attack, threatening and cursing the nuns of CIJ Waibalun. YLBHI demanded Head of the Police, General Da'I Bachtiar to act and investigate Kapolres East Flores AKBP Drs. Darto Juharto and involved apparatuses. YLBHI also asked Mabes POLRI and The Attorney General of Indonesia to examine and investigate presumably corruption, collusion and nepotism case committed by East Flores Mayor, Felix Fernandes.

IV.1.2. Advocacy to Case of Abu Muslihun alias Qatadah, Kidnapped in Solo

In February 2004, YLBHI did advocacy to the family of Abu Muslihun alias Qatadah (35), a kidnapped victim from Juwiring, Klaten. He was kidnapped presumably by Detasemen 88 Mabes POLRI in Sudadi's house (40) a father of 2 children from Kenteng RT2 RW3, Ngadirejo, Kartasura, on June 30. YLBHI and Front Perlawanan Penculikan (FPP)/Front Against Kidnapping Solo, facilitated and mediated Qatadah's in-laws to come to Mabes POLRI and Kontras/Commission for disappearances and Victims of Violence.

IV.1.3. Case Advocacy to Arbitrary Arrest of some Students in Aceh

YLBHI together with other NGOs that joined in Aceh-Papua Solidarity (SAP) gave legal assistance to the case. The victims were (1) Masrizal who was accused as Abdussalam Abdussalam (a GAM profile); (2) Iwan Irama Putra, a semester 9 student of IAIN Ar-Raniry Banda Aceh, Faculty of Tarbiyah/TKI and also an activist IMPEL (Association Student of Linge); (3) Harlina (Lina), a student in Darussalam Banda Aceh.

IV.1.4 Case Advocacy and Monitoring of the Gross Human Rights Violations in Abepura, in Makassar Human Right Court

YLBHI and other NGOs did advocacy to victims of gross human rights violation, which took place in Makassar Human Right Court. The gross human right violation case is related to the case of after raid to Abepura Police headquarter on December 7 2001. The suspects were Jayapura Kombes Daud Sihombing, the former Papua Kapolda Brigjen SY Wenas, and a former Dansat Brimob Polda Kombes Johnny Usman.

IV.1.5. Case Advocacy of Kidnapping Victim Air Setyawan, Luthfi and Urwah.

YLBHI and other NGOs gave advocacy to the family of kidnapping victims. On August 11, 2004, YLBHI accompanied and mediated the victim's family, Agus Purwanto, Air Setyawan's father, to Republic of Indonesia Police Headquarters. Directorate VI Anti Terror Mabes Polri informed that the three victims were arrested in the case of Marriot bombing that asked for 12 lives on August 5 2003.

IV.1.6. Advocacy to Iwan Fals, the Case of Manusia Setengah Dewa Album

On August 2 2004, Iwan Fals and his wife reported the case of a cassette album "man half god" that was considered insulting Hindu religion by some parties. His visit was also related to the third petitions he received from the representatives of Raja Agung, AA Ngurah Alit Wiraputra, Cokorda Ngurah Mangunsawirana and I Gusti Agung Oka Suryaryanata (the president of Hindu Dharma Intellectual Forum). YLBHI sent a team to Denpasar Bali to meet the most competent source in this problem, which was Parisade Hindu Dharma Indonesia (PHDI) and to arrange a meeting with the legal representation from the offended side. YLBHI concluded that Iwan Fals did not violate any laws. Articles that were pleaded by the legal representation, articles 156 and 157 about insulting, were not suitable and unfit.

IV.1.7. Case Advocacy to the Victims of Anti Terrorism Law, Jakarta

In the criminal case no.205/Pid.B/2004/ South Jakarta State Court with Ahmad Sofyan alias Tamim as the suspect, public prosecutor accused the suspect had violated article 15 jo article 16, article 14 UU No. 15, 2003 jo article 55, verse (1) 1, Indonesia Criminal Codes, article 15 jo article 7 and article 13 letter a and c UU No.15, 2003 about Abolishing Terrorism Act. The suspect was threatened with maximum 20-year jail sentence and capital punishment, minimal 3 years jail sentence. The crime case No. 267/PidB/2004/ South Jakarta State Court with Slamet Widodo alias Urwah alias Pepen as the suspect. Public prosecutor accused him with article 15 jo

article 15, article 6, article 15 jo article 7 and article 13 letter c UU No.15, 2003 about Abolishing Terrorism Act. The suspected was threatened with maximal 20 years jail sentence and capital punishment with minimum 3 years in jail.

