

ANNUAL REPORT 2014

The Indonesian National Commission on Human Rights



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The Indonesian National Commission on Human Rights

MEMBERS OF KOMNAS HAM 2014-2015:

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VICE CHAIR FOR EXTERNALL AFFAIRS	:	SIANE INDRIYANI

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2. OTTO NUR ABDULLAH
3. NATALIUS PIGAI
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By : Eno Sumardiyono



Spreading Hopes, Reaching Dreams .....

2014 was year of political moments. This year has produced both legislative and executive levels. These leaders in fact have prompted expectations. At least Nawa Cita has encouraged a collective dream that human rights will be better served in this country...

Agenda number 4 of Nawa Cita states to strengthen state role in reforming into a free corruption, dignity and trusted of system and law enforcement where one of the program priorities is “fair settlement of past human rights violations ”. While agenda number 9 of Nawa Cita states to strengthen diversity and social restoration of Indonesia by highlighting

the policy of education for diversity and creating spaces of dialogue among citizens. Komnas HAM certainly hope that Nawacita will be able to make human rights as the foundation of national life that may lead Indonesia in realizing the ideals of freedom that is to form a government of the state of Indonesia which shall protect all the people of Indonesia and their entire native land, and in order to improve the public welfare, to advance the intellectual life of the people and to contribute to the establishment of a world order based on freedom, abiding peace and social justice.

However, the expectations are not in empty space. Therefore, expectations sometimes often collide with reality. Reality and polemics are human creations. Only the reality created by conscience and a clear mind able to nourish hope. If not, maybe we will not go too far away from the darkness that still surrounds our reality today.

Regardless the reality, the hope is still lives .... because of hope Komnas HAM continue to work hard to this day. Although, case handling yet optimal due to limitations of authority, less political support for Komnas HAM so that the files of gross violations of human rights cases stagnated in the Attorney General Office, and monitoring of the elimination of racial and ethnic discrimination hampered by budgetary constraints. May this hope easily to be achieved.

Foreword

The Indonesian National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia/Komnas HAM) has been established since 1993 based on Presidential Decree No. 50 of 1993 where it strengthened through the enactment of Law No. 39 of 1999 on Human Rights. According to Law No. 39 of 1999 Article 75 Komnas HAM aims to develop a conducive condition for the fulfillment of human rights that are in line with Pancasila, 1945 Constitutions, UN Charter and the Universal Declaration of Human Rights, then also to improve protection and enforcement of human rights for the Indonesian people's development of personality and ability to participate in all aspects of life.

The Commission seeks to optimally carry out its mandate given by the law in order to encourage the recovery of victims of human rights violations in Indonesia. It also faced a number of challenges both from internal and external institution. Nevertheless, Komnas HAM faces those challenges with optimism.

Along with the development of democracy in Indonesia, Komnas HAM received additional mandates from Law No. 26 of 2000 on Human Rights Court, Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination and Law No. 7 of 2012 on Social Conflict Management.

With these additional mandates, Komnas HAM needs to increase its institutional capacity and capability in providing services to the public, especially victims of human rights violation that often positioned Komnas HAM as the last resort for human rights violations settlement in Indonesia. This was proven by the large number of complaints of alleged human rights violations submitted to Komnas HAM.

Komnas HAM holds important role in both national, regional and international contexts. Komnas HAM has duty to monitor implementation on international treaties on human rights ratified by the Government of the Republic of Indonesia. The Commission often requested to provide its views on human rights issues of concerns to the international community. As a result, Komnas HAM plays significant role both in regional and international forum such United Nations (UN), International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), Asia Pacific Forum for NHRIs (APF) and South East Asia National Human Rights Institution Forum (SEANF).

Regardless of its external role, Komnas HAM continues to seek internal improvements in order to improve its services to the complainants, victims, their families, and co-victims of human rights violations who have high expectation to Komnas HAM. The Commission has committed to improve good governance by applying the principles of transparency, accountability, and disclosure through implementation of bureaucracy reforms.

Komnas HAM Annual Report 2014, formulated as part of public accountability as stipulated in article 97 of Law No. 39 of 1999. Komnas HAM Annual Report 2014, not only delivers report on the implementation of duties, functions and authorities of Komnas HAM based on various laws but also an overview of challenges to human rights situation in Indonesia, the actors involved, as well as tendency of human rights violations. Komnas

HAM gave attention to the legislative and presidential election issue, mainly related to the fulfillment of the constitutional rights of citizens in efforts towards a democratic election process in accordance with the principle of "free and fair election".

Hopefully, Komnas HAM's annual report 2014 may be a reference for the protection, promotion, enforcement and fulfillment of human rights in Indonesia, so there will be no repetition of human rights violations in the motherland.

Jakarta, February 2015.

Komnas HAM Annual Report Team of 2014.

Chairperson's Remarks

Year 2014 was special. This year the political situation in the country was in a state of vibrant due to the largest democracy event to elect representatives of the people, the President and Vice-President for a period of 5 years .Unfortunately, this big momentum was still tainted by human rights violations that occurred in general elections. In order to create conducive condition for human rights implementation on the legislative and president as well as vice president election, Komnas HAM has actively oversee the process by collecting data, information and fact related to the election process and stages, in order to minimize human rights violations.

The phenomenon of human rights violations in the election are nothing compared to the constellation of human rights violations that have occurred since Komnas HAM was established in 1993. Komnas HAM has made a lot of efforts for human rights protection, enforcement, fulfillment, and promotion. Komnas HAM noted a number of human rights issues that still becoming a polemic until today namely, abuse of powers by security forces to the public, disclosure of Munir cases, freedom of religion and belief, migrant workers cases, Sidoarjo mud flow, agrarian conflict and so on.

As of the end of 2014, Komnas HAM noted that the settlement of various gross violations of human rights have not reached significant progress. A total of 9 documents on the Commission's inquiry regarding gross violations of human rights cases (repeatedly) returned by the Attorney General. Polemic of procedural and political trade off seems never stop. This condition is deplorable because, the cases can immediately brought before the human rights Ad Hoc court if this matter be resolved.

A ray of hope came to the surface. In 2014, through the Vision-Mission and Program of Action Jokowi-JK, set 9 priority agenda (NAWACITA), where one of the priority program is "a fair settlement of human rights violations cases in the past". As one of NAWACITA elaboration, various programs of human rights set forth in the National Medium Term Development Plan (RPJMN). This was a spark of hope for human rights redress that had been anticipated by the victims who wish to taste the justice. However, this commitment will not have any meaning without any action.

In the framework of continuous change, Komnas HAM has urged the Government (in particular law enforcement agencies) to leave the repressive approach and promote dialog in dealing with the public. Komnas HAM has also requested the Government and the House of Representatives to ratify various legal frameworks related to the promotion and enforcement of human rights.

Regardless of these efforts, Komnas HAM has been mandated to carry out the mandate of Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on Human Rights Court. Komnas HAM received additional supervisory role for the implementation of Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination and the Law No. 7 of 2012 on Social Conflict Management.

Komnas HAM has conducted series activities related to the implementation of Law No.39 of 1999 on Human Rights in particular research and study functions among others:

formulation of human rights indexes (right to food, housing, education, health and work), study on MP3EI in a human rights perspective, study on Bill of Defense and Security Sector Reform (RSPK) and Natural Resources (SDA), agrarian conflicts mapping in forestry sector and the National Inquiry.

Komnas HAM has conducted series of activities related to the implementation of human rights awareness, namely hosted 17 visits with a total of 749 people, launched movies "Marah di Bumi Lambu", "Senyap" and an advertisement of land rights in Jakarta, conducted Human Rights Trainings for the State Apparatus, Training of Trainers, human rights outreach, and Global Appeal on "Elimination of Stigma and Discrimination against people affected by leprosy and Their Families". In order to disseminate information on human rights, the Commission has published Komnas HAM's profile, SUAR Magazine (2 edition), tabloid WACANA (2 edition) and Human Rights Journal (2 edition).

In carrying out the monitoring and investigation function, during year of 2014 Komnas HAM received a total of 7285 complaints of which 3750 files have been partially addressed through written recommendation. In General, there is a trend of complaint related to the fulfillment of economic, social and cultural. Nevertheless, complaints related to civil and political rights in particular the right to justice, is still relatively high.

In order to ensure the fulfillment of the constitutional rights of citizens in the 2014 election, Komnas HAM conducted monitoring in 23 provinces for legislative elections and 12 provinces for presidential election.

Furthermore, within the framework of the mediation function, Komnas HAM received a total of 722 dispute files of which 321 disputes were new disputes, 208 on going disputes until early 2014, 399 on going disputes until December 2014, and 130 disputes settled during the year. The Commission has published 7 recommendations and issued 49 letters related to dispute handling.

Based on aforementioned matters, Komnas HAM realize that human rights protection, promotion, enforcement and fulfillment is an ongoing process. Komnas HAM commitment to carry out the constitutional mandate continued to be tested from time to time. We hope to maintain the consistency of our work, because the Commission has become final pedestal of public. We are well aware that the victims of human rights violations pinned their hopes on Komnas HAM.

Finally, I hope that Komnas HAM Annual Report 2014 may be a guide for public to scrutinize and criticize the performance of Komnas HAM.

Jakarta, February 2015

Chairperson
The Indonesian National Commission on Human Rights

Prof. DR. Hafid Abbas

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MEMBERS OF KOMNAS HAM
2014 - 2015



Siane Indriani
Vice Chair For Externall Affairs



Hafidz Abbas
Chairperson



Ansori Sinungan
Vice Chair For Internal Affairs



Roichatul Aswidah
Study and Research Subcommission



Sandrayati Moniaga
Study and Research Subcommission



Muhammad Nurkhoiron
Education and Public Awareness Subcommission



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Natalius Pigai
Monitoring and Investigation Subcommission



Nur Kholis
Mediation Subcommission



Siti Noor Laila
Mediation Subcommission

Members of Komnas HAM 2014 – 2015 Period

Hafid Abbas

Chairperson

Hafid Abbas was born in Bone on 27 August 1957. He completed his bachelor degree in Universitas Negeri Makassar (Makassar State University -1983). He earned his graduate degree from Universitas Negeri Jakarta (Jakarta State University - 1987) and in 1990 he completed his post-graduate study in education in the same university. In 1991 he took post-doctorate study in Syracuse University New York in Technology of Education. In 2008 he was honored with Honoris Causa Doctorate degree from Hartford Seminary, USA on Human Rights and International Peace.

As permanent lecturer in the Jakarta State University, Hafid has been trusted to hold some important positions such as Head of Research Institute (1992-1997), Deputy of Rector in Academics (1997-1999) and in 2005 he was given title as Attending Professor in the Faculty of Education of Jakarta State University.

Moreover Hafid has been in structural position of the government, among others as Deputy Minister of State Ministry on Human Rights (1999-2000), DG Human Rights Protection at the Department of Justice and Human Rights, and head of Research and Development of the Department of Law and Human Rights (2006-2010).

He has also been an active columnist in many media (domestic, foreign) such as in The Jakarta Post, Kompas, Media Indonesia, The Brunei Times and The Bangkok Post. He was also assigned as international consultant for UNESCO for Asia and Pacific.

Hafid Abbas was elected as Komnas HAM Chairperson in March 2014 to March 2015. He has done many things during this tenure. Komnas HAM has conducted dialogue public in order to introduce the Commission and establish sustainable coordination with government and non-government agencies. These events were conducted at the State University of Makassar on 17 December 2014 with the theme "Right to Education" and the Regional Office of the Ministry of Law and Human Rights in Bangka Belitung Island on 4 December 2014 with the theme "Local Development with Human Rights Perspective". These activities aim to respond to emerging human rights issues and gather inputs from the stakeholders.

Hafid Abbas played significant role in encouraging participation of the President and Vice-President in the International Human Rights Day on 10 December 2014 both at the opening ceremony in the National Palace of Yogyakarta, as well as the National Workshop in Jakarta. The Vice President Jusuf Kalla delivered a keynote speech in this event. The event was attended by Chairman of People's Consultative Assembly, House of Representatives, Supreme Court and the Attorney General as speakers. This workshop was held in cooperation with Witness and Victim Protection Agency (LPSK) which

generated a number of recommendations of Indonesian development roadmap with human rights based approach.

Hafid served as Steering Committee for Global Appeal to end stigma and discrimination against people affected by leprosy and theirs family which held on 27 January 2014 in Jakarta. This event was collaboration between Komnas HAM and The Nippon Foundation.

He also served as deputy and member of Investigation Team of Human Rights Violation in Paniai and member of Investigation Team of Alleged Criminalization against leaders of Corruption Eradication Commission (KPK).

Ansori Sinungan

Vice Chairperson of Internal Affairs

Ansori was born in Lampung on 12 February 12 1950. He graduated as bachelor of law from the Faculty of Law of Universitas Indonesia in 1983 and earned his Lex Legibus Magister (LLM) in 1989 from School of Law, University of Illinois, United States of America. He completed his post-graduate study at the Faculty of Law of Universitas Indonesia (2003-2009). Prior to obtain mandate as Member of Komnas HAM for the period of 2012-2017, he was the Director of Copy Rights at the Directorate of Law in the Ministry of Law and Human Rights.

Ansori's experience on human rights started in 1972, as a community activist at the Association of Community in Southern Sumatera and Association of Lampung Tribe Community. Ansori was a lawyer at the Consulting Agency and Legal Aid at the Faculty of Law of Universitas Indonesia with the main task to assist disadvantage suspect in criminal case. In 1986-1989 he helped the proclamation of Palestine with group of students from Illinois University. Ansori was appointed to be a leader at the Mesuji Family Association in 2001, which is fighting for their rights of land owned by Mesuji community that was claimed by corporations.

Ansori Sinungan served as Vice Chairperson of Internal Affairs from March 2014 to March 2015. He held a dominant role in succeeding the International Human Rights Day on 10 December 2014. At this moment the Commission initiated Human Rights Award to some figures that have contributed in the protection, promotion and enforcement of human rights in Indonesia. An independent team consisting of Komnas HAM Advisory Council has decided 2014 Human Rights Award recipients, namely the late Munir Said Thalib who represented by Suciwati (wife) and the late Maria Ulfah Soebadio Sastrosatomo who represented by Darmawan Wiroreno.

Ansori also served as a member of Documentation Team for East Timor Children who have been transferred from East Timor to Indonesia. He contributed in investigating and reviewing various laws and policies related to the Government of East Timor prior to the referendum. He was a member of the Steering Committee for Komnas HAM National Inquiry Team on the Rights of Indigenous People within forest zone. He also a member of Investigation Team to Uncover Enforced Disappearance of 13 activists of 1997/1998 became a member of Investigation Team of Alleged Criminalization against leaders of

Corruption Eradication Commission (KPK) in January 2015. Currently, Ansori still active as a lecturer in the Graduate and Doctoral Programs at several universities in Jakarta.

Siane Indriani

Vice Chairperson of External Affairs

Surabaya-born woman who graduated from Faculty of Science Education of IKIP Surabaya chose journalist as her profession even though she was educated as a teacher. She started her career as a teacher in Physics in some secondary education schools and at the same time became a contributor for Students' Column in Surabaya Post.

Her experience of being involved with media has made her fell in love with journalism and decided to leave her career in education. She joined Surya Daily Newspaper in 1989 to pursue career in journalism as a journalist for politic and security issues. After gaining a lot of experiences as journalist for printed media, she then decided to join television station as television journalist in one of the biggest TV stations in Indonesia SCTV (1991-1994) and was a producer and presenter in RCTI (1994-1999). Aside from working as journalist, she was also trusted as Special Staff for State Minister of State-Owned Corporations (2000), Senior Editor of LippoStar.com, and returned to television as Current Affairs Manager at Lativi, News Director for Global TV as well as the Editor in Chief of MNC News (2004-2011).

During her work as journalist, Siane did a lot of coverage on riots and horizontal conflict, violence cases and various human rights violation cases. She was assigned for one month to cover for the impact of Aceh Military Operation Area (DOM) and also on violence that occurred in Timor Timur prior and after the polling. In 1998-2000 she conducted investigation on various events of riots starting from racial rape and riots on May incidents (May 13-14, 1998), the killings of witches (dukun santet), and ethnic-based riots in Sampit and Palangkaraya (2001).

In 1998 to 2004, Siane was fortunate enough to follow some of activities of the late KH Abdurrahman Wahid (Gus Dur) who conducted investigation on some riots and advocating for the victims of human rights violation. This experience brought her to cooperate with director Garin Nugroho in producing some PSAs for televisions containing Gus Dur's messages on freedom of religion and tolerance (2000).

She has earned some awards, among others from Department of Social Affairs in 2005 for her effort in assisting children victims of tsunami in Aceh, trauma recovery as well as in helping reuniting some children with their families. As Editor in Chief of Global TV, her team received an award from Egypt Film Festival for their coverage on Suku Anak Rimba who learned in school established in the nature in the feature program of Sokola Rimba in 2007, and Unicef award for Balada Anak Jalanan feature film in 2010.

Siane resigned from her post in Global TV and started up her own business in animation film by producing some PSA for TV and radio and became PR Consultant for some cultural events. She was also Head of Communication Office of Universitas Indonesia. After her appointment as one of the 13 commissioners of the Komnas HAM 2012-2017, she chose to release all of her activities and fully concentrate on her position as a

commissioner in Komnas HAM. As one of Commissioner in Sub Commission of Monitoring and Investigation, she handled various violence cases committed by apparatus, horizontal conflicts, land disputes, human trafficking, and slavery so on. One of the cases that became her main focus was terrorism.

Since 2012, Siane actively involved in effort of settlement for Poso and terrorism in a comprehensive manner through an approach that prioritize persuasive efforts involving community participation.

Siane served as Vice Chairperson of External Affairs from March 2014 to March 2015. She actively involved in succeeding the International Human Rights Day on 10 December 2014. At this moment the Commission initiated the Human Rights Award to the figure that contributed in the protection, promotion and enforcement of human rights in Indonesia. She became a member of Investigation Team of Alleged Criminalization against leaders of Corruption Eradication Commission in January 2015.

Roichatul Aswidah

Coordinator of Study and Research and Sub commission

Roichatul Aswidah was born in Temanggung Central Java on 19 March 1970. She earned her degree in communication from School of Communication of the Faculty of Social and Political Science of the Universitas Gajah Mada, Indonesia. Ten years after her bachelor degree she continued her graduate study in Essex university England for Master of Arts degree in Human Rights Theory and Practice.

Starting her career as a technical staff in the Sub commission of Education and Public Awareness of Komnas HAM from 1995 to 1999. She was responsible in developing human rights training through reformulation of manual, curriculum, and evaluation tools. She was also responsible for various Komnas HAM publications. From 1999 to 2004, Roichatul Aswidah was trusted to be the head of Bureau and Coordinator of Staff for the Sub-Commission of Education and Public Awareness of Komnas HAM.

She was part of the team to amend the Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on Human Rights Court. She was human right researcher from 2006 to 2008. In 2009, Roichatul was also active in Lembaga Kajian Demokrasi dan Hak Asasi Manusia (DEMOS) and Lembaga Studi dan Advokasi Masyarakat (ELSAM).

She has written some articles, among others *Hak Asasi Manusia: Solusi Menghadapi Fundamentalisme (Jurnal Dignitas, Elsam 2012);* Dealing with the Past Challenges Facing the Indonesian Truth and Reconciliation Commission (2005).

She served as Coordinator of Study and Research Subcommission from March 2014 to March 2015. She has done many things in order to encourage settlement of cases handled by Komnas HAM, among others Head of the Ad Hoc Team on Follow-up Inquiry of the Gross Violations of Human Rights (the May 1998 riots, Wasior and Wamena, Trisakti, Semanggi I and Semanggi II, Enforced Disappearance, Talangsari, Mysterious Shooting and 1965-1966 Tragedy).

Roichatul was a member of Steering Committee and spoke person for Komnas HAM National Inquiry Team on the Rights of Indigenous People within Forest Zone, a member of Monitoring and Investigation Team to Uncover Enforced Disappearance of 13 activists of 1997/1998, Investigation Team of Disappearances of 18 person in 2009 in several districts/cities in Papua Province, and Head of Legal Analysis Team for Munir Said Thalib Murder.

Roichatul played significant role in encouraging the participation of the President and Vice-President in the International Human Rights Day on 10 December 2014 both at the opening ceremony in the National Palace of Yogyakarta, as well as the National Workshop in Jakarta. The Vice President Jusuf Kalla delivered a keynote speech in this event. The event were attended by Chairman of People's Consultative Assembly, House of Representatives, Supreme Court and the Attorney General as speakers. This workshop was held in cooperation with Witness and Victim Protection Agency (LPSK) which generated a number of recommendations of Indonesian development roadmap with human rights based approach. She became a member of Investigation Team of Alleged Criminalization against leaders of Corruption Eradication Commission in January 2015

Sandrayati Moniaga

Member of Study and Research Sub Commission

The Bachelor of Law from Universitas Katholik Parahyangan Bandung and Ph.D Candidate at Leiden University the Netherlands was born in Jakarta on October 19, 1961. Sandrayati earned her bachelor of law degree in 1986 from Universitas Katholik Parahyangan in Bandung.