A crime case No. /Pid.B/2004/ South Jakarta State Court with Suprpto bin Parsam, Muhammad Solihin bin Abdul Salam dan Heru Setyanto bin Slamet Riyanto as the suspects. Public prosecutor accused them with article 6 jo article 15, article 9, jo article 6 UU No. 15 2003 jo article 55 verse (1) 1 Indonesia Criminal Codes and article 1 UU RI No. 12 1951 jo article 55 verse 9(1) Indonesia Criminal Codes. The suspects were threatened with maximal 20 years jail sentence and capital punishment with minimum 3 years in jail. South Jakarta State Court decided Ahmad Tamim was proven guilty according to article 15 jo article 6 UU and article 13 letter a and c No. 15, 2003 about Abolishing Terrorism Act and sentenced with 5 years jail. The suspect pleaded not guilty and also pleaded to high court. The next trial still decided that Tamim was guilty and sentenced him with 7 years in prison. Taminm pleaded his case to General Attorney and investigation process is still going on. The suspect Slamet Widodo alias Urwah alias Pepen was guilty for committing a crime based on article 15 jo article 7 UU No. 15, 2003 Abolishing Terrorism Act laws and was sentenced 3 years in prison. Based on the decision, the suspect was threatened with maximal 20 years in prison and capital punishment, minimum 3 year in jail. For Suprpto bin Parsam, Mohammad Solihin and Heru Setyanto, South Jakarta State Court sentenced them with 7 years in jail, on July 1, 2004. The suspects plead not guilty and asked for another trial to DKI higher court, which sentenced them for 7 years in jail. The suspects are still waiting for cassation.

IV.1.8. Case advocacy of Abu Bakar Ba'asyir Jakarta.

Abu Bakar Ba'asyir was accused committing a crime as in article 48 UU 9/1992, article 1 (1) UU Darurat 12/1951, article 216 of Indonesia Criminal Codes, article 104,110, 170,187 ter, 188 and 406 of Indonesian Criminal Code (KUHP). The trial was held by South Jakarta State Court, taken place in Department of Agriculture building. Abu Bakar Ba'asyir was sentenced with 2.5 years in prison.

IV.1.9. Case Advocacy of Students of Abu Bakar Pakistan University, Jakarta

YLBHI facilitated three students of Abu Bakar Pakistan University in Central Jakarta State Court. Muhammad Syaifuddin was accused violating article 15 jo article 6, article 16 jo article 6 Indonesia Law No. 15, 2003 about Anti terrorism Law, article 266 verse (1) and 263 verse (2) Indonesian Criminal Code. The suspect was sentenced with two years in jail from 4 years first accusation and still pleading for higher court (terrorism accusation were not proven). Ilham Sopandi alias Husni Rizal was sentenced with 1 year 3 months in jail from 2 years accusation (terrorism accusation were not proven). Furqon Abdullah was sentenced with 1 year 2 months in prison from 2 years accusation (terrorism accusation were not proven).

IV.1.10. Case Advocacy of Muhamad Iqbal alias Abu Jibril, Jakarta

YLBHI facilitated and mediated Muhamad Iqbal in Central Jakarta state court with accusation of violation of immigration laws. YLBHI also picked Fihir alias Fihirudin Moekti alias Abu Muhammad Jibril upp from Salemba prison, worried that police apparatuses would arrest him again. Muhammad Jibril was sentenced with 5 months in prison.

IV.1.11. Case Advocacy of Tionghoa Descendents in Tegal Alur Jakarta

Society understands that SKBRI is unnecessary to make ID card for descendent people, so they could get documents they need through regional/village administration.

IV.2. Campaign Program on Anti Torture

IV.2.1. Drafting and Delivering the Development of Torture Report in Indonesia to CAT

The result of research, workshops, seminars and discussions on torture in Indonesia were composed into a report intending for CAT and hopefully could encourage the government to do the same. *Special Repporteur on Torture* might also be needed in Indonesia. On October 22, 2004, YLBHI sent a delegation to join the annual CAT meeting in Geneve – Swiss. YLBHI delegation consisted of Munarman, Robertus Robert and Donny Ardyanto. The delegation's duty was to deliver the development of torture report in Indonesia. Other responsibility of the delegation was to build network among CAT members in order to have more CAT help and attention regarding torture problems in Indonesia. The delegation also needed to build a network with other international NGOs that concerned with torture, such as lain APT, ICMT, Forum Asia. YLBHI delegation also met couple of CAT members namely: Mr. Andreas Mavrommatis (Cyprus), Mr. Ole Vedel Rasmussen (Denmark), Mr. Yu Mengjia (China) and Ms. Felice Gaer (USA). Mrs Gaer and APT even willed to come to Indonesia to contribute in an international seminar on torture in Jakarta.

IV.2.2. Research on Torture

As a country that already ratified Anti Torture convention, there are many torture cases happen in Indonesia. The cases of torture often happen in conflicts areas like Aceh, Ambon, Papua and Poso. In other places such as Makasar, Bulukumba, Mataram the torture cases also happened. In general, in all Indonesia an area, torturing is still one part of the process of criminal code system, and particularly done by police and in prison. The main reason why YLBHI collected data from

media or victim reports from LBH offices that this research could be presented as preliminary studies on torture problems in Indonesia. The research conducted in January to May 2004, tried to see the starting illustration about torture pattern in Indonesia. The research concluded that

1. Potential actor of the torture was still dominated by Indonesian military officers and Police.
2. Torture mostly happened in conflict areas like Aceh and Papua.
3. Torture potentially could also happen in city areas, related to eviction of place or space case
4. Torture often happened to poor and marginalized people.
5. Torture also often happen within the process of criminal code system. This is need further research and analyzing.

IV.2.3. The Commemoration of Anti Torture Day

July 26 is the Anti Torture Day that was established by international community. This is the perfect moment to socialize anti torture movement to Indonesian government and society. The main goal of the campaign purposely for Indonesia Government is to reevaluate recommendations provided by CAT on anti torture movement. Moreover, Indonesia Government will need to report the development of the anti torture case, the result of Anti Torture Convention to CAT and its recommendations to Indonesia Government. Together with YLBHI, other participants in the campaign were Anti Torture Network consisted of NGOs such as, AJI Jakarta, ELSAM, Formappi, HRWG, IKOHI, Kompak, Kopbumi, LBH Jakarta, LSADI, PEKAT, PolWatch, PBHI, Sekar, VHR, WALHI, YAPPIKA and YSIK. The campaign program was held from June 22 – July 2 2004, with agendas as follow:

- Discussion titled “The Watching Result of Implementation of UN Anti –Torture Committee Recommendations” on June 21 2004 at Ibis Hotel, Tamarin.
- Discussion titled “Reformation of Laws and Institutions for Implementing Anti Torture Convention” on June 24, 2004, from 1 PM to 3 PM in Sahid Hotel Jakarta
- Balloons Parade for “Peace and Anti Torture Movement” on June 25, 2004, from 1 PM to 5 PM, at Bunderan HI and Polda Metro Jaya.
- Visiting to and Discussion with several Police headquarters in Jakarta on June 30, 2004.
- Discussion and Press Conference to observe Hari Bhayangkara on July 1 2004 at Café Zanzibar.
- Focus Group Discussion with theme “ Observing the Implementations of UN Anti-Torture Commission’s Recommendations by Government” on July 2, 2004 at Santika Hotel, Jakarta.

IV.3. Campaign Program on Clean Election

IV.3.1. Election in Nanggroe Aceh Darussalam

YLBHI indicated that there is an assumption about the establishment of a civil front/militia in Aceh. YLBHI viewed this front/militia could be wrongly used by any political party to create fear in society. YLBHI also asked the government to reconsider about having election under “military urgent” condition.

IV.3.2. National Movement For Not Voting the Rotten Politician (GNTPPB)

YLBHI with other CSOs formed a National Movement for not Voting the Rotten Politicians. YLBHI published a newspaper that contained names and profiles of DPR members’ candidates that have bad track records (involved in KKN or Human Rights violation)

IV.3.3. YLBHI Statement to Political Parties and Political Elites that Refused to Accept the Result of 2004 Election.

YLBHI released a press statement on April 13, 2004 regarding political parties and political elites that refused to accept the result of 2004 election. In its statement YLBHI clearly said:

First, we regret the rejection of the election result from political parties and political elites because it would induce further damages to Indonesian constitutional democratic republican system that we are trying to strengthen now. Not only that would create a dead lock political path that gives advantages to small hands of political adventurers, but also their own personal's and group's intentions could discourage people's aspiration, participation and spirit.

Secondly, we call all political parties to view the temporary result of the election as a reflection of people's wish, and need for improvements. People's aspiration has been clearly materialized in this election, hence whoever the president or whichever the winning party will be, the improvement agendas; laws enforcement; justice; poverty and unemployment abolishment, are final purposes that have to be achieved.

Thirdly, regarding to unfair election issues, we demand for independent investigation, not only to KPU but also to all involved parts in the election logistic providers, as soon as the election were completely finished.

IV.3.4. Campaigns on Witness Protection in the Election Violation Cases

YLBHI stated the need to create a norm that regulates specifically about witness protection in the election violation cases. Until now, the regulation to protect witness can only be found in Indonesia Criminal Code and Corruption Abolishment Laws for corruption case witness.

IV.3.5. Direct Presidential and Vice-Presidential Election Campaign

Not too long before Presidential election, YLBHI held a public discussion with acknowledged sources, namely: Ikrar Nusa Bhakti, researcher on political development in Indonesia from Lembaga Ilmu Pengetahuan Indonesia (LIPI); Munir and Munarman, the chairperson of the YLBHI Board Committee. Before the presidential election was held YLBHI also asked the President candidates to include corruption abolishment and Human Rights fulfillment platform in their governmental programs. YLBHI gave an example of Zhu Rongji, China Prime Minister, who strictly rules and punishes corruptors, even if they are his people.

IV.3.6. YLBHI Statement toward Arrest Order to Wiranto by Serious Crime Unit

Serious Crime Unit issued an arrest order letter for the former Panglima TNI General (ex) Wiranto, regarding gross Human Rights violation cases in Timor Leste in 1999. In November 2003, Serious Crime Unit also issued the same letter for Letkol Yayat Sudrajat, one from six military suspects accused for Human Rights violations in Timor Leste. In Timor Leste regional court, since last February, Wiranto with seven others military high chiefs were accused for human rights violations and put before court in Timor Leste. The letter is either a response from the Ad hoc court process of human rights severe violations or legal efforts from persecutors in Timor Leste. However, YLBHI also believed that the letter, which was issued not too long before presidential election, purposely created a political rumor to hinder Wiranto's chance to be president.