Sandrayati started off her career in environmental advocacy and human rights network as the Coordinator of Resource Development at the Sekretariat Kerjasama Pelestarian Hutan Indonesia (Secretariat of Forest Conservation Cooperation in Indonesia - SKEPHI) in 1987. She was also Coordinator of Law and Environmental Program in Walhi until 1993. Sandra was also trusted to hold the position as Deputy Director of Lembaga Studi dan Advokasi Masyarakat (ELSAM), Director of Perkumpulan untuk Pembaruan Hukum Berbasis Masyarakat dan Ekologis (HuMa), and PhD Researcher at Van Vollenhoven Institute – Universiteit Leiden (since 2003).

Sandrayati is also active as member of Formulation Team of Natural Resources Management Bill (RUU PSDA) at the Ministry of Environment, Member of Working Group for the Advancement of Agrarian Conflict Settlement Mechanism at the Komnas HAM , and also resource person in many national and international forum.

The Manadonese woman is productive and active while working in many NGOs as well as in doing her study in Leiden University. Her articles have been published in many international journals while her books are published in Indonesia and also abroad.
Sandra served as member of Research and Study Sub commission since March 2014 to March 2015. She has followed up on Memorandum of Understanding between Komnas HAM and Provedoria Dos Direitos Humanos E Justica RDTL which has been signed in 2013. She was a Team Leader of Documenting Team for Children of East Timor who were transferred to Indonesia. She also a focal point for the Commission activities related

on agrarian conflict resolution in forest area as part of Memorandum of Understanding with 12 Ministries and Agencies to accelerate forest gazettement in state forest areas. Sandra was assigned as the focal point for National Inquiry on the Rights of Indigenous People (MHA) within Forest Zone.

Komnas HAM's National Inquiry was developed with National Commission on Violence Against Women (Komnas Perempuan), Aliansi Masyarakat Hukum Adat, HuMa, Epistema, Samdhana Institute, ELSAM, JKPP dan the Partnership of Governance Reform (Kemitraan untuk Pembaruan Tata Pemerintahan). This activity aims to investigate, assess and analyze the primary cause of human rights violations related to the rights of indigenous people and in order to respect, protect and fulfill of their rights. The National Inquiry has produced a number of recommendations addressed to the Government of Jokowi-JK particularly regarding the recognition, respect and protection of the rights of indigenous people. The community has been submitted 40 cases in National Inquiry Public Hearing. The Ministry of Environment and Forestry received these cases and prioritized to resolve these cases.

Sandra was also responsible to oversee the drafting process and the Disability Bill and Recognition and Respect of Indigenous People Bill in the House of Representatives. Her work on advocacy indigenous people still continues. Furthermore, She is a rapporteur on the rights of indigenous people. She participated in World Conference on Indigenous Peoples held by the United Nations in New York. Then, at the end of November 2014 Sandra attended the Indonesia-Netherlands Workshop Legal Updates in The Hague.

Sandra was Head of Institutional Restructuring Team up to June 2014, Member of Secretary General Selection Committee in early 2014, Member of Investigation Team on Disappearances of 18 person in 2009 in several districts/cities in Papua Province, Member of Team for Illegal Mining Case in Degeuwo Paniai District, Papua Province, and vice chair of Investigation Team of Alleged Criminalization against leaders of Corruption Eradication Commission (KPK).

Muhammad Nurkhoiron

Coordinator of Education and Public Awareness Sub Commission

Nurkhoiron was born in Malang, East Java on 15 January 1974. He earned his bachelor degree from Universitas Gajah Mada (UGM) on Sociology (1993-1999). He earned his Master of Science degree from Universitas Indonesia in 2004.

His interest on human rights started during 1996-1997, he was trusted as the Deputy of Komite Independen Pemantauan Pemilu (KIPP), in which the main task was to monitor and oversee the election during New Order era in Yogyakarta.

After completing his study in UGM, he was active in Desantara Foundation in Depok, West Java. This institution has special concern on freedom of religion, and the focus was on development of "Religion and Culture" dialogue. In this institution, Nurkhoiron was assigned to be responsible for advocacy and design of media capacity building activity; he was also responsible to manage and contribute to the DESANTARA Cultural magazine and Women's journal SRINTHIL (www.srinthil.or.id). In 2005, he became Desantara

Foundation's director and produced some documentary films on multicultural issues by Desantara Foundation.

During his period as Director of Desantara Foundation, Nurkhoiron was also active in monitoring network of religious freedom together with FAHMINA and LBH Bandung. He was also part of Coalition of Civil Society for the Revision of Penal Code with ELSHAM, HUMA, etc. During 2010 he was part of the team to propose judicial review on the Act No. 1 of 1965 on Prevention of Abuse of Religion and/or Blasphemy. In addition of his activity in Desantara, he is also a writer and lecturer at Universitas Paramadina, and researcher for several institutions in the field of social science.

Nurkhoiron was assigned as Coordinator of Education and Public Awareness Sub commission from March 2014 to March 2015. He held important role in conducting activities that expected to give wider impact to community among other International Seminar on Global Appeal to end stigma and discrimination against people affected by leprosy and theirs family which held on 27 January 2014 in Jakarta. This event was collaboration between Komnas HAM and The Nippon Foundation.

In addition, Nurkhoiron involved in several teams formed by the Commission, among others, the Ad Hoc Team on Follow-up Inquiry of the Gross Violations of Human Rights (the May 1998 riots, Wasior and Wamena, Trisakti, Semanggi I and Semanggi II, Enforced Disappearance, Talangsari, Mysterious Shooting and 1965-1966 Tragedy), and as deputy of Documentation Team on Children of East Timor who were transferred to Indonesia, The National Inquiry on the rights of indigenous people within forest zone, Investigation Team to Uncover Enforced Disappearance of 13 activists of 1997/1998, member and investigator of inquiry for gross violation of human rights in Aceh, Head for monitoring team of witches cases from 1998 to 1999 in Banyuwangi and Jember, and member of Investigation Team of Alleged Criminalization against leaders of Corruption Eradication Commission (KPK). Nurkhoiron was one of the resource persons for the National Workshop for International Human Rights Day on 10 December 2014.

M. Imdadun Rahmat

Member of Education and Public Awareness Sub Commission

Imdadun was born in Rembang, Central Java on 6 September 1971. He studied in Lembaga Ilmu Islam dan Sastra Arab (LIPIA) Jakarta. In 1991-1995, he was registered as a student in Ibnu Saud Islamic University Riyadh, Saudi Arabia. He obtained a bachelor degree on religion upon completing his study in Institut Agama Islam Al Aqidah (Fakultas Tarbiyah) Jakarta in the year 2000. Imdadun obtained his graduate degree in 2003 from Political Science and Middle Eastern International Relations Studies of Universitas Indonesia. Currently, Imdadun is composing his post-graduate dissertation in Political Science of the Faculty of Social and Political Science of Universitas Indonesia.
Imdadun worked in Lembaga Kajian dan Pengembangan Sumberdaya Manusia (LAKPESDAM) from 1997 to 2006 an NGO established by Abdurrahman Wahid (Gus Dur). This institution has been working on empowerment of pesantren community since 1985. Imdadun was also appointed as Director of Paras Foundation, an institution that focuses on mainstreaming pluralism and religious freedom issues through education. Since 2010, he has been trusted as a Secretary General of Indonesian Conference on

Religions and Peace (ICRP), an inter-faith institution that has strong concern on freedom of religion and civil liberty issues. At the regional level he is a member of Executive Committee of Asian Conference on Religions for Peace (ACRP). He is also a Deputy Secretary General of PBNU for the period of 2010-2015.

Since 2000 Imdadun has been very active as executive implementer of community empowerment program as well as a research consultant, resource person and facilitator for training on human rights, democracy, freedom of religion, pluralism and gender equity (especially from Islamic perspective).

His intellectual activism still continues, this young nadhliyin is has been involved in composition team of books and training modules. Some of his works has been published by LAKPESDAM NU (in cooperation with other institution such as JPPR), MADIA (Inter faith dialogue and freedom of religion); Paras Foundation (Module for Education on Pluralism and Religious freedom for teachers, 2005) and Multiculturalism Integration in the curriculum 2010), *Arus Baru Islam Radikal: Transmisi Gerakan Revivalisme Islam Timur Tengah ke Indonesia (Erlangga Press, 2005); Ideologi Politik PKS : Dari Masjid Kampus Ke Gedung Parlemen (LKIS, 2008)*. He is also a researcher, book editor, editor in chief of Tashwirul Afkar. Some of his works also have been published by various national media.

He assigned as a Commissioner of Education and Public Awareness Sub commission from March 2014 to March 2015, as previously he served as Vice Chairperson for Internal Affairs from March 2013 to March 2014.

During 2014, He was active in various human rights training and mediated land dispute cases, he also served as a rapporteur for freedom of religious and belief (KBB). In his capacity as a rapporteur, he and his team active on carried out monitoring, mediation, consultation related on various cases on violence against religious minorities, closing places of worship and discrimination of minorities' rights. Under Imdadun coordination the team has summoned some public officials and local leaders in relation to violation of freedom of religious and belief rights.

Imdadun reputed that widespread of violence and lack settlement of violations of religious and belief were due to lack of law enforcement. The law enforces often provide maximum penalty against minorities, but at the same time provide minimum punishment to the perpetrators. This condition worsened by a number of government policies that do not favor the minority groups among others, Act 1 / PNPS / 1965 on the Prevention of Abuse and / or Blasphemy; Law No.23 / 2006 concerning Population Administration; Joint Decree of the Minister of Religious Affairs, Attorney General and Minister of Home Affairs No.3 / 2008, KEP-033 / A / JA / 6 / 2008-199 on Warning and Command to the Believers, Members and / or Board Member of the Ahmadiyah Indonesia (JAI) and Community Member; and a number of discriminatory regulations on prohibition of activities of Jemaah Ahmadiyah Indonesia. According to Imdadun, the existence of this regulation violates human rights, because the State has limited (prohibited) its citizens to believe in a religion and conduct the worship.

Maneger Nasution

Coordinator of Monitoring and Investigation Sub Commission

Manager Nasution was born in Pasaman, West Sumatra on 2 February 1968. He completed his bachelor degree on religion from IAIN Imam Bonjol Padang in 1993 and completed his graduate study in Universitas Muhammadiyah Jakarta earning Master of Art (MA) in 2004. He earned his Doctorate (cum laude) form Universitas Ibn Khaldun, Bogor, West Java in 2014 with his dissertation "Human Rights with Pancasila Perspective: Just and Civilized Human Rights'.

He started his career at the Headquarter of Indonesian Ulema Council (MUI) in 2008 as the Secretary at the Committee on Convention of People of the Faith. He became the Chairman of Inter-Faith Harmony Commission from 2010-2015.

Nasution has been an activist since he was a student. He was active in Indonesian Islamic Student (PII) Padang Panjang, West Sumatra in the 1985-1988. He often engaged in various student organizations in among others, Head of the Student Senate Faculty of Shariah and Law IAIN Padang (1989-1990), Head of the Branch of Muhammadiyah Students Association (IMM) of Padang (1991-1993), DPD KNPI West Sumatra (1992-1996), Chairman of DPD IMM West Sumatra (1993-1995), Chairman of the DPP IMM (995-1997), Chairman of PP Muhammadiyah Youth (2006-2010), Executive Board Inter-Religous Council Indonesia (2010-2015), PP Muhammadiyah cadres Education Council (2010-2015) and Chairman of the Commission for Inter-faith Harmony MUI (2010-2015).

Nevertheless, being a lecturer seems to have become his choice of life. As from 1988 to 2000, Nasution was a teacher. Then, from 2000 until today, he is a lecturer in Sekolah Tinggi Ilmu Ekonomi Ahmad Dahlan Jakarta (Ahmad Dahlan School of Economy, Jakarta), Universitas Muhammadiyah Jakarta, and lecturer at the graduate program of Universitas Ibn Khaldun Bogor.

He is also active as a writer. He has published *Perspektif Pancasila: HAM Yang Adil dan Beradab (2014), Membangun Kerukunan, Mengawal NKRI (Jakarta: MUI Pusat, 2010), Reformulasi Gerakan Tajdid Muhammadiyah: Sebuah Keharusan Sejarah, Muhammadiyah Menjemput Perubahan, (Jakarta: Gramedia Press, 2005), and Perkawinan Berbeda Agama (IAIN Padang, 2002).* He also has some worked in human rights issues such as *Peta Kerukunan Umat Beragama di Indonesia (2002), Isu-isu Seputar HAM di Indonesia (2004), Pelanggaran HAM di Indonesia (2006), Diskursus HAM dan Beragama di Indonesia (2007), Pelanggaran HAM Papua: Tanggung Jawab Siapa? (2008), Peluang Mewujudkan Komunikasi Harmonis Antar Pemandu Lintas Agama: Perspektif HAM (2009),* and so on.

As the Chairman of the Inter-faith Harmony Commission of MUI, since 2005, together with religion councils formulated the agenda for human rights enforcement by developing inter-faith harmony. He was also the Head of Human Rights and Harmony Survey Team in the Eastern Part of Indonesia (2011).

His career the Commission started since 2012. He has held several positions, among others, Member of Education and Public Awareness Sub commission (2012), Member of

Monitoring and Investigation Sub commission (2013), and since March 2014, the Plenary Session has set Nasution as Coordinator of Monitoring and Investigation Sub commission.

During 2014, He actively participated investigating (collecting and searching) a variety of data, facts and information relating to the children of East Timor who were transferred to Indonesia. He also contributed to the National Inquiry activities on the Rights of Indigenous People within forest area, in his capacity as a member of the Steering Committee. In addition, he also member of Investigation Team to Uncover Enforced Disappearance of 13 activists of 1997/1998 and the Deputy for monitoring team for cases of witches 1998 to 1999 in Banyuwangi and Jember.

He assigned as Head of Investigation Team of Human Rights Violations in Paniai, Papua. The team was formed on the request and pressure from the public to immediately reveal the cause of civilians persecutions (indicated as minors) on 7 and 8 December 2014.

He also contributed in the International Human Rights Day on 10 December 2014 both at the opening ceremony in the National Palace of Yogyakarta, as well as on the National Workshop in Jakarta. He was a member of Investigation Team of Alleged Criminalization against leaders of Corruption Eradication Commission (KPK) in January 2015.

Natalius Pigai

Member of Monitoring and Investigation Sub Commission

Natalius was born in Paniai Papua on 28 June 1975. He earned his bachelor on Government Administration from the Sekolah Tinggi Pembangunan Masyarakat Desa (School of Rural Development -STPMD) in Yogyakarta in 1999. Aside from formal education, he had gone through some non-formal education such as course on statistics from Universitas Indonesia in 2004, and Researcher's training in LIPI in 2005 and Leadership Training from State Administration Institute in 2010-2011.

He is also known as activist in some institutions such as in Yayasan Sejati, which has some concerns on the rights of marginalized groups in Papua, Dayak, Sasak and Aceh (1999-2002); Researcher at Graha Budaya Indonesia-Jepang (GBI, 1998-2001); staff at the Yayasan Cindelaras that has strong concern on developing local wisdom especially the struggle of farmers' rights (1998); and is active in civil society elements (PRD, PMKRI, Rumah Perubahan, Petisi 28) that are active in organizing discussion, seminars, actions and other activities that focus on change.

He contributed significantly to Papua culture when he served as Chairman of the Institute for the Study of Renaissance in 1997-2000. Through WOOKEBADA bulletin, he and Titus Pekey started to explore Noken Papua culture. Their efforts long enough to have produced a level of achievement in the world with Noken recognition as one of the world cultural heritage by UNESCO in Paris in 2002.

Aside from being active in some NGOs, Natalius was also appointed as Ministerial Expert Staf (Ir. Alhilal Hamdi and Yacob Nuwa Wea) at the Ministry of Manpower and Transmigration for the period of 1999-2004. His last position in the ministry prior to joining

the Komnas HAM was researcher on Employment with specialization on internal and international migration aside from having a structural official position.

His activities in bureaucracy still continue, he joined BRR Aceh-Nias with Deputy of Oversight as primary author for Tsunami Encyclopedia on Oversight (2008-2009). Moreover, he was assigned to be part of Assistance Team for Director General of Local Autonomy and Political and National Unity at the Ministry of Home Affairs for Dr. Ir. Sudarsono, H (2006-2008), and was given authority to provide special consideration on local autonomy for MoHA's DG of Local Autonomy Prof. Dr. Johermansyah Johan, MA (2009-2012).

This man is an active writer. He has published many of his articles especially related to human rights issues, migration, and employment and politic. In addition, a number of his articles, opinions, scientific papers and papers have been published in national mass media. He is also active as a resource person in few of national television networks.

During 2014, Natalius has served as the Head of Monitoring Team for 2014 and encouraged legislative election based on human rights through intensive communication with agencies and ministries namely, KPU, Bawaslu RI, DKPP, Mahkamah Konstitusi, Kepolisian RI, Kementerian Hukum dan HAM, and so on. He was also member of Investigation Team of Human Rights Violations in Paniai, Papua. The team was formed on the request and pressure from the public to immediately reveal the cause of civilians persecutions (indicated as minors) on 7 and 8 December 2014.

This native Papuan has worked hard to support settlement of human rights violations cases that have been lodge to Komnas HAM. During 2014, Natalius handled approximately 1400 of 3600 cases that have been lodge to the Commission.

Otto Nur Abdullah

Member of Monitoring and Investigation Sub Commission

The Political Sociology Doctor was born in Yogyakarta on 14 October 1959. In 1987 he earned his bachelor degree on Geography from Regional Study at Universitas Gajah Mada Yogyakarta. In 1993, Otto continued his education at Graduate Program on Sociology at the same university. He earned his post-graduate study from Universitas Indonesia on Sociology in 2006.

He started his experience on human rights issues in 1989 when he was trusted to be a Director of Cordova, a Banda Aceh-based NGO, which investigated, advocated and published human rights violations that happened in Aceh. In 2000, Otto was the secretary for Independent Monitoring Committee during "Humanitarian Pause" period with the responsibility to conduct investigation and compose report on human rights perspective. Otto was a volunteer in Human Rights Watch in 2001, in its headquarter in New York. In 2003, he was appointed to be research manager at YAPPIKA, with main responsibility to conduct research on vertical and horizontal conflicts. He started to build his relationship with Komnas HAM when he was asked to help monitoring activity in Aceh in 2003. Otto was Imparsial's Program Director from 2004 to 2006, and also its senior researcher. He

had been appointed as Imparsial's senior researcher from 2004 to 2012, and his main duty was to conduct monitoring and research on human rights enforcement.

Prior to joining Komnas HAM, this man was active in some researches and writing scientific articles. He has composed and published a number of books, among others are *Dari Maaf ke Panik Aceh: Sebuah Sketsa Sosiologi Politik (2000), which was published* in 3 series; *Peristiwa Idi Cut, Aceh: Dari Tragedi Ke Impunitas (2001); Suara dari Aceh : Identifikasi kebutuhan dan keinginan rakyat Aceh (2003); Sang Martir: Teungku Bantaqiah (2003).* His other books are *Peta Konflik Jakarta: Warga, Mahasiswa, Preman, Suku, Negara, dan Warga (2004)* dan *Suara dari Poso: Kerusuhan, Konflik dan Resolusi (2003)*published by *YAPPIKA-2003*. Some of his works have been widely distributed are Bandar: Kumpulan Kolom (2006); Sagoe: Kumpulan Artikel (2006); Kumpulan Wawancara (2008);Perdamaian: Yang Mendukung dan Yang Menentang (2009); dan Resolusi Konflik Melalui Jurnalisme Damai (2010);Upaya Perdamaian Untuk Tanah Damai (2014); and Ratu Adil : Kuasa dan Pemberontakan di Nusantara (2014).

Otto Nur Abdullah, known as intellectuals and civil society activists who is critical of violence practice in Aceh. During March 2014 to March 2015, Otto served as a Commissioner in Monitoring and Investigation Sub commission. Previously, he served as Komnas HAM Chairperson for the shortest period from 23 November 2012 until 7 March 2013.

Otto was assigned as Head of Monitoring and Investigation Team to Uncover Enforced Disappearance of 13 activists of 1997/1998, Head and Investigator for gross violations of human rights in Aceh, Head of Monitoring of the Trial of Treason Cases in Papua Province and Head of Follow up Team on Komnas HAM Investigation on Enforced Disappearances in several districts/cities in Papua Province in 2009.

Dianto Bachriadi

Member of Monitoring and Investigation Sub Commission

This anthropologist was born in Lahat on 12 September 1965. He graduated from Universitas Padjajaran Bandung in 1991 majoring in Anthropology. He continued his study in School of Politics and International Studies Flinders University Australia until he completed his post-graduate study in 2010.

He has started his activism on human rights since 1987 by being involved in many activities on organizing the marginalized groups, empowerment of people's organization, and development of national network to defend the rights of marginalized groups. Since 1992 he is more focused on educational activities, strengthening people's organizations and developing national network to defend the rights of marginalized groups.

He was involved in the Education Division of Students Movement for the People of Indonesia. Dianto has also conducted several research and studies at the AKATIGA Social Analysis Center (1994-1995) and Agrarian Resource Center (ARC) (2005-2012). In 1995 along with a number of activists and defenders of the rights of peasants and indigenous people, he formed the Agrarian Reform Consortium (KPA) and co-lead the

institute to 1998. Afterward, he became a member of the Expert Council KPA for some period. In 2003 with KPA involved in the project a comparative study on the implementation of agrarian reform in a number of countries in Asia, Africa and Latin America, as well as a comparative study of peasant movements in Indonesia and Brazil. In 2004, he formed PERGERAKAN, People-Centered Advocacy Institute, an institution that focuses on the development of democracy and the political education of the marginalized group. Now he is now also a senior researcher at the Agrarian Resource Centre (ARC).

His work with Komnas HAM started when he was appointed as a member of ad hoc team for the establishment of National Committee for Agrarian Conflict Resolution (Komite Nasional Penyelesaian Konflik Agraria (KNuPKA)) from 2002 to 2004. Together with Komnas HAM, he was part of the team to compose concept, legal basis and operational of the KNuPKA, in which the institution was then proposed to the President of the Republic of Indonesia.

Dianto is a productive writer and published his works in books and articles especially on social movement, rights of farmer, and human rights. Some of his works among others are: A Long Wait That Is Not Yet Over : Reflections on Ten Years of Reformation in the Context of Agrarian Reform; Land Concentration and Land Reform in Indonesia: Interpreting Agricultural Census Data 1963-2003; Land Grabbing and Speculation for Energy Business, Is Contentious Politics Relevant In Liberal Democracy?; A Perspective, Fighting for Land, Struggle for Livelihood and Power: Land Occupation Actions in Contemporary Indonesia; Six Decades of Inequality: Land Tenure Problems in Indonesia; Land, Rural Social Movements and Democratization in Indonesia; *Konflik Agraria dan Restitusi Tanah di Afrika Selatan; Dari Lokal ke Nasional, Kembali ke Lokal: Perjuangan Hak atas Tanah di Indonesia;dan Tantangan Kedaulatan Pangan.*

Dianto had served as Vice Chairperson of External Affairs from March 2013 to March 2014. During March 2014 to March 2015 he served as Commissioner in Monitoring and Investigations Sub commission. In this period, Dianto focus to discharge his responsibilities as a Rapporteur on Agrarian issues. According to him, the agrarian problem has reached the alarming stage and acute. It can be seen from Komnas HAM complaint data that clearly stated that most complained issues since the Commission was established is agrarian conflicts along with human rights violations. Without a real effort to resolve it, then the emergency situation of human rights will continue.

In carrying out his duties as a member of Monitoring and Investigation Sub commission, Dianto involved quite actively handle the cases that come from public complaints. He was also served as the Vice Chairperson of External Affairs of the Commission for strengthening networks at various levels in order to encourage countries to establish mechanisms of protection of Human Rights Defenders in Indonesia. In January 2015, he was assigned as member of Investigation Team of Alleged Criminalization against leaders of Corruption Eradication Commission (KPK).

Nur Kholis

Coordinator of Mediation Sub Commission

Nur Kholis was born in Sungai Lilin, South Sumatera on 21 October 1970. He earned his bachelor of law degree from Universitas Sriwijaya (1995) and then earned his graduate degree of Master of Art from Sung Kong Hoe University in South Korea in 2008.

Nur Kholis was entrusted with the position of Walhi Director in South Sumatera in 1997. He was then trusted as the Chairman of Walhi Regional Council in South Sumatera (1999-2000); Member of the National Council of Walhi (2000-2003); and Chairman of Walhi National Council (2004- 2007).

When he was the member of Walhi National Council in 2003, Nur Kholis was also trusted as the Director of Palembang Legal Aid Institution for two periods. He handled many cases involving poor community either through litigation or non-litigation. He was also the Chairman of Members Council of WARSI from 2009 to 2012. WARSI is an insitutition that actively advocating for the rights of Anak Dalam Tribe. In 2003-2004 he continued to pursue his career as the member of Panwaslu in South Sumatera.

Then, fate brought him to Jakarta and mandated to be one of member of Komnas HAM for the period of 2007-2012. Between 2007-2010 he was member of Monitoring and Investigation Sub-Commission. In 2010-2012 Nur Kholis was served as Vice Chairperson of External Affair.

Nur Kholis also wrote some articles among others were *LBH dan Konsep Bantuan Hukum Struktural (Jurnal,2005), Wajah Bantuan Hukum di Sumatera Selatan (Buku,2007), Korban pelanggaran HAM di Era Global (*Monitoring and Investigation Sub Commission *,2009).*

During March 2014 to March 2015 period, Nur Kholis served as Coordinator of Mediation Sub commission. In order to follow up on efforts to settle past human rights abuse by Komnas HAM, Nur Kholis was assigned as Head of the Ad Hoc Team on Follow-up Inquiry of the Gross Violations of Human Rights (the May 1998 riots, Wasior and Wamena, Trisakti, Semanggi I and Semanggi II, Enforced Disappearance, Talangsari, Mysterious Shooting and 1965-1966 Tragedy).

Nur Kholis involved in a number of Komnas HAM teams and contributed actively as member of Steering Committee for Komnas HAM National Inquiry Team on the Rights of Indigenous People within Forest Zone, Deputy head of Monitoring and Investigation Team to Uncover Enforced Disappearance of 13 activists of 1997/1998 and member of Investigation Team of Human Rights Violation in Paniai.

Nur Kholis played significant role in the International Human Rights Day on 10 December 2014 both at the opening ceremony in the National Palace of Yogyakarta, as well as in the National Workshop in Jakarta. He was the one of resource person in parallel group discussion on Roadmap Formulation for Settlement of Past Human Rights Violations in the National Level.

He was also a member of monitoring team to investigate alleged human rights violations in Paniai, Papua. The team was formed on the request and pressure from the public to immediately reveal the cause of civilians persecutions (indicated as minors) on 7 and 8 December 2014.

He drew attention from public when he was leading the investigation team for alleged criminalization of KPK leaders This case often reported in media that put him in the vortex of media coverage.

Siti Noor Laila

Member of Mediation Sub Commission

Siti Noor Laila was born in Pacitan East Java on 30 November 1967. She earned her bachelor of Law from Universitas Islam Indonesia (UII). She has been taking her graduate study on law from the same university since 2004.

Laila was once named as one of 100 prominent figures in Lampung by the Lampung Post (Book: 100 Prominent Figures in Lampung, Lampung Post), she was also the recipient of KNPI Award for Human Rights from KNPI Branch of Bandar Lampung City in 2005.

She has had many experiences such as being involved in Yogyakarta Women's Discussion Forum in 1990 and was also active in advocating and organizing the rally conducted by women in North Tapanuli who were discriminated against by PT. Indo Rayon Utama; and also advocating the people of Kedung Ombo, Parang Endog, and women street vendors in Beringharjo Market; she campaigned also for the case resolution of human rights violation against Marsinah in Sidoarjo; she was also the Executive Chairperson of Women and Children Advocacy Study Institution (Elsapa).

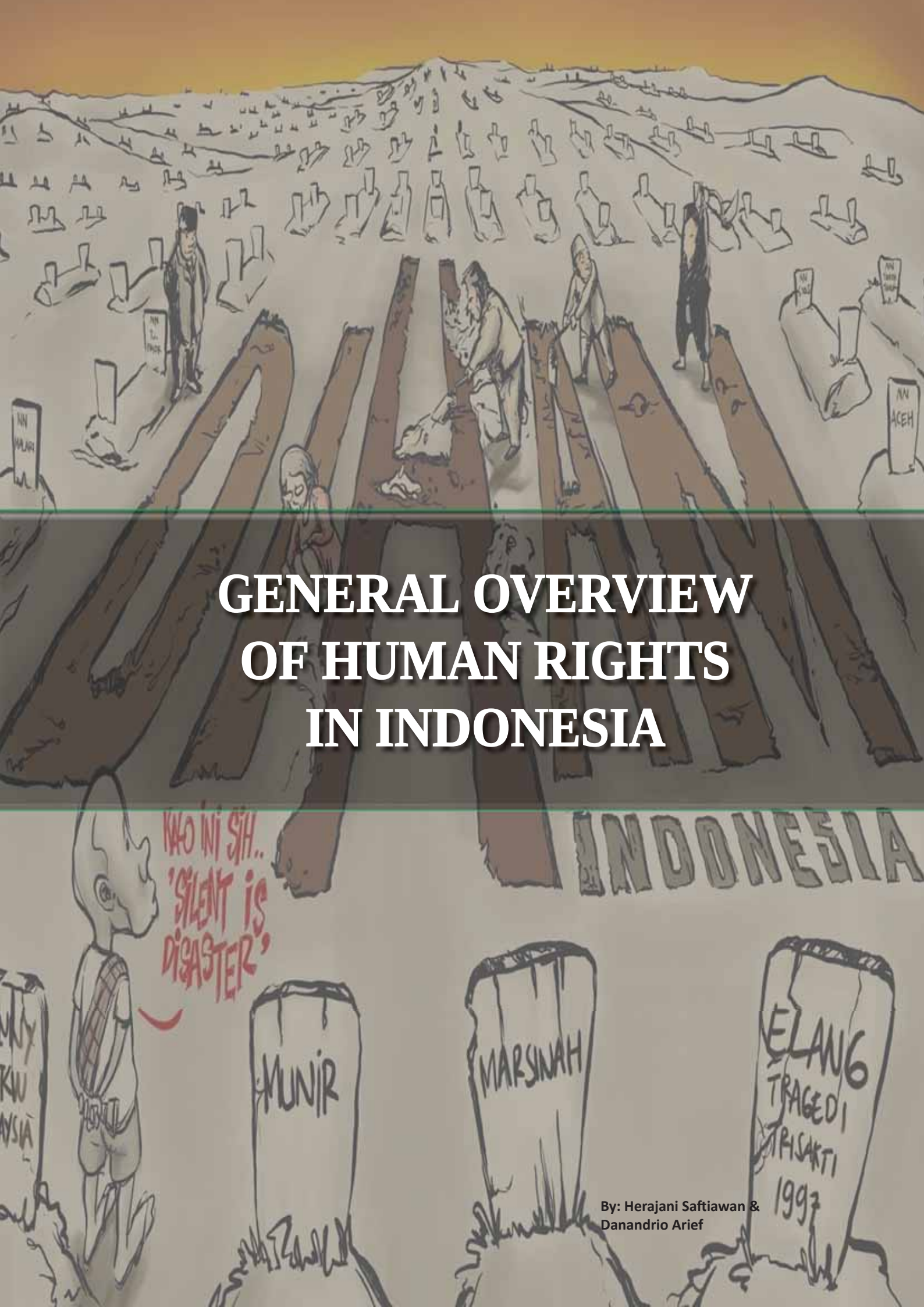
Moreover she was also active in some institutions that advocate for women and children's rights such as in REMDEC SWAPRAKARSA, Damar Women Advocacy Institution, and Lampung Women's Movement. She was also part of the team that defended victims of Mesuji case.

She served as Komnas HAM Chairperson for March 2013 to March 2014 period. Afterward she served as a Member of Mediation Sub commission. She was the steering committee for Global Appeal to end stigma and discrimination against people affected by leprosy and theirs family which held on 27 January 2014 in Jakarta. This event was collaboration between Komnas HAM and The Nippon Foundation.

In order to follow up on efforts to settle past human rights abuse by Komnas HAM, she was assigned as member of Ad Hoc Team on Follow-up Inquiry of the Gross Violations of Human Rights (the May 1998 riots, Wasior and Wamena, Trisakti, Semanggi I and Semanggi II, Enforced Disappearance, Talangsari, Mysterious Shooting and 1965-1966 Tragedy), member of Monitoring and Investigation Team to Uncover Enforced Disappearance of 13 activists of 1997/1998 and member of Investigation Team of Human Rights Violation in Paniai, as well as Investigation Team of Disappearances of 18 person in 2009 in several districts/cities in Papua Province.

The Plenary Session decided to assign Laila to lead a team of protection against human rights defender in Indonesia. This team aim to strengthen Komnas HAM network in national level and to conduct workshop on strengthening the role of the State and non state in establishing protection mechanism of human rights defender in Indonesia. This activity is supported by The Asia Foundation of Indonesia.

She actively participated in the International Human Rights Day on 10 December 2014 both at the opening ceremony in the National Palace of Yogyakarta, as well as in the National Workshop in Jakarta. This Pacitan born was involved in Investigation Team of Human Rights Violation in Paniai and Investigation Team of Alleged Criminalization against leaders of Corruption Eradication Commission.



GENERAL OVERVIEW OF HUMAN RIGHTS IN INDONESIA

By: Herajani Saftiawan &
Danandrio Arief

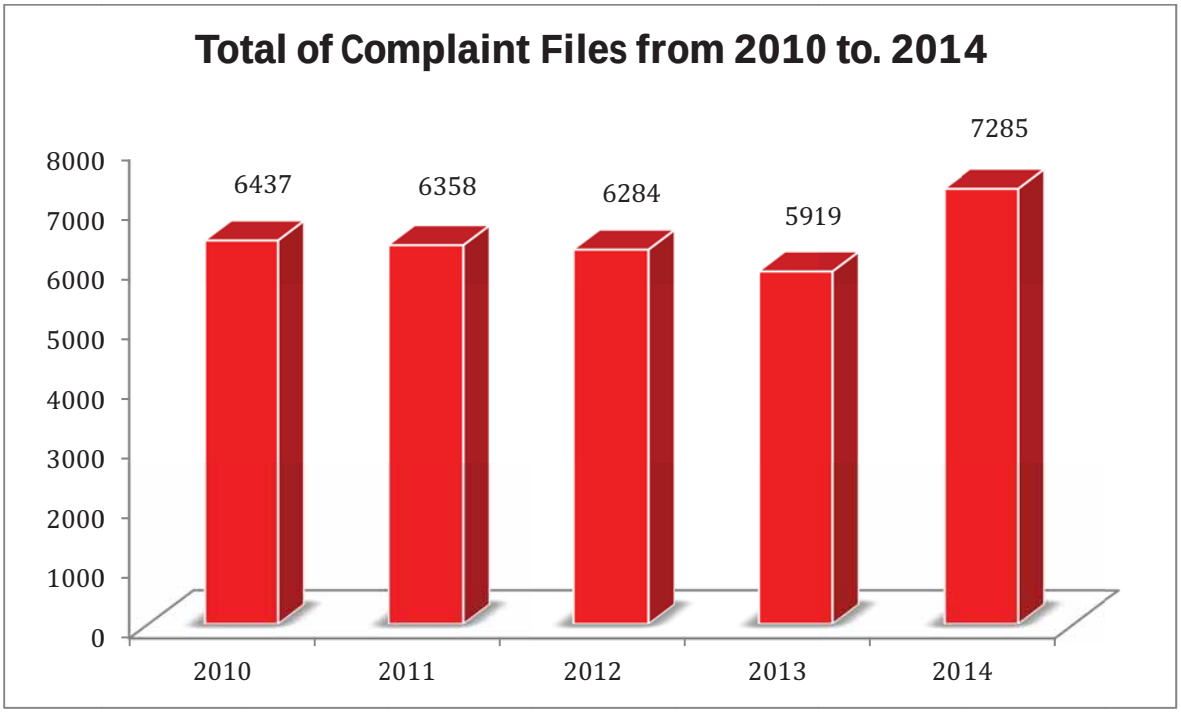
General Overview of Human Rights in Indonesia

Without a logic complex, with just a simple thought, it can be concluded that human rights issues in Indonesia still leave a lot of records. These records may be addressed to the rights holders in this case the citizens and the state as duty bearer.
The rights holders are part of human rights issues in Indonesia. Based on Komnas HAM complaint data for 2014, allegations of human rights violation experienced by individuals made up the majority of reporting to Komnas HAM. As the Commission data in 2014, the number of complaints reached 4.342 (this number consist of 3,647 individual complaints and 695 vulnerable individual complaints).

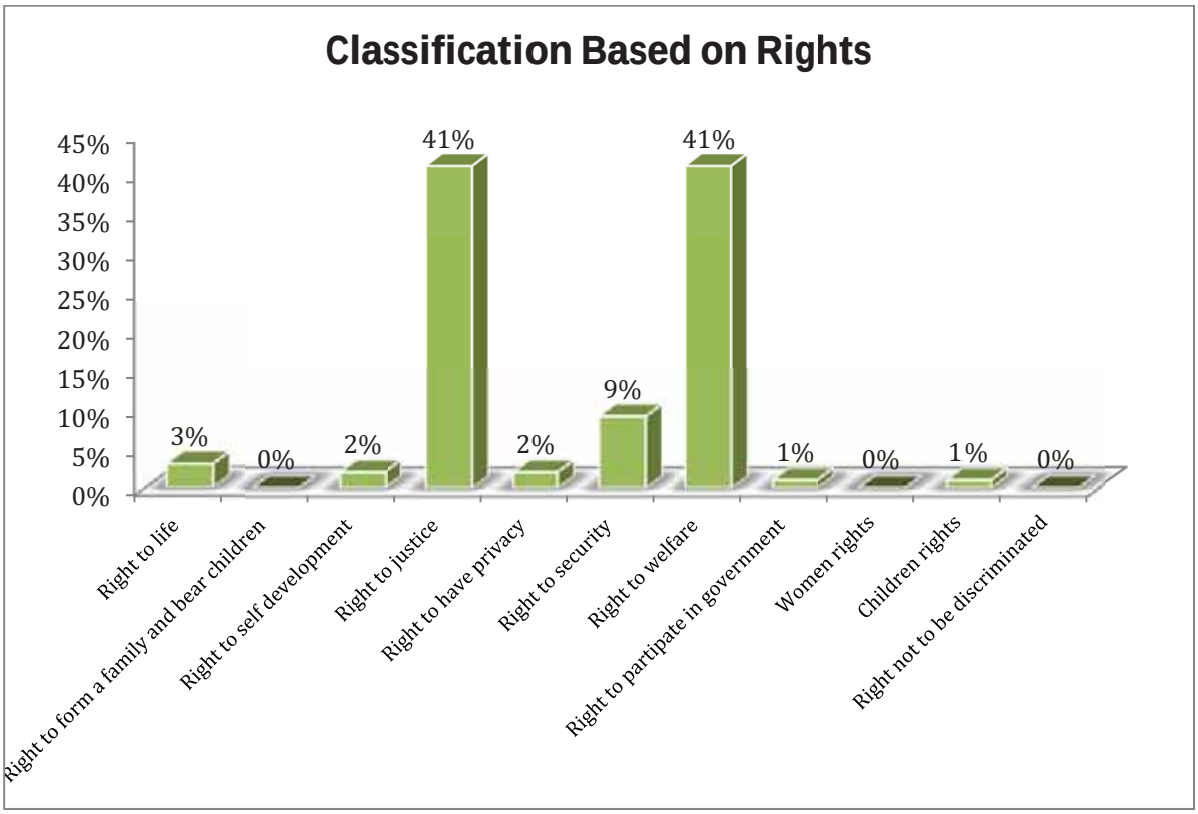
No	Victim classification	Files	Percentage
1	Individual	3.647	51%
2	Vulnerable Individual	695	9%
3	Public	1.951	27%
4	Vulnerable Group	802	11%
5	Organization	23	1%
6	Foreign national	12	1%
Total		**7.130**	**100%**

The individual, as the basic structure of society, was still dominant with human rights issues. There were some assumptions that led to individuals who feel their rights have been violated, namely increasing human rights awareness in society, easier access to lodge complaint to the Commission, or increasing number of human rights violation cases involving the individuals.

The number of human rights violations in Indonesia during 2014, based on Komnas HAM data has increased significantly as follows:



Based on the Commission data, the highest complaints lodged to Komnas HAM: (i) right to justice (41%), (iii) right to welfare (41%) and (iii) right to security (9%).



In general, the right to justice associated with the performance of law enforcers such as the police, prosecutor and judiciary which reported work not in accordance with the procedures or expectations of the complainants. Criminalization, judicial mafia to misguided trial still be bitter pills for law enforcement in Indonesia.

While right to welfare revolves around the issue of land conflicts, labor and employment disputes, evictions houses and traders, right to health, as well as migrant workers.

Expectation to the state in relation to human rights violations phenomenon in Indonesia cannot be ignored, as stipulated in Law No.39 of 1999 on Human Rights, especially Article 71 states that the obligation and responsibility to respect, protect, uphold and promote human rights is becoming the domain of states in this regard the Government of Republic of Indonesia as the duty bearer.

It's an irony, especially when we take a look at Komnas HAM complaints data during the past three years, some elements of the State identified as the alleged of violations human rights violations:

Parties Complained during the last 3 Years

No	Parties Complained	2012	2013	2014
1	National Police	1.938	1.845	2.483
2	Corporation	1.126	958	1.127
3	Local Government	569	542	771
4	Judiciary Institution	542	484	641
5	Central Government/Ministry	483	488	499

The police, corporation and local government have wider authority and/or more power after implementation of regional autonomy since 2001. Police hold large power and authority both for law enforcement and public order. The complaint of human rights violations related to allege abuse of authority by police officers from the top level to the bottom still continues and is likely to increase.

While the corporation as the second actor most complained due to its networking and big capital that allegedly could set public policy and development design. The commission found this modus in some cases, because of administration of permits more in favor of investment interests rather than protecting the right of communities.

Then the local government took the third position of the most complained because of it excessive power and authority. The authority was often not used to prosper its people, but giving out investment license and enriching themselves as well as their groups. This was in contrary to spirit of regional autonomy that aims to bring the leaders closer to its people, but what happened is the opposite, the Regent or Mayor became small kings in the region.

In a nutshell, despite various legislations provide guarantee of promotion, protection, upholding and fulfillment of human rights, in reality various forms of human rights violations still occurred. Human rights violations not only in the field of civil and political rights but also economic, social and cultural rights. It is undeniable that various forms of human rights violations resulting in property damage as well as human fatalities both wounded and died.