IV.4. International Campaigns

YLBHI took a part in Advocacy of Human Rights in International Forum: The-60th Human Rights Commission Meeting

Together with others NGO, before UN 60th Human Rights Commission Meeting, (March 15 – April 23, 2004) in Geneva, Swiss, YLBHI released a press conference for UN Human Rights Commission to actively support and help in handling many Human Rights violation cases in Indonesia. Some of the cases that were presented by YLBHI were: Terrorism Laws, the Bulu Kumba violence case, and repressive actions toward students; human rights defenders protection problem, NGO offices raids; ESCR violation, such as forced eviction; impunity problem, for example, the unfinished case and closed access to justice for severe human rights violation victims (Tanjung Priok Tragedy in 1965) and conflicts areas problem in Nanggroe Aceh Darrusalam and Papua.

IV.5. Some Other Issues related to Laws and Civil and Political Rights

IV.5.1. YLBHI Statement on the Court Process and its Decision of Akbar Tanjung Case

YLBHI and other organizations issued a statement regarding the accusation and arrest to Akbar Tanjung for corruption cases. Moreover, YLBHI also demanded legal process to him as one of the New Order profiles and the president of a political party that was guilty the mostly New Order's criminal cases. As a respond to the High Court's decision of this case, YLBHI saw that the High Court justified ordered corruption. Aside of that, YLBHI also recommended the former president BJ Habibie to be responsible for his order in Bulog case according to criminal codes.

IV.5.2. Presumably Corruption Case of Nanggroe Aceh Darrusalam Governor, Abdullah Puteh.

On May 15, 2004, YLBHI asked the government to non-activate Nanggroe Aceh Darrusalam governor and show its serious will to handle Aceh problems, including to eradicate corruption that involved Aceh governor, Abdullah Puteh. Besides Puteh case, YLBHI also asked for accountability report of the state financial spending that reached more than Rp. 3 trillion, spent by PDMD for martial law period in Aceh.

IV.5.3. Returning Documents of May 1998 Riot Case by Attorney General to Human Rights National Committee (Komnas HAM).

YLBHI viewed the returning of May 1998 Riot case investigation documents to Komnas HAM as throwing fireballs action-- Attorney General had no confidence and self esteem to handle the case --. In other words, Attorney general has no courage to face military Generals and TNI institutions. It is believed by YLBHI that the document returning had no relation with juridical problem but more to political problems.

IV.5.4. The Decision of Human Rights Ad Hoc Court on Tanjung Priok Case.

On August 13, 2004, YLBHI and others NGO released a press conference to respond to the court decision to free Mayjen Sriyanto on the Tanjung Priok Ad Hoc case. YLBHI saw the decision as a justification to violence done by state apparatuses.

IV.5.5. Presidential Decree on Facility and Allowance for Former President and Vice President.

YLBHI sees Presidential Decree regarding allowance for former president as an unethical action and is problematic because it was signed by President Megawati at the end of her presidential

period. The decree stated the amount of allowance that reached Rp. 20 billion, car equipped with chauffeur, pension, medical allowance, guards and other facilities.

IV.5.6. The Meeting between Director of Narkoba of Police headquarters Brigjen Gories Mere with Ali Imron at Starbucks Café, Jakarta.

YLBHI condemns the meeting and saw it as a conspiracy to corner Abu Bakar Ba'asyir. YLBHI then asked the head of the Indonesian Police to dismiss Gories.

IV.5.7. Rp 1 billion reward from the Police to get the suspect of BNI Robbery worth Rp. 1, 3 trillions

YLBHI thinks the reward was ineffective to get the fugitive Adrian Herling Woworuntu back to his cell. His run is Police's responsibility and if any indication that police is involved in this, YLBHI would recommend to investigate the Head of Badan Reserse dan Kriminal (Kabareskrim) Polri and to dismiss him from his position if necessary. YLBHI also stated that the reward money would be better of to improve police quality of work.

IV.5.8. Evaluation of Human Rights Situation and Condition in Aceh Under Civil Emergency Status.

On November 3, 2004, YLBHI and others NGO made a call to the government to evaluate NAD civil emergency status and to make real efforts to create peace situation in NAD. One of YLBHI recommendations was to open more access to this secluded area.

IV.5.9. The Plan of Establishing Truth and Friendship Commission between RI and East Timor.

YLBHI and others NGO think the plan to establish the Commission of Truth and Friendship (CTR) has a flaw, which could be a way to compromise the human rights criminal cases. For that reason YLBHI supports UN Secretary General to keep maintaining the plan to form the Commission of Expert to conduct its function to examine, analyze and scrutinize human rights violations in Timor Leste. In domestic level, YLBHI also made a recommendation to Susilo Bambang Yudhoyono – Yusuf Kalla to end impunity in Indonesia.