We all hope that since 2015, the new national leaders could make significant efforts to restore the life of the nation. Jokowi-JK leadership is expected to do so with the nine priorities agenda called *Nawa Cita.* Komnas HAM sincerely hope that *Nawa Cita* will be able to render human rights as the foundation of national life that can lead Indonesia in realizing the ideals of independence.

Nawa Cita, agenda number 4 and 9, stated " to strengthen the presence of the state in reforming the system and law enforcement corruption-free, dignified, reliable where one of priority program is just settlement of past human rights violations" (program 4); "to strengthen diversity and social restoration of Indonesia by highlighting the policy of education for diversity and creating spaces of dialogue among citizens" (program 9).

The Role of Komnas HAM

Komnas HAM as a state institution that has functions and duties in human rights field, during 2014 has made various efforts to protect, uphold, fulfill and promote human rights and put pressure on the Government to pay serious attention to:

(1) Settlement of past human rights issues;

(2) Promotion and protection of the rights of minorities, marginalized and vulnerable groups

(3) A comprehensive settlement of agrarian conflicts, including forest areas and rights of indigenous peoples;

(4) Implementation of institutional reform of the police, corporation, and local government as the most complained party to the Commission;

(5) A Comprehensive resolution to human rights cases in Papua, Aceh and Palu;

(6) Resolving Indonesian migrant workers problems who face legal issues in some countries and release those sentenced to death penalty especially in Malaysia and Saudi Arabia;

(7) Promoting economic, social and cultural rights, especially right to education because education in Indonesia has been categorized in the lowest quality group in the world despite budget allocation for education has reached 20 percent of state (APBN) and local budget (APBD). ‘

Komnas HAM Performance

Komnas HAM as mandated by Law No. 39 of 1999 on Human Rights aims to develop conditions conducive to the execution of human rights in accordance with Pancasila, the 1945 Constitution, the United Nations Charter, and the Universal Declaration of Human Rights; and improve the protection and upholding of human rights in the interests of the

personal development of Indonesian people as a whole and their ability to participate in several aspects of life.

In order to achieve these aims, Komnas HAM as an independent institution equal level with other state agencies has functions to study, research, disseminate, monitor and mediate human rights issues. In addition, the Law No. 26 of 2000 on Human Rights Court mandated Komnas HAM as the sole agency authorized to conduct pro justisia inquiry on gross violations of human rights. Later on, the Commission is mandated as a supervisor in the implementation of Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination. In 2012, the Commission be given additional mandate in handling social conflicts as stated in Law No. 7 of 2012 on Social Conflict Management.

Komnas HAM through its study and research function had undertaken some activities to study and examine some events and/or legislations to align with human rights principles and norms of human rights. Below are Komnas HAM activities during 2014 in relation to its study and research function:

1. Research on Strengthening Human Rights Commitments in the Police Institution;
2. Research (continuation) on the relevant legislations related to Defense and Security Sector Reform (National Security, Criminal Code Bill (RUU KUHP), Criminal Procedure Code Bill (RUU KUHAP));
3. Komnas HAM National Inquiry on Indigenous People Rights within Forest Zone;
4. Research on Human Rights Indicator (HRI) for Human Rights Indexes (continuation from human rights indicator);
5. Recognition, respect, protection and fulfillment of the Rights of Indigenous Peoples (HMA) on its territory in Law No. 41 of 1999 on Forestry, Law No. 5 of 1960 on the Basic Regulation of Agrarian Law, Law No. 18 of 2013 on the Prevention and Eradication of Forest Destruction, and Law No. 32 of 2009 on the Protection and Environmental Management;
6. Research and development on Komnas HAM Research and Data Service (data center);
7. Position paper on National Legislation Program 2014;
8. Indication of patterns of human rights violations related to Indigenous Peoples Rights over its territories in forest areas and the expectation of victims for it redress;
9. Study on Human Rights Limitation ; and
10. Follow up on Disability Bill, Law No. 39 of 1999 Bill and the Framework Convention on Tobacco Control (FCTC).

Komnas HAM in carrying out its public awareness function has undertaken some activities to raise awareness of the rights holders and duty bearer. In order to create conditions which the state carries out its responsibility to respect, protect and fulfill human rights. The citizens are expected to further increase awareness and able to speak and claim what they are entitled. In the future, this function may be optimized and synergized with monitoring and mediation functions, thus increasing the effectiveness of Komnas HAM performance.

Komnas HAM activities in relation with public awareness function during 2014 as follows :

1. Global Appeal "End Stigma and Discrimination Against People Affected by Leprosy and Their Families, 27 January 2014;
2. Movie Launching" *Marah di Bumi Lambu"* and Advertising "Land Rights" in Jakarta, 12 May 2014;
3. Seminar on the Implementation and Challenges of National Human Rights Action in West Sumatra, 13 May 2014;
4. Training of Trainer for Educator in Serang, Banten, 24 - 27 June 2014;
5. Human Rights Seminar for Religious Leaders in Bandung, 24 September 2014;
6. Human Rights Training for Law Enforcers in South Sumatera, 13 - 16 October 2014;
7. Human Rights Training for State Apparatus in Bandung, 20 - 22 October 2014;
8. Participation at the Legal Expo at Ministry of Law and Human Rights, Jakarta 30 - 31 October 2014;
9. 'Senyap' Movie Launching , Jakarta, 10 November 2014;
10. Training of Trainers - Human Rights Facilitator for Ministries and Agencies, Bogor, 12 - 14 November 2014;
11. Training of Training Trainers - Human Rights Facilitator for the Police, in Ciawi, 17 -21 November 2014;
12. Human Rights Dissemination on public facilities accessible for disabled, Bali, 6 November 2014;
13. Hosting visits;
14. Radio relay on National Inquiry on Indigenous People Rights within Forest Zone , 17 Desember 2014;
15. Publication;
16. Library management ; and
17. Information and Technology Management

Related to monitoring function through out 2014, there were no any significant changes related to three major perpetrators of human rights violations namely the National Police in the first place (2.483 files), followed by the corporation (1.127 files) and the local government (771 files). This may occurred because the three actors have great authority and / or power post of regional autonomy in 2001.

During 2014, Monitoring and Investigation Sub Commission has carried out 171 monitoring/investigation, which consist of regular monitoring, monitoring of political rights of citizens in General Election of Legeslative and President/Vice President and monitoring by the representative office.

Following are some examples of field monitoring that has been carried out :

1. Monitoring of alleged violation of the right to freedom of expression and assembly for meeting dismissal of former political prisoners/family victim of 1965;
2. Monitoring of alleged human rights violations related to allege abuse by Manggarai District Police (Polres) Manggarai in conflict with Gendang Tumbak indigenous people with PT. Aditya Bumi Pertambangan in East Manggarai Regency, NTT Province;

3. Monitoring on protection and fulfillment of right to water in the Area of Bentang Alam Karst/Groundwater Basin in Central Java Province;
4. Monitoring of the rights of indigenous people in forest zone in Maluku and North Maluku region;
5. Monitoring of alleged violation of land rights and right to welfare of Farmers Group Padang Halaban and PT. SMART in North Labuan Batu Regency, North Sumatra Province;
6. Monitoring of alleged human rights violations against Dayak Jelak Sekayuk tribe by PT. Harapan Hibrida East Kalimantan- Timur Lipat Gunting Estate/Union Sampoerna Triputra Persada in Ketapang Regency, West Kalimantan.

Komnas HAM mediation function serves to encourage negotiation and peace in cases with human rights dimension. The success of mediation depends on cooperation of the parties and their willingness to sit down at the negotiating table. This function is not yet widely known compared with monitoring and investigation function. Therefore, in the future, mediation function should be optimized and socialized to the community and government.

Following are the important records related to mediation functions in 2014:

1. Increasing number of land cases
2. Increasing number of dispute between group of community and the State
3. Polemic on traditional market revitalization
4. Social Conflict
5. Labor and Employment Conflict

Following are few examples of cases that have been resolved through mediation agreement or the implementation Komnas HAM recommendations:

1. Employment Dispute between five former workers and PT MCI Management;
2. Dispute on right to health fulfillment among the patients and RSHJ;
3. Land dispute among SLBN / A Bandung with PSBN Wyata Guna;
4. Dispute on house demolition between the Br. Umar Baskoro with Br. H. Salah;
5. Land dispute between the villagers Kendalrejo related road widening project of Golden Triangle Ring Road of Durenan Kendalrejo Village, Trenggalek Regency, East Java Province;
6. Land disputes between community of RT 11, Village 8 Ulu, District SU1, Palembang with the State Islamic Institute (IAIN) Raden Fatah Palembang;
7. Customary land dispute between Dani Tribe and Moni Tribe in Timika.

There was no progress regarding settlement of gross violations of human rights in the Attorney General Office, whether the incidents occurred prior or after the enactment of Law No. 26 of 2000 on Human Rights Court. Until end of June 2014, the Attorney General has not acted upon at least seven inquiries completed by Komnas HAM, namely:

1. The events of 1965 to1966
2. The events of Mysterious shootings 1982 s.d.1985
3. The events in Talangsari Lampung 1989
4. The events of Enforced Disappearance 1997 to 1998

5. The May 1998 Riot
6. The events of Trisakti, Semanggi I dan Semanggi II
7. The events of Wasior and Wamena 2003

The Commission appreciated serious efforts put by the House of Representatives regarding the enforced disappearance incidents by sending a recommendation to the President for establishment of the ad hoc Human Rights Court on enforced disappearance. However, until the end of 2014, there has been no progress regarding establishment of the ad hoc Human Rights Courts through Presidential Decree.
Currently, Komnas HAM is conducting inquiry on five cases of gross violation of human rights in Aceh, namely :

1. Simpang KKA Incident, North Aceh, 1999;
2. Jambu Keupok Incident, South Aceh 2003;
3. Rumah Geudong Incident, Pidie 1989 to 1998 period;
4. Bumi Flora Incident, East Aceh 1998, and
5. Timang Gajah Incident, Bener Meriah 1998 to 2003.

The military operations in Papua cause various forms of human rights violations. Komnas HAM will carry out an investigation to determine whether human rights violations that occurred in Papua meet the criteria of gross human rights violations or not.
If all cases of human rights violations left protracted without settlement, then it will open up the opportunity of international mechanism as stipulated in the basic principles of the UN Charter, the Security Council and the Rome Statute.

Human Rights Actual (Contemporary) Issues in 2014

In addition to polemic on the implementation of Komnas HAM functions and slow settlement of gross violations of human rights cases, the Commission also had to respond to a number of actual human rights issues that drew public attention, among others:

1. Disclosure of Munir murder case;
2. Violence cases in Papua;
3. Poso Case;
4. Migrant workers problems;
5. Polemic on death penalty;
6. Increasing number of public complaints related to human rights cases;
7. Guarantees of freedom of religious and belief;
8. Agrarian Conflict;
9. Forced Eviction;
10. Protection of labor rights;
11. Forest fires;
12. Lapindo Case;
13. Education management issues; and
14. Scholarship distribution to the poor.

At the regional and international level, Komnas HAM had responded to several issues during 2014 namely:

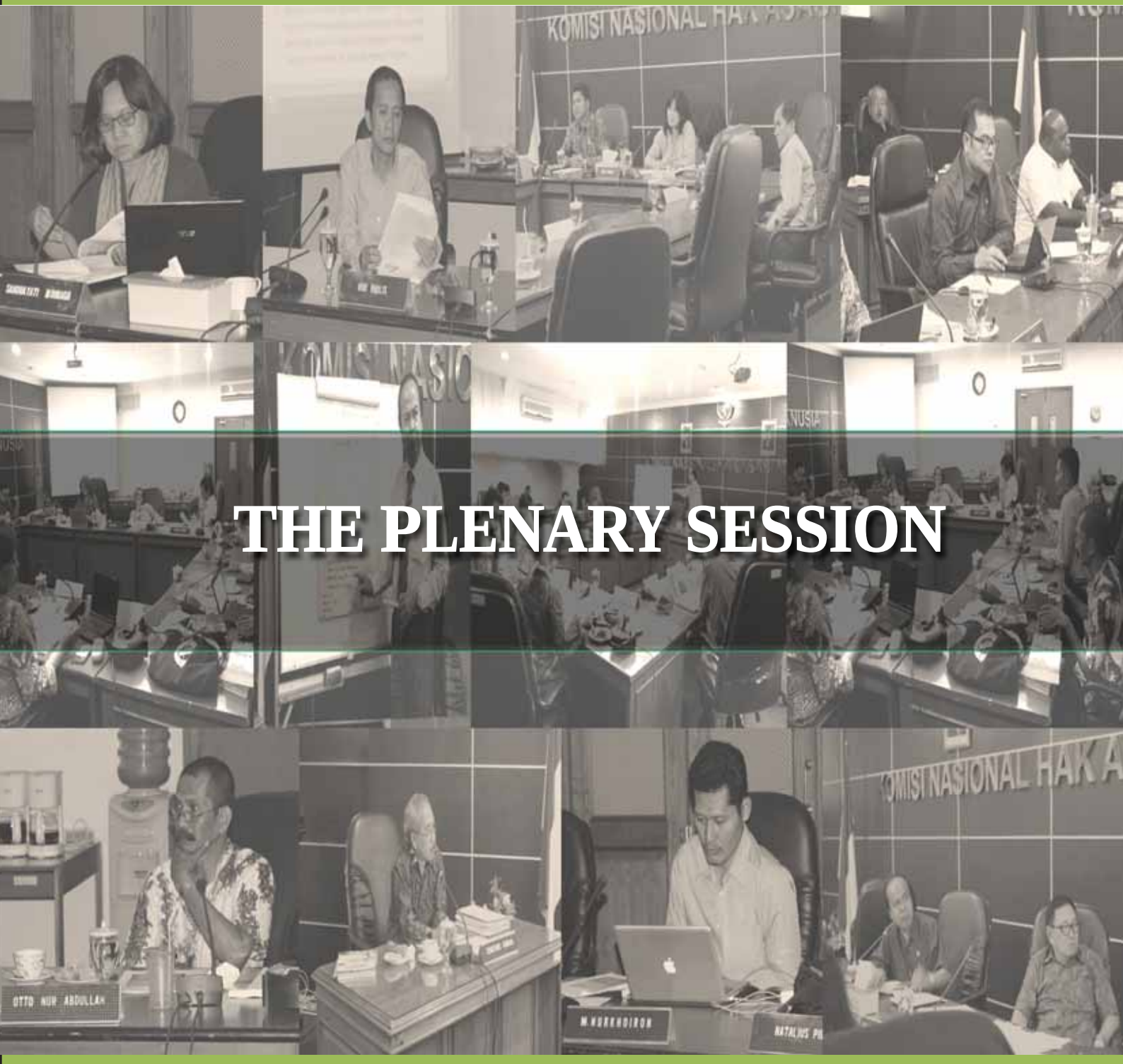
1. ASEAN single community;
2. Rohingya cases;
3. The development of Palestine; and

4. The political transition in Islamic Countries in Middle East and North Africa.

Conclusion:

Based on the a fore mentioned above, the strategic developments related to human rights promotion, protection, enforcement and fulfillment in Indonesia during the year 2014, can be concluded as follows:

1. A number of records that need attention related to promotion, protection, enforcement and fulfillment of human rights;
   - Abuse of power by security forces still took place which includes use of torture in detentions;
   - Disclosure of Munir murder case;
   - Fulfillment freedom of religion and belief;
   - Protection of migrant workers who receive inhumane treatment and dealing with legal issues;
   - Agrarian conflicts that cause casualties; and
   - The handling of mudflow victims (Lapindo) in Sidoarjo.
2. There was no any significant progress on human rights condition during 2014 due to lack of serious efforts from the government in fulfilling citizens human rights both in the economic, social and cultural as well as in civil and political fields.
3. The complexity of human rights issues in economic, social and cultural field was mainly due to agrarian conflicts, labor cases, evictions, as well as high number of unemployment.
4. Human rights issues in civil and political field due to high number of violence by security forces and lack of political will from the Government for gross violations of human rights cases settlement and Munir murder case disclosure.
5. A positive record to human rights promotion by including various program of human rights as one of *Nawa Cita* elaboration as outlined in the National Medium Term Development Plan (RPJMN). This has given hope to provide redress for human rights violation victims to be able to taste the justice.



THE PLENARY SESSION

The Plenary Session

Komnas HAM Plenary Session is the highest institutional mechanism and highest order of authority in institutional strategic decision making. Plenary session is attended by all Komnas HAM members as ruled in article 79 law No. 39 of 1999 on Human Rights, that states :
(1) Plenary session is the highest authority in Komnas HAM
(2) Plenary consists of all the Komnas HAM members

A. The Highest Instrument of The Institution

The Plenary Session held at least once a month in the first week of the month. In an urgent situation, the Plenary Session may be held more than once in a month, in the third of fourth week.
Article 30 of Komnas HAM Regulation No.005 / KOMNASHAM / XII / 2013 on the Amendment of Code of Conduct No.02 / Komnas HAM / III / 2013 stipulates the Commission shall conduct the Plenary Session in order to:

1. Set code of conduct;
2. Set strategic plan and working plan;
3. Set working mechanism;
4. Select and dismiss the Chairperson and Vice Chairperson;
5. Establish sub commission and select its member and coordinator;
6. Dismiss member of the Commission;
7. Propose the appointment and dismissal of the Secretary General and echelon II officials in the Secretariat General of Komnas HAM;
8. Establish, appoint and dismiss the Selection Committee for candidate members of Komnas HAM;
9. Propose candidate members of Komnas HAM;
10. Issue recommendations and/or official statements of Komnas HAM regarding human rights violations or important issues related to Komnas HAM duties and functions;
11. Establish, maintain and liquidate Komnas HAM Representative Offices;
12. Appoint and dismiss Komnas HAM members in region;
13. Establish ad hoc team to carry out investigation of human rights violations;
14. Establish committee and team to implement Komnas HAM duty;
15. Appoint and dismiss Komnas HAM Board of Trustees;
16. Formulate and approve Komnas HAM Code of Ethic;
17. Discuss and approve reports on the implementation of tasks or activities of sub commission, ad hoc team, working group, committee, team, special rapporteur and Komnas HAM Representative Offices;

18. Discuss and approve a plan, monitor the actual implementation of budget and assess the Commission's annual expenditure;
19. Evaluate performance of Komnas HAM members and its officials in the Secretary General of the Commission;
20. Annual or alter some or all of the elements in the decision or policies Komnas HAM that considered contrary to legislations, code of ethics and public policy of Komnas HAM;
21. Present award to certain parties that considered meritorious for human rights promotion, protection, fulfillment and enforcement both domestically and abroad;

B. The Number of Decisions and Issues Discussed in the Plenary Session During January to December 2014

During year 2014 Komnas HAM had convened 14 (fourteen) Plenary Sessions and resulted 334 decisions, as follows:

No.	Month	The Number of Decree	Number of Decision
1.	January	01/SP/I/2014	24
2.	February	02/SP/II/2014	30
3.	March	03/SP/III/2014	28
4.	April	04/SP/IV/2014	22
5.	May	05/SP/V/2014	31
6.	June	06/SP/VI/2014	25
7.	July	07/SP/VII/2014	24
8.	July (Special Plenary Session)	08/SP/VII/2014	7
9.	August	09/SP/VIII/2014	25
10.	August (Special Plenary Session)	10/SP/VIII/2014	8
11.	September	11/SP/VIII/2014	28
12.	October	12/SP/X/2014	34
13.	November	13/SP/X/2014	19
14.	December	14/SP/X/2014	29
Total			**334 Decision**

The following are description of the issues taken into decision of the Plenary Session during 2014:

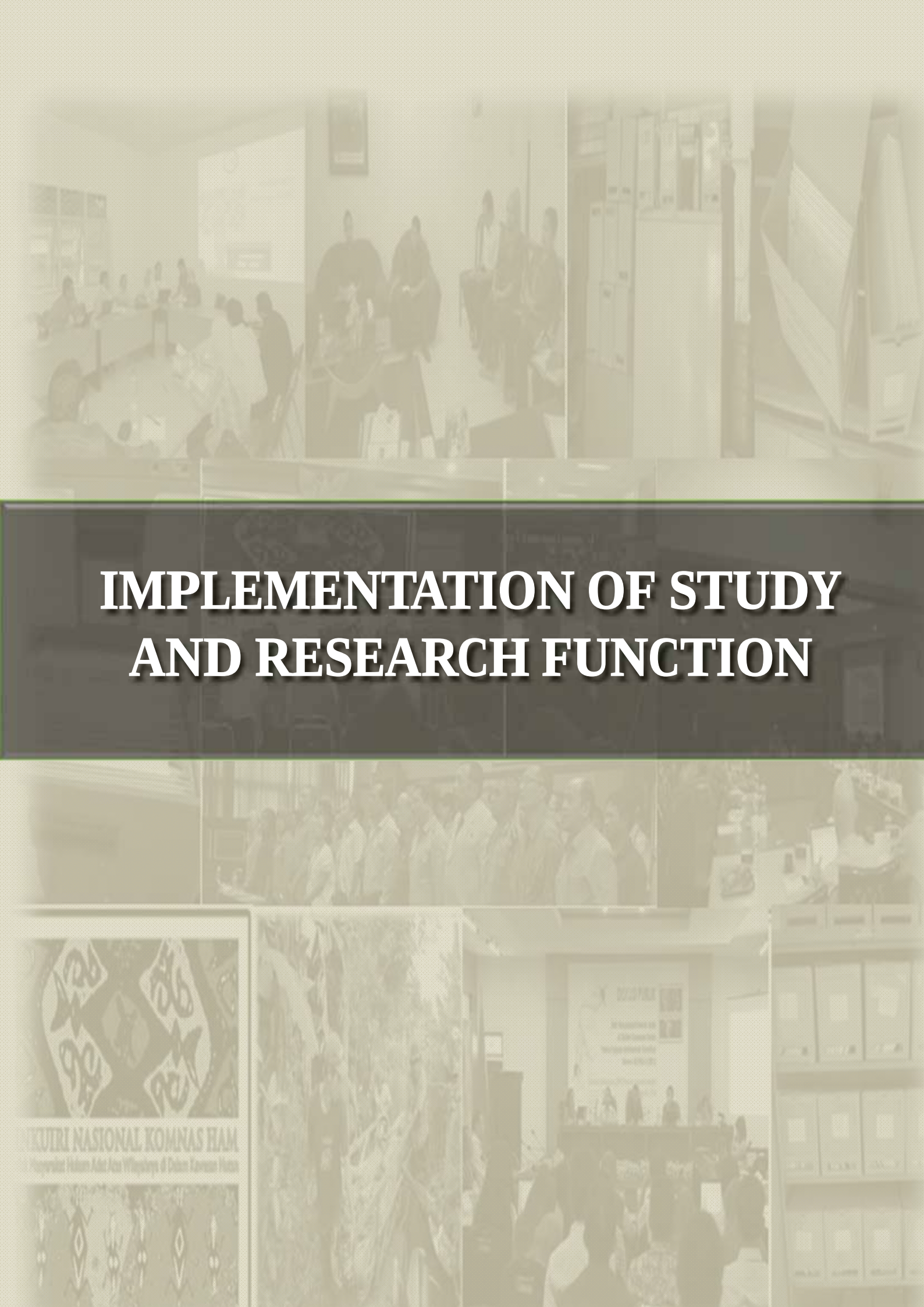
No.	The Plenary Session Decision	Number of Decision
1.	The Secretariat General of Komnas HAM	69
2.	Legislative Election	17
3.	Team onTerrorisme Studies	11
4.	Corruption and Human Rights	9
5.	The Cooperation Guidelines	9
6.	Special Rapporteur Mechanism	8
7.	Organizational matters	7
8.	Human Rights Audit Team in Papua	6
9.	Political Prisoner	5
10.	The Dutch Colonial Crimes	5
11.	The seven human rights issues	5
12.	Komnas HAM Bill	5
13.	Komnas HAM's Website Team	5
14.	Disaster Management	4
15.	Agrarian Conflict	4
16.	Institutional Restructuring Tim	4
17.	Gross Violation of Human Rights	4
18.	Position Paper : Freedom of Religious and Belief	3
19.	Human Rights Defender	3
20.	Business and Human Rights	3
21.	Torture	3
22.	The Ad Hoc Team of Gross Violation of Human Rights in Aceh	3
23.	BPLS Audit Team	3
24.	Interfaith Marriage	3
25.	Reproductive Health	3
26.	The Governor, Regent and Mayor Election	3
27.	SOP for Law No. 40 of 2008 on Elimination of Racial and Ethnic Discrimination	3
28.	Timor Leste Team for for Missing Children	3

No.	The Plenary Session Decision	Number of Decision
29.	Response to Asean NGO Network on National Human Rights Institution (ANNI)	3
30.	Regulation of Public Information Service	3
31.	Rules and Procedure of Granting Certificate of Victim and/Family of Gross Violation of Human Rights	3
32.	International Seminar/ National Workshop	3
33.	Assesment Team of Komnas HAM Monitoring Section	3
34.	Migrant Workers	2
35.	Monitoring and Investigation Team on Disclosure Incident of 13 activists 1997 to 1998	2
36.	Komnas HAM Strategic Plan Team	2
37.	Team for the Settlement of 7 Gross Violations of Human Rights	2
38.	Islamic State Of Iraq And Syria (ISIS)	2
39.	Mahfud MD Status as Komnas HAM Adviser	2
40.	The Panel of Komnas HAM Complaint Service Unit (UPP)	2
41.	Munir Case Qualification	2
42.	Internal Monitoring Team	2
43.	National Inquiry	2
44.	Death Penalty and Diyat	2
45.	Komnas HAM Award	2
46.	Monthly Report	2
47.	Strategic Issue : Amicus Curriae and Judicial Review	2
48.	Komnas HAM Visioning	2
49.	Commemoration of Human Rights Day	2
50.	Study on KUHP and KUHAP Bills	2
51.	Komnas HAM Management Information System	2
52.	Training for Mediator	2
53.	Press: The Criteria for Ministry and Head of Agency	2
54.	Massacre of Witches (Dukun Santet)	2
55.	International Activities related to Human Rights	2
56.	Working Group: Environmental Impact Assessment of Batang PLTU and Cement Manufacture in Rembang	2
57.	Research Team on Law and Human Rights Section in RPJMN	1
58.	Komnas HAM Views on the Developing of Human Rights issues at the National Level	1

No.	The Plenary Session Decision	Number of Decision
59.	Year End Note of Komnas HAM	1
60.	Depth Discussion of Noken and Ikat System in Human Rights Perspectives	1
61.	ESC Rights	1
62.	Technical Instructions on Monitoring	1
63.	Komnas HAM and Kompolnas	1
64.	Human Rights Session	1
65.	Customary Land	1
66.	Special Supervision on Granting HGU and Concession for License	1
67.	Case Handling Procedure	1
68.	Internet Sites with Negative Content	1
69.	Settlement of Gross Violation of Human Rights Cases	1
70.	Clarification on Human Rights Issues in Poso	1
71.	Komnas HAM's Letter regarding Minister of Education Decree on Education Level that meets Human Rights Principles	1
72.	Cooperation between Komnas HAM and Provincial Government of Central Java	1
73.	Komnas HAM's Letter addressed to the elected President on Negative List Candidates for Minister	1
74.	Movie Launch : SENYAP	1
75.	Mechanism of a Letter for the Commissioner who is not present at the Plenary Session	1
76.	Human Rights Indicator	1
77.	Kivlan Zein Case	1
78.	Human Rights Issue in Training Materials	1
79.	Komnas HAM Views on Commitment and Political Appointment of President of Republic Indonesia Joko Widodo	1
80.	Monitoring in Lampung Province	1
81.	Report of The Verdict of Examination of Muchdi Purwopranjono	1
82.	Discussion on Acquittal Pollycarpus Case	1
83.	Monitoring Team of Alleged Human Rights Violation in Illegal Mining Case in Degeuwo, Paniai, Papua	1
84.	Research Team of the Alleged Involvement of Exxon Mobil	1

Sub Section of Trial had regroup some issues that most frequently discussed in the Plenary Sessions :

No.	Issue	Number of decision
1.	The Secretary General of Komnas HAM	69
2.	Legislative election	17
3.	Team onTerrorisme Studies	11
4.	Human Rights and Corruption	9
5.	The Cooperation Guidelines	9
6.	Special Rapporteur Mechanism	8
7.	Matters concerning Organization	7
8.	Audit Team for Human Rights in Papua	6



IMPLEMENTATION OF STUDY AND RESEARCH FUNCTION

Implementation of Study and Research Function

Article 89 Paragraph (1) of Law 39 of 1999 states : to carry out the functions of the National Commission on Human Rights with realize aims as referred to in Article 76, the National Commission on Human Rights has the authority to:

a. study and examine international human rights instruments with the aim of providing recommendations concerning their possible accession and ratification;
b. study and examine legislation in order to provide recommendations concerning drawing up, amending and revoking of legislation concerning human rights;
c. publish study and examination reports;
d. carry out literature studies, field studies, and comparative studies with other countries;
e. discuss issues related to protecting, upholding and promoting human rights; and,
f. conduct cooperative research and examination into human rights with organizations, institutions or other parties, at regional, national and international levels.

The study and research function of Komnas HAM is the authority of study and research sub commission led by two commissioners, namely Roichatul Aswidah and Sandra Moniaga. While daily activities of human rights study and research is carried by Research and Study Administration Section under Human Rights Promotion Administration Bureau. Following are study and research activities carried out by Study and Research Sub Commission during 2014;

1. Komnas HAM National Inquiry on the Rights of Indigenous Peoples over Their Territories in Forest Areas

In 2014, Komnas HAM has conducted an activity called as the National Inquiry. National inquiry is a method to investigate, analyze the root of the problem and formulate recommendations of human rights violations. The national inquiry has targeted on systemic, extensive, and complex cases. Through the inquiry, common human rights violations are not expected to recur in the future. This was the first time Komnas HAM using this method even though this method has been introduced since ten years ago.
The national inquiry is carried out under conditions where there have been improvements on legislation and institution but human rights violations still occurs. The human rights violations revealed in the national inquiry were structural, hidden and likely to recur.

The national inquiry team not only from Komnas HAM. The inquiry team involved various elements among others community organization, university and mass media both print and electronic. The inquiry team were supported by the National Commission on Violence Against Women (Komnas Perempuan), and several civil society organizations consists of Sajogyo Institute (SAINS), Indigenous Peoples Alliance of the Archipelago (AMAN), The Samdhana Institute, HuMa, Epistema Institute, Community Mapping Network (JKPP), Kemitraan, and the Institute for Policy Research and Advocacy (ELSAM). The inquiry team has received some supports from Intermatrix, national and regional print and electronic media, regional radio networks and several local televisions for campaign and education aspects.



Public Hearing Process in Ambon Maluku, 29 to 31 October 2014
(Source : Komnas HAM National Inquiry Team)

The Themes of Inquiry

Komnas HAM decided to choose the topics of the rights of indigenous peoples over their territories in forest areas. This is a complicated issues and widely experienced by indigenous peoples all over Indonesia. Regulations and policies regarding land and indigenous peoples are so unclear. The Government effort to do some reparation has not been so evident despite some improvements of laws and regulations have been done.
The Government c.q Ministry of Environment and Forestry (formerly the Ministry of Forestry) appointed approximately 70% of Indonesia territory as a forest area that is treated as a state forest. Designation and small part of its determination has been done

since the days of the Dutch East Indies Government. Later, the Government set the conservation areas, protected forests and forest utilization licenses over production forests.
The Government still has slight recognition of indigenous peoples and their rights over their territories, including indigenous forests, especially in areas designated as forest area. Even the Government has unleashed "forest area" through issuance of use permit for mining interests and land allocated for other purposes (APL) that can be allocated for the development of plantations and other uses.
It should be noted that the number of land dispute cases, including customary land in forest areas, continues to increase from year to year. Komnas HAM recorded about 20 per cent of all complaints received, related to land issues as shown in the following data:



Data from civil society indicated the same trend. AMAN has noted that land and natural resources conflict cases were the highest compared to other cases. More than 140 cases involved indigenous peoples. Like an iceberg, the conflicts that allegedly occurred more than reported.

JKPP has conduct the mapping of indigenous territories has made overlay on map of indigenous territories to map of forest area in 2014. The overlay results showed that of 81% appointment forest area is in indigenous territories, while 19% of the rest are outside the forest area whose permits are not issued by the forestry agency.

The National Inquiry on the Rights of Indigenous Peoples over Their Territories in Forest Areas also as a response to the decision of Constitutional Court (MK) No. 35 / PUU-X / 2012 in the case of judicial review of Law No. 41 of 1999 on Forestry. The verdict was read on 16 May 2013 and granted part of the petitioner claim, according to Komnas HAM, it was an important legal breakthrough in the process of legal reform. The Constitutional Court's decision marking an important point where people struggle for the recognition of customary law and their rights, especially the rights of indigenous territories in line with the principle of respect for human rights.

The national inquiry also became part of the action plan in the Memorandum of Understanding (MoU) of 12 Ministries and/or state agencies which signed on 11 March

2013 related to the acceleration of the inaugural Indonesian forests. Komnas HAM is one of signing parties. The inquiry is in line with the MoU agenda, namely, first, harmonization of policies and legislation; second, technical and procedural coordination; and third, conflict resolution based on fairness, and human rights respects and promotion in accordance with legislation.

At the political level, the national inquiry in line with the nine priority agenda (Nawa Cita) of President Joko Widodo and his Working Cabinet. President Joko Widodo has stated its commitment to protect the institutions of local customs and the rights of indigenous peoples. This commitment has indeed given new hope for the remedial process (improvement) to disregard the existence of indigenous peoples and violation of indigenous peoples' rights.



Public Hearing in (DKU) in Jayapura-Papua,
26 to 28 November 2014
(Source: Komnas HAM National Inquiry Team)

The National Inquiry Stages

The national inquiry has several stages namely literature studies, field research, and public hearing both closed and open to the public. Besides leading to an attempt to resolve the problem, the inquiry considered will have implications on the improvement of education on society.

Public hearing is one of important method of the national inquiry and a forum to hear testimony from victims, the government, the company and related parties. This mechanism is believed to encourage the dissemination of information and knowledge as well as awareness of the importance of conflict resolution, respect, fulfillment, protection of indigenous peoples' rights.

Public hearing will be a process of education or clarification of the causes and consequences of human rights violations that occur because it raising major cases, the causes, impacts and context of the events that occurred, as well as looking at it with a new perspective. Public involvement in public hearing would encourage participation and public interest in the disclosure of human rights violation cases and the root of its problem.

Public hearing also aims to generate public support and momentum to ensure that local and national authorities take serious effort.

The inquiry team selected only 40 cases of many cases received to be heard in Public Hearing mechanism. Below are the criteria to determine which cases to be heard in Public Hearing:
1. Human rights violations occurred massively and systematically;
2. Experienced by Indigenous Peoples in forests or former forest areas;
3. There is enough information;
4. There are victims/ witnesses who are willing to provide information about the case;
5. There is political support at the local level; and
6. The case is registered in Komnas HAM.



Public Hearing in Pontianak, West Kalimantan on 1 to 3 October 2014
(Source : Komnas HAM National Inquiry Team)

Public Hearing

Public hearing aimed to the reveal the facts through clarifications of various complaints by Komnas HAM, also to listen testimony from the experts. The team has conducted 7 public hearing in the following areas:

1. Palu, Central Sulawesi on 27 to 29 Agustus 2014;
2. Medan, North Sumatera on 10 to 12 September 2014;
3. Pontianak, West Kalimantan on 1 to 3 October 2014;
4. Rangkasbitung, West Java on 15 October 2014;
5. Ambon, Maluku on 29 to 31 October 2014;
6. Mataram, West Nusa Tenggara on 12 to 14 November 2014; dan
7. Jayapura, Papua on 26 to 28 November 2014.

In the final stage, the Public Hearing was conducted in Jakarta for national/thematic public hearing on 16 to 17 December 2014.

The findings and the Root of the Problem

The public hearing process has led to the discovery of the root of the problem related to the issue of the rights of indigenous peoples in the forest areas. The most fundamental issue related to this issue is the lack of proper recognition of the state for indigenous peoples. This condition has implications for the uncertainty of indigenous peoples as a legal subject. This resulted in uncertainty of indigenous territories as well as the boundaries of indigenous territories and forest areas.

Following are the conclusion of Public Hearing to 40 Indigenous Peoples Cases in 7 Regions:

1. The issue of legal uncertainty of indigenous peoples existence, indigenous territories and its traditional rights as the root of the conflicts as well as abandonment of indigenous peoples' rights in forest areas. The state does not recognize indigenous territories which resulted in expropriation of indigenous peoples territories;
2. The granting of concessions and permits by the State to the company and the investors of extractive and exploitative businesses over land and forests in indigenous peoples territories are the causes of conflicts that resulted indigenous peoples as the victims;
3. There has been a simplification of the problem of indigenous peoples existence and their rights over indigenous territories and forest resources by the Government because it is regarded as an administrative issue not as an obligation to respect, protect and fulfill human rights which constitute as constitutional rights of the citizens;
4. The dispute between legality and legitimacy of the existence of indigenous peoples' rights. Indigenous peoples are positioned to deal with the Government and the forestry business holders who obtain business licenses from the Government, as well as mining and plantation business who obtain a permit to borrow, utilize and exchange forest areas from the Government. This condition has positioned indigenous peoples as party whose rights has been marginalized and their existence has been ignored in making important decisions on the future of their indigenous territories because there has been no formal legal basis for indigenous peoples;
5. The Government and/or the security forces who are supposed to be protectors of indigenous peoples and the nation, in practice in favor to protect the interests of the company / concessionaire;
6. The absence of major guidelines for the Police in dealing with natural resource conflicts have resulted in the absence of special treatment for women and children in legal proceedings and so far the handling cases of indigenous peoples were based on formal (written) only. Yet almost no indigenous peoples have proof of ownership or recognition of its existence from the Government;
7. The Government and security forces should anticipate the possibility of horizontal conflict among members of indigenous peoples or between indigenous peoples themselves, between indigenous peoples and other residents as a result of a different attitude towards the company's presence in their areas or the government policy on land / forest of indigenous peoples. Instead, omission or absence has happened and no specific efforts to resolve the issue;
8. The absence of ministerial-level agencies for the completion of agrarian conflicts (including forestry) so that land and agrarian conflicts in indigenous peoples territories never been resolved completely and thoroughly; and

9. The women, in particular, have double burden. Indigenous peoples especially women experiences layered discrimination. Forced displacement (forced transfer) has resulted in dispossession cultural roots and social relations of indigenous peoples from the sources of their livelihood that have an impact on the loss of knowledge of indigenous women (in mixing food and local medicines, weaving, spinning) because they cannot obtain raw materials from the forest. As a result of indigenous women cannot make ends meet as a provider of food and natural medicines.



Public Hearing Process (DKU) in Medan, North on 10 to 12 September 2014
(Source : National Inquiry Team Komnas HAM)

2. Indication of Pattern of Human Rights Violations related to Indigenous Peoples' rights Over Their Territories in Forest Area and Hope of Victims Reparation

Noer Fauzi Rahman, Indonesian Agrarian Expert, in relation with land grabbing and expropriation of customary land, criticized the security forces actions who constantly accuse indigenous peoples as thieves on their own land (Rahman & Siscawati, 2014). According to Rahman, indigenous peoples living in forest areas actually entitled to their territories and customary lands. Indigenous peoples should not live in threats and feel insecure from apparatus (the security forces/law enforcer) as they manage their land as happened in many cases of indigenous peoples in forest areas.

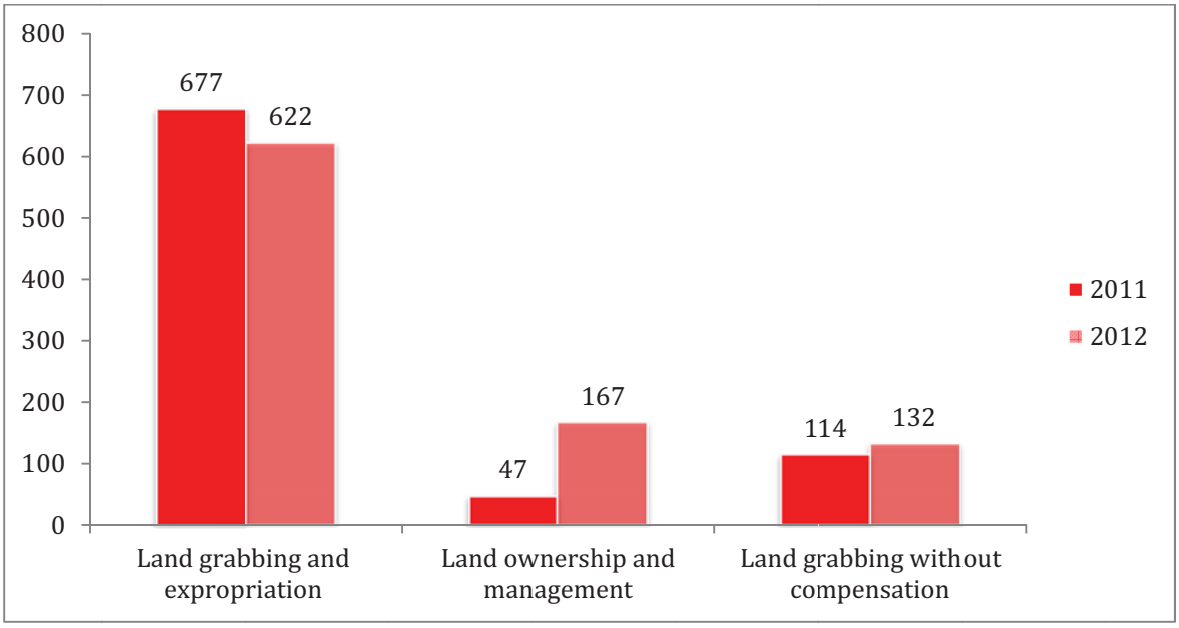
According to Professor Maria Ruswiastuti, the conditions experienced by indigenous peoples caused by 'fallacy' (Ruwiastuti, 2000) which was imprinted in law enforcement officials and policy makers framework. In their minds, indigenous peoples are not legal subject which have authority over land ownership. According to Ruwiastuti, misguided

way of thinking which is then implemented through regulations and policies are then resulted in the emergence of various events and incidents of land grabbing and expropriation of customary land accompanied by acts of violence and criminalization of indigenous peoples.

From the law perspective, various events that ended up with criminalization of indigenous peoples in forests are considered by law enforcement officials in accordance with applicable law. However, Professor Haridadi Kartodiharjo, forest management and policy experts, has another opinion which underlines that "the legal aspects of forest management as the animating principle should be able to prioritize aspects of fairness to all parties, including indigenous peoples." According to Kartodiharjo, indigenous peoples should not undergo criminalization considering that they are the real owners of the land, even though the rule of law which is the implementing regulations has not been set out clear recognition of indigenous territories and boundaries.