IV.5.10. Mahkamah Konstitusi/Judicial Court Decision to Judicial Review on Advocate Laws

YLBHI very appreciated the spirit of the pleader and MK decision because sociologically, real access to justice for poor people has been really limited. However, YLBHI also stated that dissenting opinions from MK Judges are still need to be analyzed

IV.5.11. YLBHI Statement about the Need to Improve Supreme Court Work in Handling Corruption Cases

YLBHI recommended transparency system in Supreme Court (MA) body. For instance, Bagir Manan, the head of MA, can simply issue transparency policy in handling case, explaining publicly cases status and their decisions. Secrecy policy can provoke dirty practice, which can be seen in the letting free of corruptors without clear explanation.

IV.6. Case Advocacy

IV.6.1 Advocacy of TNI Laws and Draft of Intelligence law

YLBHI actively did advocacy to TNI and Intelligence draft of Laws. One form of advocacy was to hold semi-seminar in 4 provinces and to release press conferences, including media briefing on August 5, 2004, with Kemitraan as an institution that financially supported YLBHI. President Megawati legalized the draft of laws on October 16, 2004. Parts of society thought that the laws had adopted 80% of people aspirations, even though several fundamental problems were still not covered, such as territorial command problem.

IV.6.2. YLBHI's Respond to Dismissing Komite Pemeriksa Penyelenggara Negara (KPKPN) and Establishing KPTK/KPK.

Mahkamah Konstitusi/ Constitution Court decided to dismiss KPKN based on laws No.006/PUU-I/2003 and established the Commission to Abolish Corruption based on Laws No. 30/2002. Just like two sides of a coin, KPK establishment has 2 aspects; the negative and the positive aspects. The positive aspect is KPK is an integration of all power to abolish corruption, but on the other hand with the KPKPN dismissing, the perpetual process to decapitate corruption had an "empty time" between the times to abolish KPKPN, the time to establish the new committee. Five months after KPTPK/KPK establishment, YLBHI had a chance to deliver its disappointments over KPK works. KPK always gave the capital reason, the late financial support from the government, as its main reason every time YLBHI asked about its works. It is really hard to completely fight corruption because the government – especially people who have power in the matter – does not have political will. Even if they say they actually have the will, mostly it is only lip service.

IV.7. Supporting Program for Civil and Political Rights

IV.7.1. Aceh Working Group

The network tries to build Nanggroe Aceh Darrusalam as a peaceful place. At the present time, efforts are being made to compile a recommendation or resolution to be proposed to the government in order to create and maintain peace in Aceh.

IV.7.2. The Sixth Year Commemoration of the Fall of the New Order Regime

On May 21, 2004, several student organizations in Jakarta and other big cities, commemorated the sixth year of the collapse of president Soeharto and New Order regime. To commemorate the fall of the New Order students made a long march started from YLBHI office to end in jalan Cendana, where the former president resides.

IV.7.3. The National Meeting of Civil Society

YLBHI and others CSO held a Meeting of Civil Society on August 22 – 26, 2004. This meeting resulted in the improvement agendas for future Indonesia. After the meeting, YLBHI had a chance to facilitate and mediate victims of Teluk Buyat case to deliver their report to USA embassy in Jakarta.

IV.7.4. The Making of the New Generation of Indonesia (GenBi)

YLBHI together with others CSO formed the New Indonesia (GenBi) to campaign the clean, fair, and honest election. This generation also determines to leave the old Indonesia and support a new civilization that is democratic and fulfilling the human rights. This movement is also a beginning of a new consolidation for Indonesia's future.

IV.7.5. Workshop on Making Local Democracy Works

The workshop program was held in all LBH offices in Indonesia and several YLBH-LBH networks. The workshop had purposes namely:

1. To map out economical and political problems in local (community) level, especially if they are related or caused by regional autonomy.
2. To understand power relations in local (community) level.
3. To comprehend the process of economical and political exploitations that happen in community under globalization context and neo liberalism
4. To establish a program together

Until this report was written down, the workshop had been done in 11 cities, which were: Bandar Lampung – Lampung Denpasar – Bali, Padang – Sumatera Barat, Samarinda –Kalimantan Timur, Palembang – Sumatera Selatan, Manado – Sulawesi Utara, Jakarta – DKI Jakarta, Mataram – Nusa Tenggara Barat, Bandung – Jawa Barat, Medan – Sumatera Utara, Makassar – Sulawesi Selatan ; the next workshop will be held in Surabaya – Jawa Timur, Semarang – Jawa Tengah, Yogyakarta – Daerah Istimewa Yogyakarta, Jayapura – Papua, Banda Aceh – Nanggroe Aceh Darussalam. The workshops were joined by 20 – 30 people from each city. Most of the people who joined the workshops were activists from local organizations; farmer, labor, fisherman, student and urban marginal group. From the workshops in 11 cities, it could be concluded that:

- People political awareness was relatively low. Politics was still seen as something unreal, even as something evil and dirty.
- The awareness to join or to form organization was also relatively low.
- In economy sector, the problem mostly people faced was capital problem – production or facility problem --.

- The awareness to build a regional collective economy system was low. Cooperation as a concept of economy development had distorted. To make it worse, in a couple of places cooperation already had gained negative image for they had become local institution for usurer.

Chapter V

Financial

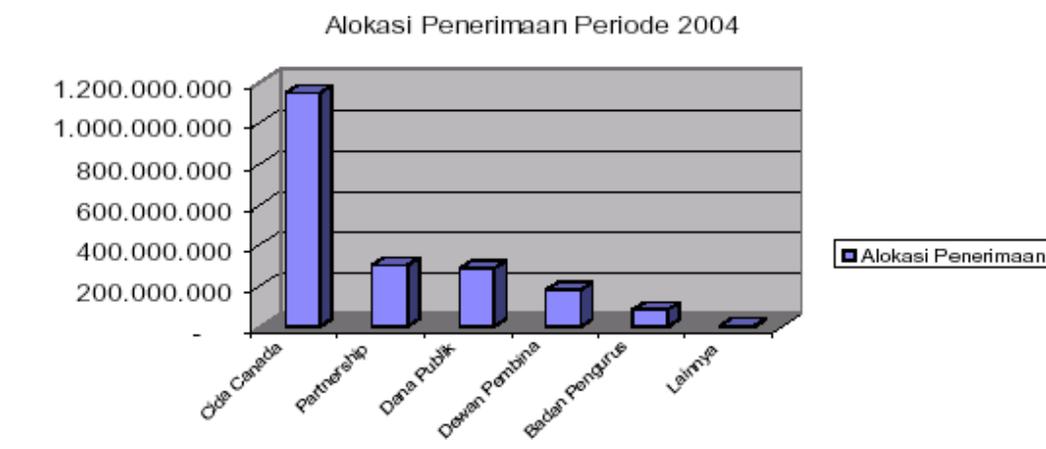
V.1. Financial Sources and Budgeted Allocations

YLBHI financial supports come from CIDA Canada, Partnership, public donation and members of Board of Trustee, also come from YLBHI partnership with domestic NGOs.

Table 1
Report of financial support YLBHI in 2004

No	Keterangan	Total	%
1	Cida, Canada	1.148.716.410	57,03
2	Partnership	301.891.535	14,99
3	Dana Publik	287.750.000	14,29
4	Dewan Pembina	180.000.000	8,94
5	Badan Pengurus	86.996.000	4,32
6	Lainnya	8.937.500	0,44
	Total	2.014.291.445	100

Illustration 1
Financial support in 2004

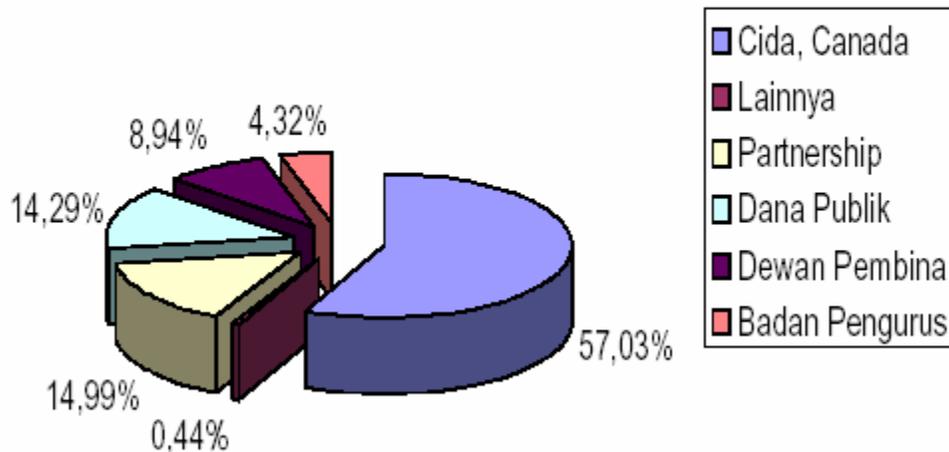


From previous table can be seen clearly financial support YLBHI accepted during 2004.

The following illustration is financial support YLBHI accepted based on the sources

Illustration 2
Allocation of financial support in 2004

Alokasi Penerimaan Periode 2004



V.2. Budget: the Spending and the Realization

As an organization that quantitatively large, YLBHI needs relatively big amount of financial support to pay for internal routine programs or organization overhead cost, including to pay employers' salary, or others routine cost like telecommunication, electricity, office stationery, etc. The costs are Board of Director responsibility and in office level, are LBH director of internal programs.

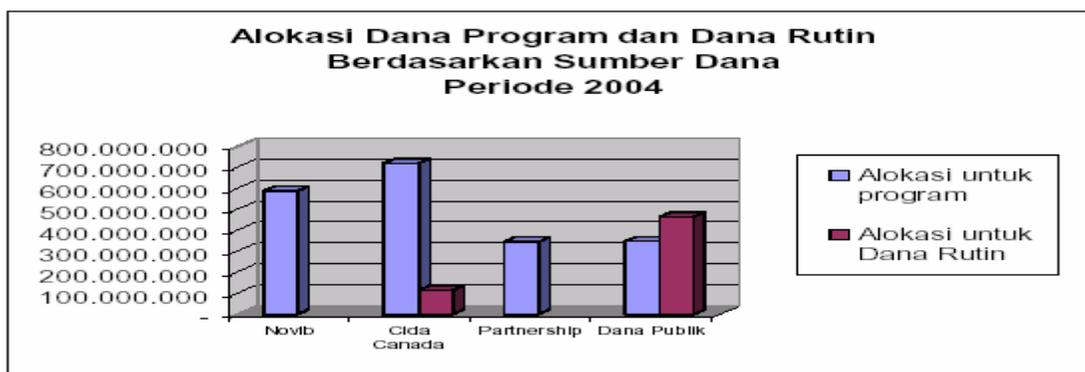
Table 2
Comparison between Money Allocation for programs and overhead cost 2004 period