Documenting cases of indigenous peoples in Indonesia is a challenge. Until now, there has been no accurate data regarding the total number indigenous peoples victims related to agrarian conflicts. Nevertheless, Komnas HAM has data on the number of cases which believed to be agrarian cases and involve groups of indigenous peoples as victims. It should be noted that the agrarian conflict has occupied the top of most cases reported to the Commission for four years in a row.

Typology of agrarian cases related to human rights violations, according to Komnas HAM data, consist of land grabbing without compensation, encroachment and land grabbing, land execution, land ownership and management, violence in land dispute and communal land grabbing. Below are the typologies of human rights violations with the highest intensity:



The argument aforementioned has encourage a research on indication of the pattern of human rights violations related to the rights of indigenous peoples over their territories in forest areas and hope for victims reparation.

This research was in synergy with National Inquiry activities which held in 8 regions where public hearing on the rights of indigenous peoples over their territories in the forest area of Indonesia, namely Palu, Medan, Pontianak, Rangkasbitung, Ambon, Mataram, Jayapura and Jakarta.

3. Research on Strengthening Human Rights Commitment in the Police Institution

For the last few year the Police have become the most complained party with typology of violation of legal discrimination in inquiry and investigation process so there were some indications that the right to justice of the accused have been violated. There are various forms of abuse among others the absence of warrant and legal aid assistance. This issue is not only related to violation of civil and political rights but has led to violation of economic, social and cultural rights as happened in the case of police involvement in plantation conflict with community.

This issue has long become the world's attention. In November 2007, Manfred Nowak, UN Special Rapporteur on Torture has highlighted a number of problems related to the condition of pre-trial detention, especially the density detention (detention cells were overcrowded, lacked of fresh air and natural light, as well as sanitation facilities were inadequate and extended detention at the police investigation phase up to 61 days). Related to this, Manfred Nowak stated "Some cells were overcrowded and some facilities lacked fresh air, natural light and adequate sanitary facilities. Detention for up to 61 days in these conditions amounts to degrading and inhuman treatment."

Starting from this issue, Komnas HAM conducted a research on Assurance on Strengthening Human Rights in the Police Institution. This research led to:

1. Implementation of assurance of human rights protection and respect in the police regulations and policies;
2. Internal and external control of the Police institutional;
3. Implementation of Human Rights Education in the Police Institution.

The activities that have been carried out for this research were:

1. Data collection was done in 3 regions with high crime rates, namely North Sumatra, East Java and West Java; and
2. Interview with Regional Police, academic scholar who focused on police issues, Majda El Muhtaj from Human Rights Study Center (PUSHAM) Universitas Negeri Medan and Muradi from Universitas Padjajaran Bandung, West Java as well as resources from NGOs such as Legal Aid Institute and Kontras.

4. Research (continuation) on the Relevant Legislations related to Defense and Security Sector Reform (National Security, Criminal Code Bill (RUU KUHP), Criminal Procedural Code Bill (RUU KUHAP)

A series of Bills on law enforcement and Defense and Security Reform Sector (RSPK) provide significant implications for the protection, respect and fulfillment of human rights both in civil rights (the right to life, the right to security, the right to privacy, the right to freedom of religion, the right to be free from torture) or political rights (the right to express ideas and expression, the right to have political beliefs, the right of association and assembly, the right of participation in government, and the right to public services).

This research consisted of two themes, namely law enforcement and RSPK. For law enforcement, research has focused on Criminal Code Bill and Criminal Procedural Code Bill. While for RSPK, research has focused on National Security Bill.

This research based on Komnas HAM views on Criminal Code Bill, Criminal Procedural Code Bill and National Security Bill. This research was developed by compiling List of Inventory Problems (DIM) on the third bills to propose articles that considered in accordance with human rights principles.

This research used qualitative approached through conducting series of Focus Group Discussion (FGD) and in depth interview involving experts, civil societies and the right holders. The research team analyzed the data, information and opinions, then formulated into a research report to be recommended to various parties in order to improve those bills.

5. Research on Human Rights Indicator (HRI) for Human Rights Indexes (continuation from human rights indicator)

The Government is the responsible party for overseeing the realization of respect, protection and fulfillment of human rights. Ironically, the Government was often absent in carrying out its responsibilities.The Government often use limited infrastructure and resources as an excuse when facing a lawsuit regarding implementation of citizens' rights. Human Rights Index is a tool that can be optimized to facilitate supervision of the embodiment of human rights of the citizens.

It should be noted that various socio-economic indices are inadequate for measuring the human rights performance because it is generally not derived from human rights principles and standards so that can not be used as human rights index. From the Gross Domestic Product (GDP), the human development index, Gini index, unemployment, malnutrition, or the national socioeconomic survey (Susenas). The economic indicators are not enough to measure the state level of compliance in implementing the Covenant of Economic, Social and Cultulra Rights, as a statement of a senior researcher from Norwegian Institute of Human Rights (Asbjorn Eide, 2001).

Furthermore, the indicators provided by the Government have two fundamental flaws. First, the indicators only contain statistical data of a general nature so it do not describe the realities. Second, the indicators ability to measure state's obligation to respect, fulfill and protect human rights are still questionable. Those indicators are only able to measure slight degree of compliance of the state in terms of satisfying the basic rights of its citizens.

Therefore, Indonesia should have a Human Rights Index. The human rights index is supposed to be able to illustrate the reality of social, politic and economic in more comprehensive manner so that human rights implementation will be easily monitored.

6. Recognition, Respect, Protection and Fulfillment of Indigenous People's Rights over Their Territories under Law No. 41 of 1999 on Forestry, Law No. 5 of 1960 on the Basic Regulation of Agrarian Law, Law No. 18 of 2013 on The Prevention and Eradication of Forest Destruction, and Law No. 32 of 2009 on Environmental Protection and Management

The People Consultative's Assembly (MPR) Decree No. IX / MPR / 2001 on Agrarian Reform and Natural Resources Management have led the nation to have the opportunity to improve the conflict conditions due to claim indigenous territories in the forest area. Article 4 letter j of MPR Decree confirms that the agrarian reform and natural resource management must be implemented in accordance with the principle of recognizing, respecting and protecting the rights of the indigenous peoples and cultural diversity of the nation over agrarian / natural resources.

Decision of the Constitutional Court (MK) 45 / PUU - IX / 2011 and No. 35 / PUU - X / 2012 further strenghened as having stated that the legality of forest areas is fulfilled when the entire process forest area inauguration has been completed. In other words, the area designated as forest area is not valid if the whole process of inauguration has not been completed. There is still a chance for the indigenous peoples to do advocacy in defending their territories from forest area inauguration. While the MK Decree No. 35 which states that customary forest as private forest, not the state forest, providing a wider opportunity for recognition of indigenous peoples' rights over their territories that have been claimed as forest areas. MK Decision has corrected Law No. 41 of 1999 on Forestry is a statement of there is a substantial error in the Law.

The conflicts among claims of indigenous territories with forest areas are still taking place. This indicates that the legislation on forestry has not been able to be a solution due to lack of proper recognition, respect, protection and fulfillment of the rights of indigenous peoples over their territories. This is the basis of Komnas HAM to conduct a study on the protection of indigenous peoples' rights over territories in forestry legislations. The data collection covered several areas such as Yogyakarta, Medan and Padang.

7. Research and Development on Komnas HAM Research and Data Centre

Komnas HAM indeed has a lot of data and information on human rights issues. Komnas HAM's work has become a reference in decision making process. With its authority the Commission has access to various sources of information data (gate information center of human rights).

However, this potency will be useless if the data and information are not used optimally and affect the quality of Komnas HAM policies. This may resulted in ineffective case handling and policy. The division of labor, responsibilities and information flow and relation between supporting elements (organization) have become obstacles in managing information system and data. Therefore, it is necessary to reform the management system and data used as the basis in determining the right policy objectives.

The main objectives of the improvement of Komnas HAM information system and data management is the realization of management of information systems and data which accountable and efficient (accurate, measurable and reliable). In particular, these efforts aim to:

1. Mapping data and information from the implementation of Komnas HAM functions;
2. Recognized the needs and workflow of data and information management from each functional unit;
3. Recognized public information needs from stakeholders perspectives; and
4. Completion of the plan to improve data and information management (including devices, tools, personnel and policies).

Output from improving Komnas HAM information systems and data management are as follow:

1. A Document regarding data and information management needs derived from the implementation of Komnas HAM functions;
2. A Document regarding improvement plan for Komnas HAM information and data and management; and
3. Compilation of FGD and interview results with staffs and stakeholders.

Limitations of time, energy, and infrastructure made the executor focused on collecting and storing data and information that were not integrated and scattered around both at central and representative offices in the regions with retroactive method (collection starts from the data and the latest information then earlier data and information)

Based on Komnas HAM work practices and transactions following several databases that are required by the data center, among others :

1. The database of national and international instruments related to human rights,
2. The database related regional human rights instruments;
3. The database on of literature studies, field studies, comparative studies related to human rights;
4. The database on human rights monitoring and investigation;
5. The database of human rights mediation;
6. The database of human rights campaign;
7. The database of study and research;
8. The database of planning and organizational development;
9. Archival data bases;

Bases of data that have been collected and then recorded and stored in a storage area (folder) to be processed and presented. These data are collected, stored and inventoried based on forms and types of documents as well as the title and the fiscal year. Then inventory results are recorded in a form (attached) to facilitate documents searching when needed (recalling).

It should be noted that the improvement of the management of information systems and data at Komnas HAM Representative Offices began with a meeting between a team from Study and Research Sub commission with Head and staffs from the representative office. Then the team started to map initial conditions of the management of information systems and data at Komnas HAM Representative Office in region.



A discussion of collecting database in Komnas HAM Representative Office in West Kalimantan and West Sumatra.

The meeting discussed the collection of database activity at the Commission Representative Office in West Kalimantan and Human Rights Commission Representative Office of West Sumatra

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Storage conditions at Komnas HAM Representative Office in West Sumatra, West Kalimantan and Maluku.

8. Position Paper on National Legislation Program 2014

The Law has an ideal position to define human rights guarantees for citizens, a way to measure human rights levels in a law through unravel and examine the law formation process.
Observing the legislative process that took place in 2010-2014, it is known that the National Legislation Program (Prolegnas) can be said is never reached. It can be seen

from the calculation of the amount of the plan compared with the results list, which was different.
Legislation productivity only targeting the open cumulative list, in particular concerning establishment of provincial and district/city, ratification of treaty, as well as state budget (APBN). This issue was more complicated because low productivity was not guarantee the improvement of product quality of national legislation and increase supporting capacity to the needs of the community.

Komnas HAM responded this phenomenon and in order to get input in accordance with public legal needs, the Commission conducted several discussions and invited some experts as follows:

1. Insist (Universitas Gajah Mada and Pusham UII), FGD in Yogyakarta on 23 October 2014;
2. Yoan NS, Dian Noeswantari and Heru Susanto (Pusham Universitas Surabaya); E. Prajwalita Widiati (Pusham Universitas Airlangga); Sahura and Mohammad Rizqi (LBH Surabaya), FGD in Universitas Surabaya, on 30 October 2014;
3. Abdullah Gopar, Ridwan and Indah Febriyani (Law Faculty, Universitas Sriwijaya) and Taslim (LBH Palembang) FGD in Palembang on 5 November 2014;
4. Syarifudin Aspa and Jufri (Universitas Negeri Makassar), Abdul Aziz and Zulkifli (LBH Makassar) and Wiwin Suwandi (Pusham Universitas Hasanuddin) FGD in Makassar on 12 November 2014.

These activities have resulted in a number of strategic inputs to law formation process, both its system and its prevailing models. These inputs will be reported and published in order to provide guidance for the public.

9. Human Rights Limitation

Human Rights has gained such a good position in the Indonesian legal system. The second amendment of the 1945 Constitution specifically includes a chapter on human rights, Chapter XA. Compared with other countries, the inclusion of human rights into the constitution of Indonesia is quite an achievement. At a certain point, it can be seen that Indonesia has a commitment to respect, fulfil and protect human rights.

Chapter XA of Article 28A to 28I includes dozens of basic rights that requires the responsibility of the state in fulfilment. Article 28 even states that some rights cannot be reduced under any circumstances (non-derogable rights). In another section, the constitution has a chapter on human rights limitation, namely Article 28J paragraph 2.

Article 28J of the 1945 Constitution remains debatable, especially if it is associated with the Constitutional Court (MK) decision in reviewing some laws and Article 28J. The growing discussion about it among other, whether Article 28J may limit or exempt human rights stated in Article 28A to 28I, including the rights that "cannot be reduced under any circumstances" (non-derogable rights)? to which extend human rights limitations should be done?

Until now, no one has done a special study to further formulate in detailed and valid on Article 28 J. In this context, the Commission considered important for authoritative interpretation of Article 28J of the 1945 Constitution regarding human rights limitation as a valid guide or reference the law enforcers, so that the state able to guarantee human

rights respect, fulfilment and protection. This study covered:

No	Date	Activity
1	June 2014	Data Collection
2	July 2014	Focus Gorup Discussion with experts ; Abdul Hakim Garuda Nusantara (23 July 2014); Enny Soeprapto, Phd (22 July 2014); dan Indriaswati Sapta ningrum (16 July 2014).
3	August 2014	Discussion and data collection with human rights and legal experts in Yogyakarta.
4	September 2014	Discussion and data collection with human rights and legal experts in Yogyakarta
5	October to November 2014	Discussion and data collection with human rights and legal experts in Yogyakarta
6	December 2014	Discussion and data collection with human rights and legal experts in Bandung and Surabaya
7	Januari 2015	Organize and read the entire new material
8	February 2015	Writing completion on Human Rights Limitation

10. Follow Up on Disability Bill, Law No. 39 of 1999 Bill and Framework Convention on Tobacco Control (FCTC).

A. Disability Bill

Law No. 4 of 1997 on Disabled People which based on charity is no longer relevant and needs to be replaced with a law that based in respect, protect and fulfil of human rights. In addition, the discriminatory treatment experienced by people with disabilities, making the issue of respect, protects and fulfilment of human rights for persons with disabilities such an urgent issue to address for the sake of human rights in Indonesia.

Disability Bill in lieu of Law No. 4 of 1997 on Disabled People has long been proposed and championed by various parties, especially by Working Group on Person with Disabilities Bill and organizations of persons with disabilities in Indonesia. In fact, this bill was included in the list of Prolegnas as priority in 2014, but the draft of bill was by the legislative body (Baleg) which considered did not have person with disabilities perspectives.

Until July 2014, each stakeholder has a draft of Disability Bill with a different version. According to Baleg, it received four version of draft of Disability Bill (Komnas HAM, Working Group on Person with Disabilities Bill, Ministry of Social Affairs and Disabled People Organization Yogyakarta). Therefore, a meeting with Baleg should be conducted in order to compare each draft of Disability Bill. Komnas HAM facilitated two meetings on August and September 2014 between Working Group on Person with Disabilities Bill, Disabled People Organization Yogyakarta and Baleg to unify draft of Disability Bill in into one version to accommodate all perspectives.

On 19 September 2014, draft of Disability Bill which originally consisted of several versions became one version and has officially become a draft bill initiated by the House of Representatives (DPR RI). In the 2010-2014, the House of Representatives through its chairman, Marzuki Ali has sent a letter to President Susilo Bambang Yudhoyono (SBY) to hold a joint discussion between the House of Representatives and the Government in order to obtain mutual consent. However, before the President appointed a Ministry to coordinate a discussion of draft of Disability Bill, the leadership has changed as well as the member of House of Representatives to 2014 -2019 period.

Jokowi during his campaign had signed Soeharso Charter containing his commitment to pay more attention to persons with disabilities in Indonesia. Based on this, the Working Group on Person with Disabilities Bill continued to conduct political lobbying to members of the House of Representatives and the new Government. Political lobbying has yielded significant results, the Commission VIII of the House of Representatives expressed its support for Disability Bill to be in list of priority the national legislation 2015. The Commission VIII also entered Disability Bill into two list of the proposed Bill to prolegnas priority 2015.

To this day, Prolegnas 2014-2019 has not been announced, in spite of the Working Group on Person with Disabilities Bill and Komnas HAM is optimistic, Disability Bill will be included in Prolegnas List 2015 and ratified in the same year.

B. Law No. 39 of 1999 Bill on Human Rights

Komnas HAM performance and authority is regarded could not keep up with public confidence in Komnas HAM. It was an evaluation of implementation of Komnas HAM's authority as a result of weakness in a number of aspects of Law No. 39 Year 1999. Therefore, Komnas HAM has drawn up a Bill on Komnas HAM to rectify weaknesses of Law No. 39 of 1999. These aspects regulated in this bill are about changes in membership, legal position, compliance with other relevant parties' authorities, implementation of recommendation, the immunity of members, and sub poena power.

The House of Representatives has followed by preparing a Human Rights Bill, which also reorganize the authority and position of Komnas HAM as required nowadays. Therefore, a review of the Human Rights Bill and Komnas HAM Bill needs to be done. The first discussion was held to discuss checklist problems in late September 2014.
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The second discussion was held on November 2014 involving the Commission Chairmanship, Representative from Sub Commission and some relevant staff members. The second discussion began to lead to discussion of human rights substance. This discussion focused on human rights substance especially in order to address human rights draft bill by the House, adding the corporation/company as human rights violators. The discussion agreed on decision to have to conduct depth review human rights substance and institutional improvement for Komnas HAM to carry out its duties and functions optimally. The follow-up activities of discussion were:

1. Determining Komnas HAM's attitude to review Human Rights Bill by the House or to draw up human rights bill by the Commission;
2. Disseminating Human Rights bill to the public in order to get feedback and inputs on its substance;
3. Encouraging the House of Representatives and the Government to discuss and agree on the enactment of Human Rights Bill.

C. Ratification on the Framework Convention on Tobacco Control (FCTC)

Since 2011, Komnas HAM has conducted a series of activities in order to provide support to any control measures against tobacco products that are addictive substances harmful to health. The starting point on this matter to the importance of the protection of right to health and right to a healthy environment for all Indonesian from adverse impact of tobacco products. This view in line with the spirit of the 1945 Constitution Article 28 H paragraph (1), Article 9 paragraph (3) of Law No. 39 of 1999 on Human Rights, Law No. 36 of 2014 on Health, Law No. 11 of 2005 on the Ratification of the International Covenant on Economic, Social and Cultural Rights as well as Article 12 paragraph (2) of Law No. 23 of 2002 on Child Protection.

The Ministry of Health data in 2012 stated that tobacco consumption in Indonesia has killed 235,000 smokers per year, while other people's smoke (second hand smoke) killed at least 25,000 people. These data indicated that consumption of tobacco products in Indonesia has not only endanger public health but also have taken away the right to life of citizens which is the most fundamental rights that should not be reduced under any circumstances (non-derogable right). Ironically, most of the victims of the tobacco consumption were the productive age group, even the children.

It is unfortunate, to date, Indonesia does not have a strong rule of law and protect comprehensively the present and future generation of exposure to tobacco products. In connection with this matter, the Commission still believes one of the roads to be taken by the government is acceding FCTC which the noble objectives of this instrument is "to protect present and future generations of poor health, social consequences, environmental conditions and the economy posed by tobacco consumption and exposure to tobacco smoke".

FCTC itself has been signed by 177 countries in the world which Indonesia is the only country in Asia Pacific that has not become a state party along with several other small countries such as Andorra, the Dominican Republic, Eritrea, Liechtenstein, Malawi, Monaco, Somalia, Tajikistan, Uzbekistan, and Zimbabwe.