No	Sumber Dana	Alokasi untuk program		Alokasi untuk Dana Rutin	
		Total		Total	
		Jumlah	%	Jumlah	%
1.	Novib	588.256.600	29,44%	0	0
2.	Cida, Canada	718.342.245	35,95%	115.365.340	19,93%
3.	Partnership	345.262.125	17,28%		
4.	Dana Publik Dana Internal Dewan Pembina Badan Pengurus Lainnya	346.560.575	17,34%	463.449.394	80,07%
	Total	1.998.421.545	100,00%	578.814.734	100,00 %

Previously, the overhead cost came from the main donation that routinely was supported from Novib. However, at present the budget allocation for internal routine cost comes from public donation and YLBHI.

Allocation of routine budget, which was supported by CIDA, was only spent for paying PIRD staff salary and renting the office in Jl. Mendut, and also for routine programs held by this division. In the mean time, financial support from Novib was spent for internal programs.

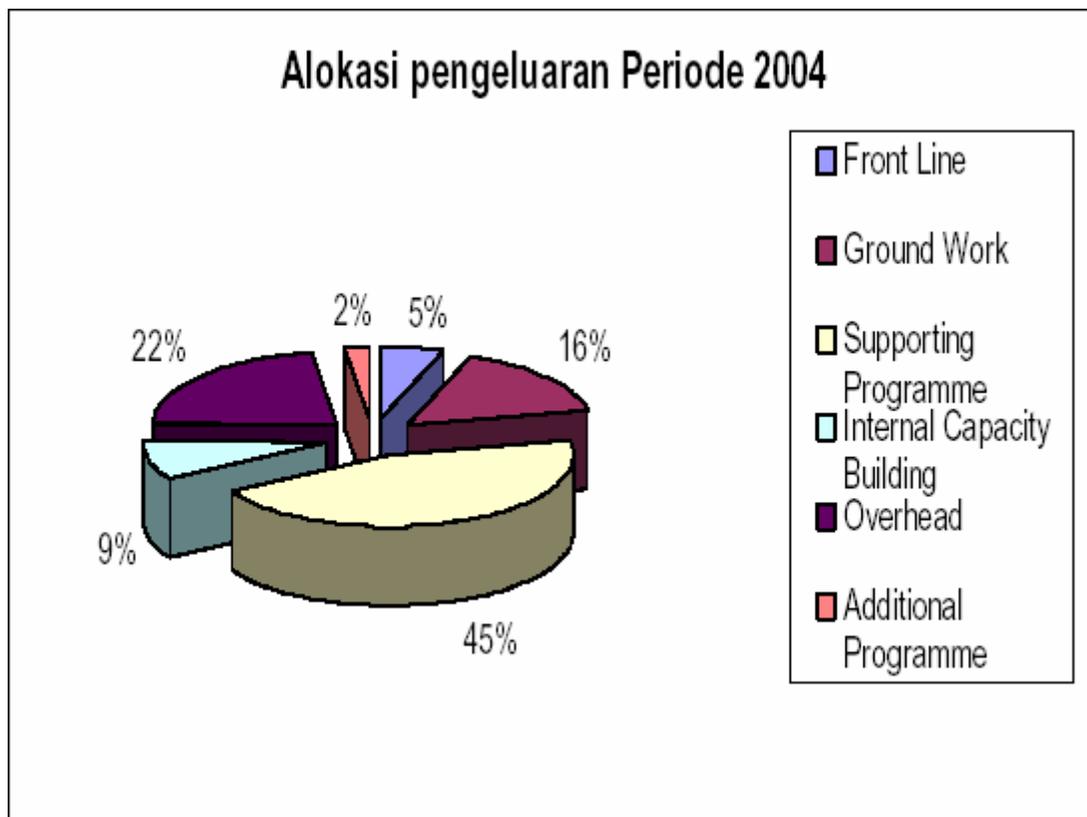
Illustration 3



Partnership with CIDA funded YLBHI to keep the campaign programs and international network going on. CIDA donation was particularly spent for translating organization documents, seminar and training to support international campaigns, providing media and diplomat briefing about the last situation of human rights development in Indonesia. Besides that, CIDA financial support also spent for YLBHI and LBH offices staff, which had to travel in international events.

Until December 2004, the remaining money from Novib was allocated to support frontline programs, including advocacy and case handing, campaign and publication.