In relation with this FCTC accession plan, some information were obtained that several ministries have expressed their objections of a number reasons which based on

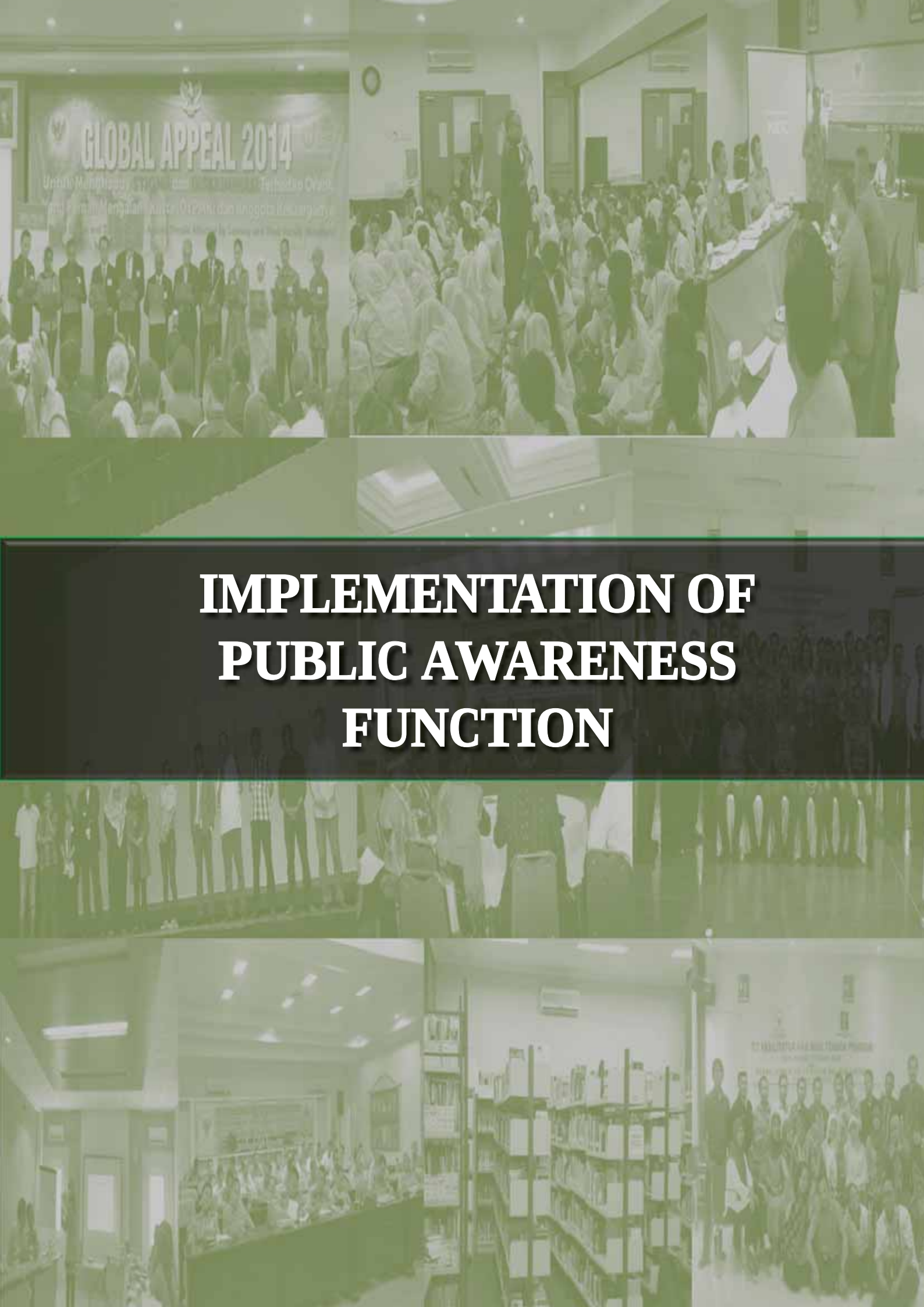
assumptions from the point of economic losses. In fact, in many countries that have ratified the FCTC such as China, India, Russia and others, such concerns are entirely unsubstantiated. In order to answer the doubts about the importance of the Indonesian Government to accede FCTC and to see adverse impacts if the Indonesian Government has not become a party to the FCTC to the resilience of nations and human rights, then Komnas HAM conducted a seminar on 9 September 2013 with a theme "The Importance of FCTC Accession for The Resilience of Nations and Human Rights Protection ".

Some interested points of interest of the seminar as among others were:

1. FCTC does not prohibit farmers to grow tobacco so that it will not harm tobacco farmers. Facts proved 7 biggest tobacco producing countries in the world have ratified FCTC. The production of tobacco leaves and cigarettes production are still high and growing;
2. All this time, Indonesian tobacco imports have continued to increase even though the Government has not yet acceded the FCTC. This is clearly detrimental to tobacco farmers because tobacco import policy by the tobacco industry to cover shortfall tobacco production ignores farmers' hard work;
3. FCTC did not lower the cigarette sales despite a rigorous and comprehensive control. This shows there is no connection between cigarettes sales to the FCTC. As happened in Thailand where cigarette consumption has remained stable, the number of smokers rises because there is population growth, but tobacco control succeeded in reducing the prevalence of smokers, especially younger age groups. On the contrary, it has increased state revenues from excise taxes that rose almost as much as 4 times;
4. Accession of FCTC is not a foreign interest. By acceding the FCTC, Indonesia remains a sovereign state. FCTC forward the implementation of national legislation and internal policy of the country concerned in tobacco control efforts.

Komnas HAM then along with elements of civil society successfully prepared an academic paper and draft Bill of Accession of the World Health Organization (WHO) Framework Convention on Tobacco Control / FCTC) and continued to encourage the government to accede to the convention is in accordance with the mandate of Article 89 paragraph (1) of Law No. 39 of 1999 on Human Rights. In addition, Komnas HAM was also actively campaigned the importance of Local Regulation (Perda) related to smoke-free areas in the regional governments throughout Indonesia as part of tobacco control efforts in Indonesia.

Based on a number of reasons, the data and the facts aforementioned, it is very important for the Indonesian government to be a state party to the FCTC in order to protect public health from the adverse impacts of tobacco products. Therefore, Komnas HAM called on the relevant ministries to immediately support the accession of FCTC given the control of tobacco products that is not comprehensive makes Indonesia as a destination market tobacco industry that could weaken the resilience of nations at the same time neglecting the protection of the right to health and a decent environment for all Indonesians.



IMPLEMENTATION OF PUBLIC AWARENESS FUNCTION

Implementation of Public Awareness Function

Article 89 paragraph (2) Law No. 39 of 1999 :
to carry out Komnas HAM function in Public Awareness, Komnas HAM has the duty and authority to ;

a. disseminate information concerning human rights to the Indonesian public;
b. take steps to raise public awareness about human rights through formal and non-formal education institutes and other bodies;
c. cooperate with organizations, institutions or other parties at national, regional and international level with regard human rights.

During 2014, Education and Public Awareness Sub Commission has carried out up to 17 activities, as follows:

1. Global Appeal "Elimination of Stigma and Discrimination against People affected by Leprosy (OYMPK) and Their Family Members, 27 January 2014

In the mid-2000s leprosy in Indonesia declared to have eliminated. However, WHO Report in 2008 stated that Indonesia has been occupying the 3rd position (after India and Brazil) as contributors of new leprosy patients. Therefore, the problems experienced by the lepers, the ex-lepers, and their families should be a concern of the state. People affected with leprosy and their families often experienced negative stigma and discrimination



Representatives of NHRIs all over the world and PerMata read Global Appeal 2014 Text .

UN General Assembly on 30 September 2010 has adopted principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members. Since 2006, an international movement has emerged, here in after called the Global Appeal for Leprosy led by the Nippon Foundation (TNF) and involving the world figures who care and committed to encourage the elimination of all forms of stigma and discriminations against people affected by leprosy and their family members. Following are the Global Appeal for Leprosy:

1. Global Appeal 2013 supported by Members of International Bar Association in London, United Kingdom.
2. Global Appeal 2012 supported by Members the World Medical Association in Sao Paulo, Brazil.
3. Global Appeal 2011 supported by World's Leading University in Beijing, China.
4. Global Appeal 2010 supported by World's Business Leaders in Mumbai, India.
5. Global Appeal 2009 supported by World's Religious Leaders in London, United Kingdom.
6. Global Appeal 2008 supported by Human Rights Oriented NGOs in London, United Kingdom.
7. Global Appeal 2007 supported by Representatives of People Affected by Leprosy, Manila, Philippines.
8. Global Appeal 2006 supported by the World Figures in New Delhi, India.

In 2014, Komnas HAM had the honor to host this international event in collaboration with the Ministry of Health and The Nippon Foundation. The activity received supports from all NHRIs at the international level. This support is expected to encourage a shared commitment around the world to urge their respective countries and stakeholders to support the efforts to eliminate stigma and discrimination. At the national level, this activity aimed to give a correct understanding, a positive outlook, build awareness and concern of all stakeholders and public to people affected with leprosy and their family members.

Global Appeal 2014 was conducted in 3 series of activities which include: 1) Global Appeal 2014 for the elimination of stigma and discrimination against people affected with leprosy and their family members attended by Dr. HR. Agung Laksono (Coordinating Minister for People's Welfare of the Republic of Indonesia), Prof. Dr. Nafsiah Mboi, MPH.Ped (Minister of Health of the Republic of Indonesia), Yohei Sasakawa (The Nippon Foundation), as well as about 218 representatives of various elements of government and society; 2) Press Conference involving 40 journalists from printed and electronic media as well as television both nationally and internationally; and concluded with 3) an FGD which aimed at identifying the main problems, finding strategic and tactical efforts to fulfill the rights of people affected with leprosy which involving 34 participants.

2. The Launch of The Film "Marah di Bumi Lambu" and Advertisement "Land's Rights" in Jakarta, 12 May 2014.

Filming and advertisement production started in 2013 in collaboration with Forum Lenteng. The film background was Sape Bima case and it tells people's struggle for their rights to land and Komnas HAM efforts in this case. The issue in Bima arose after the Government issued exploration permit for 24,980 hectares of land belonging to residents in the district of Sape, Lambu and Langgudu to a company without first communicating to

the community. The case was later developed into agrarian conflicts and became a national concern because it has triggered the loss of life and injuries.



Komnas HAM in collaboration with Forum Lenteng launched “Marah di Bumi Lambu” at Taman Ismail Marzuki in May 2014.

Komnas HAM then launched its campaign through the launch of the film "Marah di Bumi Lambu" and "Land Rights" advertisement with the full support of Forum Lenteng and Film Committee of Jakarta Arts Council. This activity is expected to increase public and the state apparatus awareness of human rights issues, especially land rights. The film and advertisement were launched as a series of commemoration of the May Tragedy and 16 years of Indonesia reformation as well as a reminder that we still have a long struggle to achieve respect, protection and fulfillment of human rights in Indonesia.
Socialization of human rights issues through film, advertisement and radio relay is expected to be carried out intensively since this kind of socialization seems to be preferred by the public for being able to reach all levels of society and be well received because it has been packaged in a language which is easy to be understood by the public.

3. Seminar on Implementation and Challenges of National Action Plan for Human Rights (RANHAM) in West Sumatra Province, 13 May 2014.

This seminar involved all Komnas HAM stakeholders in West Sumatra. The matters that should be observed regarding RANHAM implementation, that the Central Government should establish a supervisory agency for RANHAM implementation, from the national level down to the district / city to ensure the implementation of RANHAM can run optimally. In addition, a new Presidential Decree on RANHAM implementation in Indonesia needs to be reenacted considering the Presidential Decree for RANHAM 2010-2014 has expired.

The role of Local Government was also in the spotlight, it is expected to continue coordination at the provincial and district / city in order to seek solutions to the obstacles encountered during RANHAM implementation. The Local Government is expected to immediate issue a local regulation on sustainable implementation of RANHAM in each

region. Komnas HAM is expected to continue to be involved as the local government partner not as member of RANHAM working group in West Sumatera Province. The Commission is expected to continuously supervise / monitor the implementation RANHAM in Indonesia.

4. Training of Trainers for Educators in Serang, Banten, 24 to 27 June 2014

Referring to Law No. 39 of 1999 on Human Rights and the United Nations Declaration on Human Rights Education and Training of 23 March 2011, Komnas HAM had considered to conduct a Training of Trainers of Human Rights Facilitator for Educators. This activity was an effort to urge human rights mainstreaming in all aspects of life of the state through the role, duties and functions of state institutions in particular education through human rights education, training and campaign. This activity is expected to have a snowball effect and wide impact.



Training of Trainers for Educators in Serang

The training of trainers conducted in Serang, Banten Province, focused on civic education teachers for SMA / MA / SMK. The four days training in June 2014 was attended by 24 civic education teachers; alumni of human rights training conducted previously by Komnas HAM. During this training, the participants were trained on how to design and select the method of human rights education for students and fellow teachers, to mainstream human rights values in the school environment through extra curricular and development of school culture 'respect and empathy' as well as reviewing basic human rights material.

5. Human Rights Seminar for Religious Leader in Bandung, 24 September 2014.

Komnas HAM complaint data for 2007 to 2013 period showed significant violations of religious freedom, especially in West Java that reached 335 cases. This fact was confirmed by The Wahid Institute Research stating that the West Java province has the largest cases of intolerance along with Aceh province. Indeed, West Java with the second largest population after East Java has a lot of potential conflicts based on religion. On this

basis the Commission found it necessary to conduct human rights education to the religious leaders in West Java. The target were the interfaith leaders of various community organizations that were credible and had extensive mass basis in their efforts to create conditions to fulfill the rights of society in religious freedom.

The seminar was organized in collaboration with the Legal Bureau of the Provincial Government of West Java. The participants were local religious leaders, elements of local government, elements of/representatives of the Regional Office of the Ministry of Religion of West Java Province, the Regional Office of Ministry of Law and Human Rights of West Java Province, the Police , the Prosecutor, the Court and community organizations. The resource persons were M. Imdadun Rahmat (Commissioner for Education & Public Awareness Sub Commission of Komnas HAM), Dr. Ichsan Malik, M.Si (Academician), and Dr. Mohamad Atthoillah, M.Ag (the Regional Office of Religious Affairs of West Java Province).

6. Human Rights Training for the Law Enforcers in South Sumatera, 13 to 16 October 2014.

Consortium for Agrarian Reform (KPA) Data in 2013 stated that the agrarian conflict in Indonesia has exceeded 369 cases, or have increased up to 86.36% from 2012 which amounted to 198 cases. In the meantime Komnas HAM complaint data related to agrarian conflicts between the communities and corporations in January to June 2013 reached 188 cases and 84 cases of conflict between communities and local government, while in July to December 2013 there were 54 cases lodged to the Commission.

According to WALHI data, South Sumatra Province had the highest number of agrarian conflict cases compared with four other provinces in Sumatra that prone to agrarian conflicts, namely South Sumatra, Jambi, Riau and North Sumatra. The data aligned with data of complaints received by Komnas HAM throughout 2013, where there were 62 agrarian conflict cases in South Sumatra.



Human Rights Training for the Law Enforcers in South Sumatera

Based on empirical data, the agrarian conflicts always involving the police as a party who resolve the "friction" that occurred, while the root causes of conflict it departs from the Local Government and Corporate policies that are often detrimental / ignore the rights of the community.

Therefore, Education and Public Awareness Sub Commission in collaboration with Legal Division of the National Police and South Sumatra Regional Police organized a human rights training with the theme "Agrarian Conflict Management with Human Rights Perspectives" for members of the South Sumatra Regional Police. The training was attended by 35 participants consisting of Sabhara, BRIMOB, Criminal Investigation, Intelligence and Security, Public Counseling and Legal Affairs from 14 Regional Community Guidance and Legal Affairs of 14 Regional Police Offices in South Sumatra. Komnas HAM as the facilitator of this training, and the resource persons were from the Department of Criminology Universitas Indonesia, BPN South Sumatera, LBH Palembang and Komnas HAM.

7. Human Rights Training for the Government Officials in Bandung, 20 to 22 October 2014.

Komnas HAM had initiative to disseminate human rights values related to the right to freedom of religion and belief for government officials of West Java Province, especially among municipal police and other government elements. Komnas HAM selected them as target of this activity due to the position of municipal police as the front liners related to state duty to respect and protect the right to freedom of religion and belief in a region. While the Commission selected West Java Province because the province has the highest number of human rights violations related to violations of the rights to freedom of religion and belief.



Human Rights Training for the Government Officials in Bandung

The training was conducted by using participatory learning methods through games, group discussions, and material from the speakers. Besides aiming to transfer human rights values to local government apparatus, this activity also expected to have implications of closer cooperation between Komnas HAM and the Provincial Government of West Java to create conditions conducive to the implementation of human rights.

8. Participation in Legal Expo at Ministry of Law and Human Rights, Jakarta 30 to 31 October 2014.

The Ministry of Law and Human Rights invitation to Komnas HAM to participate in the Legal Expo 2014 has opened the opportunity for the Commission to disseminate human rights insights to other government institutions and public. It should be noted that the government institutions involved in this activity were law enforcement agencies such as the Police, the Supreme Court, the Attorney General Office, the Corruption Eradication Commission, the Ombudsman, Indonesian Financial Transaction Reports and Analysis Centre (PPATK) , the Judicial Commission, the Constitutional Court, the Witness and Protection Agency (LPSK), as well as other state institutions such as the House of Representatives, The Regional Representatives Council, some elements of the Local Government, the National Narcotics Agency(BNN), as well as elements of other community organizations**.**

On this occasion Komnas HAM participated with a theme "The new government, a new hope for the settlement of gross violations of human rights cases." The theme was supported with decoration of a banner with picture of human rights events surrounding and displayed a replica of the investigation report of violations to date that have not been investigated by the Attorney General. This was an attempt to remind the new Government of the works that must be resolved.

9. The Launch of the Film Senyap / the Look of Silence.

Protracted process of settlement of gross violations of human rights in past has resulted in the violation of the right to truth, the right to justice, and the right to effective remedy of victims or their families. Komnas HAM has continuously made serious efforts to urge the state to soon finalize settlement of gross violations of human rights in the past, one of them through film. The film is expected not only able to reveal the truth about the case, but also a medium to get people to join a collective support for urging the state urged in resolving these cases. One of the films that have this perspective is The Look of Silence (*Senyap).* The film by Joshua Oppenheimer uses the victims' standpoint. Joshua had previously released a movie called The Act of Killing *(Jagal)* that uses the perspective of gross violations of human rights perpetrators.

At the launching, Komnas HAM collaborated with Jakarta Art Council. This movie launched was coupled by a press conference with Komnas HAM and Jakarta Art Council which was attended by the victims of 1965 events. The press conference followed by a discussion with Komnas HAM Commissioner and Adi Rukun (the main character) as resources person, and the moderator was Hafiz Rancajale, Fine Art Section Commissioner for Jakarta Art Council.

This activity was a series of International Human Rights Day Commemoration on 10 December. A number of movies agency and other human rights organizations gave

positive appreciation and expressed their support, they screen this movie simultaneously on the occasion of Human Rights Day, 10 December as part of the campaign "Indonesia Watching Senyap ".

10. Training of Trainer of Human Rights Facilitator for Ministries and Agencies (Technical Assistance) Bogor, 12 to 14 November 2014.

The result of internal assessment of Education and Public Awareness Sub Commission of Komnas HAM in relation social problems in Indonesia, among others recommended that human rights facilitator of Social Instructor should improve their knowledge and skills related to pluralism issues in particular state responsibility and religious freedom in human rights law.



Training of Trainer of Human Rights Facilitator for Ministries and Agencies (Technical Assistance) Bogor

Therefore, this activity is carried out and divided into several sessions namely transferring material, sharing experienced of Komnas HAM related to pluralism issues and technical assistance in form of transferring material on the basic, method and practice of social counseling.

11. Training of Trainers of Human Rights Facilitator of the Police Institution in Ciawi, 17 to 21 November 2014

Implementation of the MoU between Polri (the National Police) and Komnas HAM has been carried out since 2011 in the form of human rights training for police officers, especially those from the other region. Nevertheless, both Komnas HAM and Polri felt that implementation was not sufficient and considered important to position human rights education for the police into a synergistic sustainable program, so as to provide a wider impact.

In order to achieve this objective, one of the activities carried out in 2014 was establishing cooperation between Komnas HAM and the Education and Training Institute of the

Indonesian National Police (LEMDIKPOL) by conducting a Training of Trainers (TOT) for educators in LEMDIKPOL. The activity is intended to bring forth trainers who possess human rights understanding and skills on human rights issues. The theme of the training was "Human Rights Protection for Minorities" , in Kinasih Resort, Caringin, Bogor.



Training of Trainers of Human Rights Facilitator of the Police Institution

This training was attended by 19 educators of educational work units of the National Police in Jakarta, West Java and Banten. This training was facilitated by Komnas HAM team and presented some resource persond from various professiond and scientific backgrounds namely Prof. Dr. Bambang Widodo Umar of the Department of Criminology, Universitas Indonesia, Ihsan Ali Fauzi from Yayasan Paramadina , Jaleswari Pramodhawardani of LIPI and Mascruchah of Komnas Perempuan as well as Antarini Arna of STF Driyarkara, a doctoral candidate in Human Rights field as a special facilitator reviewer especially in micro teaching sessions.

12. Human Rights Campaign on public facilities that accessible to persons with disabilities in Bali, 6 November 2014

The improvement in the development of regulations / laws on disability after the ratification of Convention on the Rights of Persons with Disabilities (CRPD) did not seem to be balanced with some improvements in the general condition of persons with disabilities in Indonesia . The rights of persons with disabilities which include vulnerable groups were still neglected. They often find difficulties in accessing their needs due to lack of adequate public facilities and accessible to persons with disabilities.

The activity conducted in several forms, namely seminars and discussion groups with several resources person. The group discussion was involving number of stakeholders namely representatives from person with disabilities, the government officials, human rights activists and other. This activity was followed up with a press conference aimed to convey Komnas HAM's view on public facilities for persons with disabilities in Indonesia including the condition of existing public facilities in Denpasar, Bali.



Human Rights Campaign on public facilities that accessible to persons with disabilities

13. Hosting Visitors

Education and Public Awareness Sub Commission also hosted number of visitors from various elements of society and government, either individually or in groups. During 2014, the Sub Commission has hosted 17 visits by the number of 749 people. This showed that Komnas HAM is a state institution for the referral of citizens to any information related to human rights. Komnas HAM data noted that during its establishment, the Commission has reached 11.000 stakeholders to work for various issues.



A Komnas HAM staff conveyed human rights material to high school students

14. Radio Relay on National Inquiry on the Rights of Indigenous Peoples over Their Territories in Forest Areas, Jakarta, 17 December 2014.

Socialization of the Rights of Indigenous Peoples over Their Territories in Forest Areas was part of Komnas HAM National Inquiry. The Inquiry is an in depth systematic investigation and used to systematic human rights issues by inviting public to participate. The inquiry carried out Komnas HAM functions, including human rights public awareness.