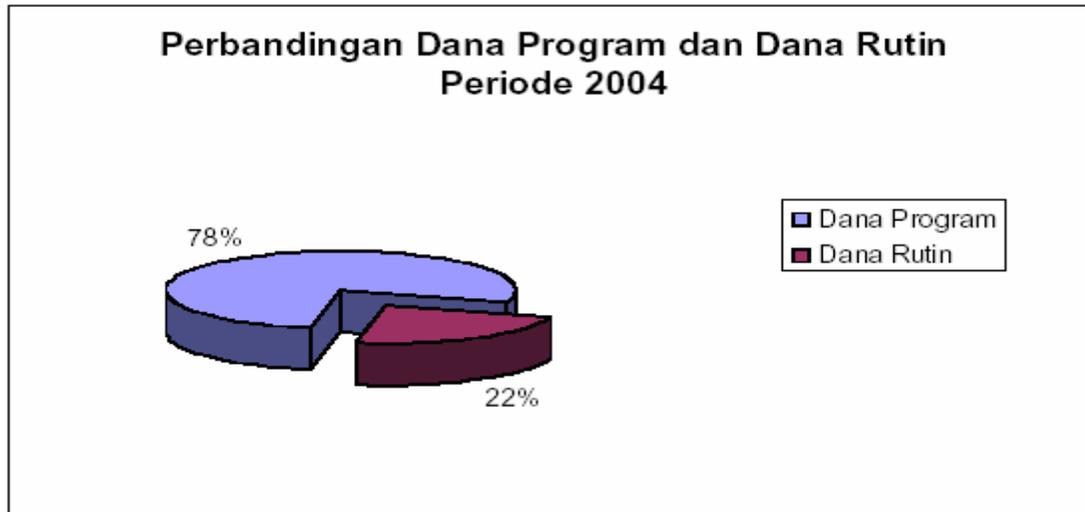
Illustration 4



In detail, the spending for each strategic program implementations can be viewed from above table, which illustrates implementation of YLBHI programs and the 16 percentage of routine cost/overhead cost.

Besides that, we also need to give overall comparison between budget spending for operation program with organization routine needs. The next illustration will show the overall data.

Illustration 5

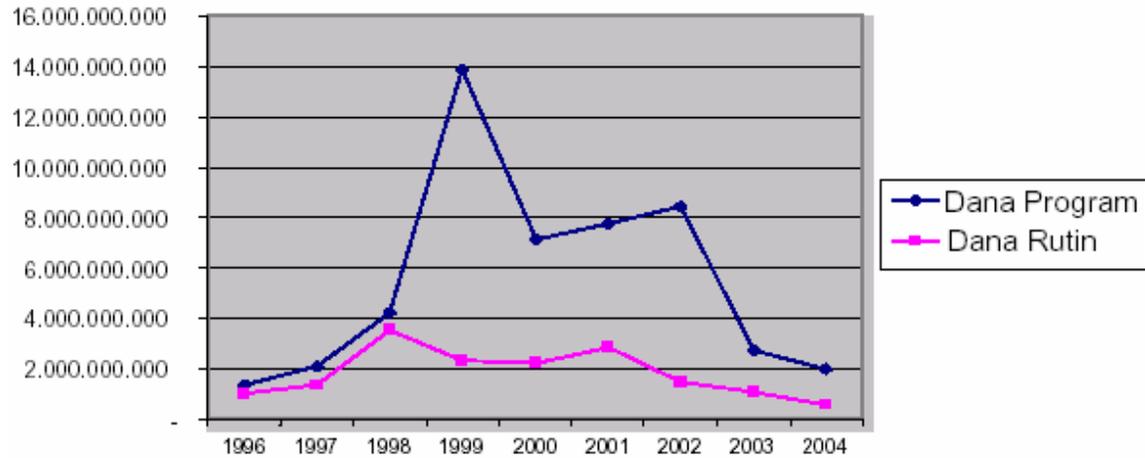


As a comparison to years before, we also will show overall comparison between money spending for operation program with organization routine needs for the last nine years.

Table 3
Comparison of money spending for operation program with organization routine needs

Tahun	Total Dana	Dana Program		Dana Rutin	
		Rp	%	Rp	%
1996	2.371.090.732	1.359.860.221	57,35%	1.011.230.511	42,65%
1997	3.484.909.401	2.114.374.899	60,67%	1.370.534.502	39,33%
1998	7.750.405.841	4.214.094.854	54,37%	3.536.310.987	45,63%
1999	16.217.881.388	13.889.871.793	85,65%	2.328.009.595	14,35%
2000	9.407.839.088	7.157.688.755	76,08%	2.250.150.333	23,92%
2001	10.588.007.686	7.754.670.324	73,24%	2.833.337.362	26,76%
2002	9.915.570.052	8.434.208.289	85,06%	1.481.361.763	14,94%
2003	3.835.297.370	2.756.254.421	71,87%	1.079.042.949	28,13%
2004	2.577.236.279	1.998.421.545	77,54%	578.814.734	22,46%

Illustration 6
Comparison of money spending for program with routine needs
1996 – 2004



Above table shows comparison between programs spending with routine cost of YLBHI from 1996 to 2004.