Komnas HAM National Inquiry Process

In order to optimize the inquiry, the Commission disseminated some information via radio relay. The use of radio relay mechanism is considered effective because it was an appropriate medium to disseminate human rights issues that have not received public and political recognition or acceptance. The used of radio relay was able to reach out to remote areas and invite public participation. This method has involved participation and cooperation of frequency regulatory bodies (Indonesian Ministry of Communication and Informatics (Kemkominfo and RRI).

15. The Publication

One of means to support Komnas HAM in carrying out its function is through publishing material both in printed or electronic form. Those holds strategic roles in introducing Komnas HAM as well as human rights values to the public.

During 2014, Publication Unit of Education and Public Awareness Sub Commission of Komnas HAM has sought its best performance despite limited human resources, budget and infrastructure. This unit has published SUAR Magazine (two editions), Wacana HAM (two editions), HAM Journal (2 volumes) as well as Komnas HAM Profile 2014.



Various Komnas HAM Publication

Publication Unit also managed to re-publish Komnas HAM previous publication in form of digital (electronic format /DVD). Komnas HAM publication were books, modules, guidelines, national and international human rights instruments, SUAR magazines, Wacana HAM, HAM Journal, summary executive of Komnas HAM investigation results, annual reports, Komnas HAM Profile of 2012-2014, Komnas HAM films. These publications were disseminated through Komnas HAM's website, www.komnasham.go.id. This unit also updated the latest news related to human rights and the Commission on the website.

16. The Library

Komnas HAM provides service to its users from both internal party consisting of its Members and staffs, as well as external parties consisting of the general public, students, government officials and others. During 2014, as many as 492 people visited Komnas HAM library. The actual number of visits is expected to exceed that figure because not all of visitors filled the guest book.

In order to optimize the service to the users, Komnas HAM has improved its automated service system for developing application for online catalog that owned by the library so it can function optimally, especially for circulation, membership and billing features.



Komnas HAM's Library

During 2014, the Commission procurement of foreign books reached 11 titles, while domestic books as total of 39 titles with the number of copies as many as 273. Library Unit constantly perform processing of library materials which includes inputting data collection; digitizing document by scanning various printed sources to be used as electronic file (newsletters, magazines, and other publications from various institutions and other important documents); fixing damaged collections; arranging the whole collections as well as the library room.

The Commission has added some audio visual collection in form of DVD/VCD which circulated domestically as many as 38 titles and a total of 74 copies. Program documentation included documenting information and news about Komnas HAM in collaboration with third parties, (November and December 2014) and Komnas HAM activities through development of Komnas HAM photo database all off Komnas HAM activities.

For information and reference program, the library has subscribed to several newspaper, tabloids and magazines to be provided to all visitors.

17. Information Technology

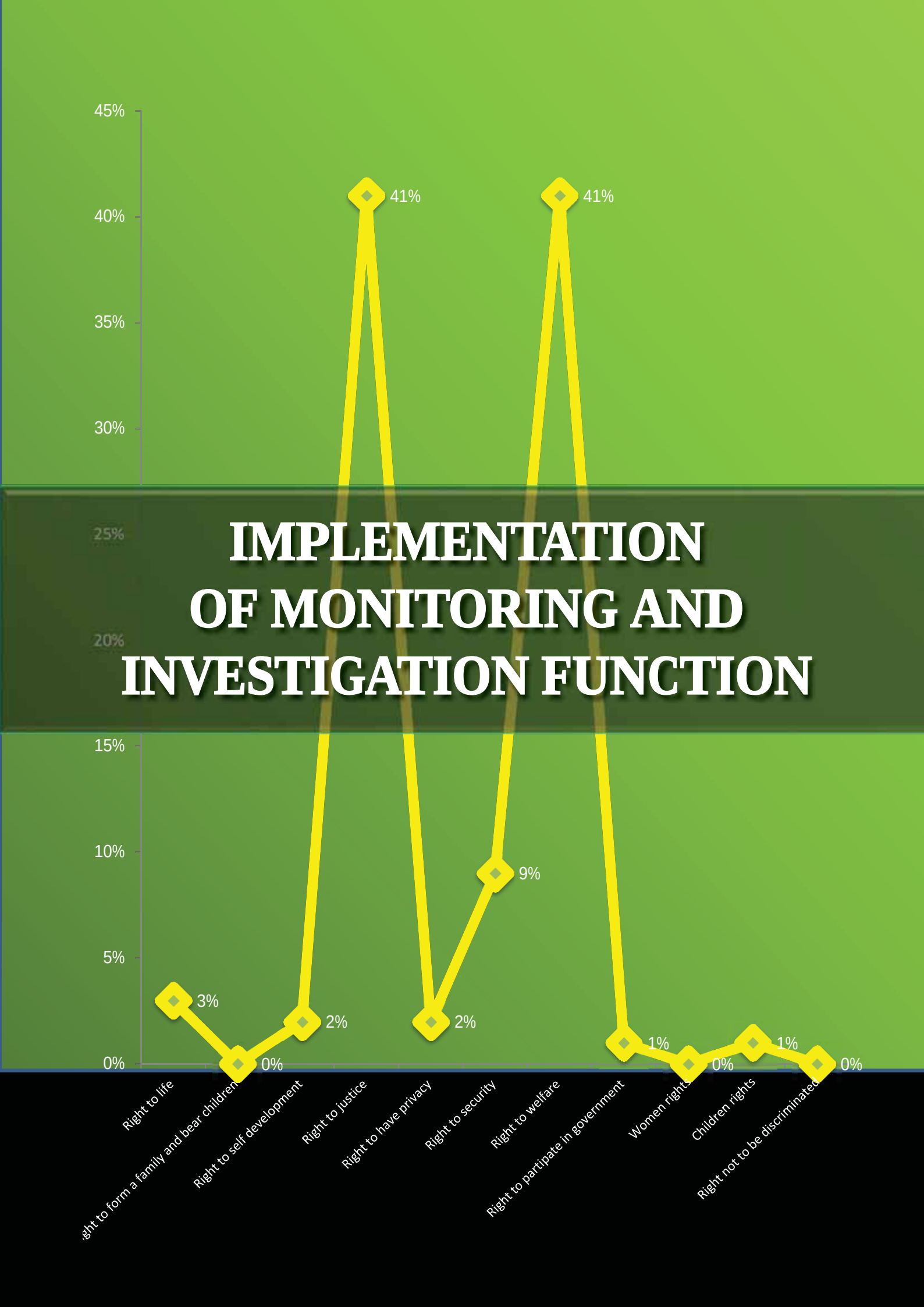
Sub Section of Public Awareness using Information Technology plays an important role in the implementation of public awareness functions, as well as a working unit that provide services to the Commission. This unit is developing Komnas HAM's website for human rights campaign. This unit also establishing a new website by changing its appearance and content so as to accommodate all information from all units in the Commission.



Komnas HAM's Server

Apart from this, in order to optimize its performance, then this unit is routinely performed maintenance and repair of IT hardware and software devices. Meanwhile, in order to maintain the condition of staff working equipment, this unit has done reinstallation and upgrade of the existing computers. The third parties assisted for upgrading the server and backing up data.

Sub Section of Public Awareness using Information Technology in collaboration with Sub Section of Staff Development and Functional Position Administration has sent some staffs in this unit to participate in a training the requirement for serving as functional staffs for Information Technology which is followed Central Bureau of Statistics.



IMPLEMENTATION OF MONITORING AND INVESTIGATION FUNCTION

Implementation of Monitoring and Investigation Function

Based on Article 89 paragraph (3) in order to carry out monitoring and investigation, Komnas HAM has function and authority to :

a. monitor the execution of human rights and compile reports of the output of this monitoring;

b. investigate and examine incidents occurring in society which either by their nature or scope likely constitute violations of human rights;

c. call on complainants, victims and accused to request and hear their statements;

d. call on witnesses to request and hear their witness statements, and in the case of prosecution witness to request submission of necessary evidence;

e. survey incident locations and other locations as deemed necessary;

f. call on related parties to give written statements or to submit necessary authenticated documents as required upon approval of the Head of Court;

g. examine houses, yards, buildings, and other places that certain parties reside in or own, upon approval of the Head of Court;

h. on approval of the Head of Court, provide input into particular cases currently undergoing judicial process if the case involves violation of human rights of public issue and court investigation, and the input of the National Commission on Human Rights shall be made known to the parties by the judge;

During 2014, Monitoring and Investigation Sub Commission has carried out activites in order to implement the functions, duties and authorities as follows:

I. Complaint Handling

During 2014, Komnas HAM had received 7,285 complaints documents. The number of complaints has increased significantly compared to 2013 as many as 5,919 complaints and 2012 as many as 6,284 complaints.

Based on the classification of types of rights that have been violated (by Law No.39 of 1999 on Human Rights and Law No.40 of 2008 on the Elimination of Racial and Ethnic Discrimination), the Commission complaint data 2014 appeared as follows:

No	Classification	Document	Percentage
1	The right to life	226	3%
2	The right to form family and bear children	14	0%
3	The right to self development	107	2%
4	The right to justice	3,011	41%
5	The right to individual freedom	145	2%
6	The right to security	645	9%
7	The right to welfare	2,959	41%
8	The right to participate in Government	85	1%
9	Women's rights	22	0%
10	Children's rights	55	1%
11	The right not be discriminated	16	0%
Total		7,285	100%

Based on the table above, the right to justice is the most violated rights, shifting with the right to welfare as the most violated rights in 2013.

Some of complaint documents are referred to Monitoring and Investigation Sub Commission as many as 5,235 complaint documents which later responded by issuing letter of recommendations to 3,654 letters. The number of letter recommendations were not proportional to the number of complaint documents due to double complaints, the complainant resent another complaint letters, unclear complaints, incomplete complaints, complaints lodged to the Commission were not human rights violations, copies of letter which not need to be responded, and complaints refererred to Mediation Sub Commission.

It should be noted that the substance in the recommendation letter consisted of request of clarification, additional data and information, suggestion and appeal to follow up allegation of human rights violations and recommendation on monitoring/investigation results.

Based on the anatomy of the human rights violators, the data in 2014 did not change significantly compared to 2013, that three major perpetrators of violations are the National Police in the first place (2,483 documents), then the corporation (1,127 documents) and the Local Government (771 documents). The third actor is actually the highest human rights violators during the last five years (2010 to 2014). This may happened because the three actors have the authority and/or power obtained after the implementation of regional autonomy (2001).

The Police in particular, this institution has large power and authority both in law enforcement and public order fields. As a result, allegations of human rights violations due to misuse of authority tended to rise from the bottom up to the level of top officials. The National Police became almost uncontrollable institutions and resulted in decreasing public trust in the process and outcomes of law enforcement. This happened because of its authority was not equipped with instruments and mechanisms for oversight and controls which were adequate and effective.

The corporation has a considerable contribution in cases of human rights violations because of its networking and big capital thus the corporation might use it to set public policy and development design including influence the authority and business licensing process. These modus are found in cases handled by the Commission. The business licensing published were more pro-investment interests rather than protecting the rights of the communities.

While the local government is the third most complained because of its excessive powers and authority as a result of regional autonomy. In many cases, the local government used its authority to sell out the investment license in order to enrich himself and his group.
In fact, sometimes these three actors establish "cooperation". The usual pattern is the police conducted legal proceeding to the community that penetrated the coorporation concession on the basis of permits issued by the local government. The pattern continues so that conflicts between the coorporations and communities often leads to criminal law field because the police use of formal legal basis, without considering the substance which is the root of the problem and aspect of justice.
During 2014, Monitoring and Investigation Sub commission has carried out activities in order to implement the functions, duties and authorities are as follows:

II. Implementation of Field Monitoring

Komnas HAM carried out field monitoring in order to observe the implementation of human rights, examine alleged human rights violations, and give an opinion on the court (amicus curiae) as stipulated in Article 89 paragraph (3) of Law No. 39 of 1999 on Human Rights. There are several criteria that must be met in order for an event may be monitored, namely urgent, potentially or loss of life and/or injuries, get public attention and become a national issue. The monitoring can be carried out based on incoming complaints or initiative of the Commission.

During 2014, Komnas HAM has carried out as many as 171 monitoring/investigation consisted of regular monitoring, monitoring of political rights of citizens in Legislative Election and General Election of President/Vice President as well as monitoring by the representative offices. Below are the classification of the rights that have been violated based on the monitoring carried out by the Commission :

No	Classification	Field Monitoring
1	The right to life	36
2	The right to form family and bear children	0
3	The right to self development	10
4	The right to justice	44
5	The right to individual freedom	9
6	The right to security	30
7	The right to welfare	60
8	The right to participate in Government	72
9	Women's rights	1
10	Children's rights	4

Below are the example field monitoring that has been carried out :

No	Province	Total
1	West Java	20
2	DKI Jakarta	19
3	North Sumatera	13
4	East Java	13
5	Papua	12
6	Central Java	10
7	Nangroe Aceh Darussalam	8
8	Maluku	7
9	West Sumatera	7
10	Lampung	6
11	Banten	6
12	West Kalimantan	6
13	NTT	6
14	Bali	5
15	DI. Yogyakarta	5
16	South Sulawesi	5

No	Province	Total
17	Central Sulawesi	5
18	NTB	4
19	Jambi	3
20	Riau	3
21	North Sulawesi	1
22	Southeast Sulawesi	1
23	Central Kalimantan	1
24	East Kalimantan	1
25	Bengkulu	1
26	Gorontalo	1
27	South Sumatera	1
	TOTAL	**171**

1. Monitoring on alleged of the right to freedom of expression and assembly in the case of dissolution of former political prisoners/family victim of 1965

Kontras and families of victims of 1965 event lodged complaint to Komnas HAM regarding the dissolution of meeting attended by approximately 15 ex-prisoners and families of victims of 1965 events on 15 February 2014 in Semarang. The Commission carried out monitoring on 24 to 25 February 2014. The Commission has found that the Police suspected had done the omission of dissolution action by the mass organizations although the Police have received information about the meeting since two days before the incident. The Police also considered to have failed to protect the rights of victims. Article 24 paragraph (1) of Law No. 39 of 1999 on Human Rights affirms that everyone has the right to peaceful assembly and association. While Article 30 states that everyone has the right to security and protection against the threat of fear from any act or omission.

As a recommendation, Komnas HAM requested the Central Java Police Chief to conduct an assesment of the alleged omission committed by officials Kapolrestabes Semarang or below; investigating members of organizations who dissolved of the meeting and guarantee freedom of assembly, speech, and security for everyone without any exception.

2. The monitoring report on alleged human rights violations related to allegation of violence by the Police Manggarai in conflict with indigenous peoples of Gendang Tumbak with PT. Aditya Bumi Pertambangan in East Manggarai Regency, East Nusa Tenggara (NTT) Province

Fr Simon (JPIC) and Br. Wilibrodus Iskandar of Indigenous Peoples Forum Gendang Tumbak reported to Komnas HAM regarding the behavior and actions of members of the Police sector of Dampek Manggarai . Bripka YN and Bripka LP frightened and intimidated

indigenous people Gendang Tumbak, Kampung Tumbak, Satar Punda Village, Lamba Leda District, East Manggarai Regency that rejected the presence of PT. Aditya Bumi Pertambangan.

Komnas HAM has carried out monitoring on 15 to 19 September 2014, and concluded that the presumed violations of customary land rights; the right of every person to feel safe and secure as well as protection against threats and/or fear. In addition, it has been presumed that violation of right to information has occurred because indigenous peoples of Gendang Tumbang just aware of the activities of PT Aditya Bumi Pertambangan in 2008.

Komnas HAM also considered that there have been violations of the right to justice, because the Police Resort of Manggarai has fielded as many as 20 personnel with 5 pieces of long-barreled weapon types Sabhara V.2 and 8 units of tear gas to confront act of silence and prayer by 35 people. The Police action is also considered to have violated the principles set out in the The Police Regulation No.1 / 2009 on the Use of Force in Police Action. In addition, act of intimidation by the Police against the community on 11 to 13 September 2014 in Lingko Roga considered to have breached Article 13 paragraph (1) of the Police Regulation No. 8/2009 which states that in conducting the investigation, police officers are prohibited from doing any intimidation, threats, physical, psychological or sexual abuse for obtaining information, explanation or acknowledgment.

Nevertheless, there have been no systematic and planned elements into allegations of physical and verbal violence against the community or upon Mr.Simon Suban Tukan, SVD on 13 September 2014 events in Lingko Roga.

Based on Komnas HAM's recommendation, East Manggarai Regent has facilitated reconsiliation process between indigenous peoples of Gendang Tumbak for the sake of indigenous peoples integrity and asked the Board of PT. Aditya Bumi Pertambangan to not perform activities in four lingko of indigenous of Gendang Tumbak until further decision. East Manggarai Regent also asked the Commission to prepare local regulation draft on the recognition and protection of indigenous peoples. The documentation of monitoring activities related to this case as follows:



Monitoring of alleged human rights violations related to allegations of violence by the Police Manggarai in conflict with indigenous peoples of Gendang Tumbak with PT. Aditya Bumi Pertambangan in East Manggarai Regency, East Nusa Tenggara (NTT) Province

3. Monitoring on protection and fulfillment of right to water in the Area of Bentang Alam Karst/Groundwater Basin in Central Java Province;

Komnas HAM has received a complaint from the Jaringan Masyarakat Peduli Pegunungan Kendeng (Community Care Network Kendeng Mountains (JMPPK)) on the plan to establish a cement plant in Rembang and Pati Regency and complaints from Community Care Karst in South Gombong on the plan of establishment of a cement factory in Gombong. Therefore, the Commission has carried out monitoring on 13 to 17 October 2014 and concluded that the central and local governments in issuing a permit for a cement company in Rembang Regency (PT. Semen Indonesia), Pati Regency (PT. Sahabat Mulia Sakti / Indocement Group), and Kebumen Regency (PT.Semen Gombong / Medco Group), are less concerned about the function and role of Area of Bentang Alam Karst (KBAK) and Groundwater Basin area (CAT) of Watu Putih which were very important for the fulfillment of the conservation of water resources.

Document analysis of the Environmental Impact Assessment (EIA) prepared by PT. Semen Indonesia and PT. Sahabat Mulia Sakti, allegedly did not include data on ponor and functions of KBAK and CAT as protected area of water resources that have been used by thousands of people to meet the needs of drinking water, sanitation, and irrigation. The Government and investors still perceive KBAK and CAT as providers of raw materials for the cement industry as such, regardless of environmental services function ecologically, economically, socially, and culturally, which have a very high value to ensure the preservation of nature, water, and human livelihood.

Komnas HAM recommended to the Governor of Central Java, Regent of Rembang, Pati and Kebumen to respect and protect the right to water and the environment; respect and protect the right to land; fulfill and protect the right to information, the right to participate, and the right to know; respect and fulfill the right to justice; and respect and fulfill the right to development. Related to this, the Governor of Central Java requested the Commission to control and oversee the preparation process of the EIA of cement plant in Central Java.



Monitoring on protection and fulfillment of right to water in the Area of Bentang Alam Karst/Groundwater Basin in Central Java Province

4. Monitoring on indigenous peoples rights in Forest Areas for Maluku and North Maluku regions.

The monitoring carried out in the context of the National Inquiry on Indigenous Peoples in relation to the conflict in forests in response to the Decision of the Constitutional Court (MK) in the case of judicial review of Law No. 41 of 1999 on Forestry against the Constitution of the Republic of Indonesia in 1945, No. 35 / PUU-X / 2012. The National Inquiry to Maluku and North Maluku regions held in the Ambon on 28 October to 1 November 2014. The Indigenous Peoples groups presented were derived from the Aru Islands, Tananahu, Romang Island, Sawai, Pagu and Tobelo Dalam.

In the implementation of the National Inquiry, Komnas HAM found that changes in forest governance and the changing status and/or function of indigenous territories led to the limitation and/or reduction and/or deprived of access control and management of indigenous territories both forests, oceans, and rivers; the loss of indigenous peoples source of life and livelihood; social conflicts between indigenous peoples primarily due to a strategic approach of the coorporations and governments that were not participatory and transparent; indigenous peoples conflicts with the coorporations and governments especially since indigenous peoples seek to maintain and defend their rights and this conditions would have resulted in inhibited, reduced, and/or loss of the right to security, protection, legal certainty and justice; the loss of indigenous peoples spiritual rights in carrying out traditional rituals in which the materials are derived from indigenous forests and this will lead indigenous peoples to have difficulties to maintain its existence; the destruction of the environment and ecosystems; the indigenous women suffered a double burden (multiple effect) when there is a conflict over natural resources as also to meet the needs of economic and family food; loss of livelihood of indigenous parents has resulted in indigenous children lose their right to education; and allegations of violence, intimidation, stigmatization and criminalization by the police and / or military against the indigenous peoples who seeks to retain or reclaim their right to land and forests have resulted in violations of the right to justice and equality before the law as well as the right to security.

The National Inquiry recommended that the central and local governments are encouraged to accelerate the strengthening of the indigenous peoples existence and the rights attached to them; the central and local governments are obliged to conduct an open consultation in advance with indigenous peoples prior to the issuance, renewal or permits evaluation of the corporation's business in indigenous peoples region; the government and all parties to be aware of and explore allegations of manipulation in the process of indigenous peoples land acquisition, including attempts to divide the unity of indigenous peoples to obtain various business licensing; The Police to formulate Standard Operational Procedure in the management of natural resource conflict between the Indigenous Peoples, the Government and Corporation with the perspective of gender based human rights perspective; and the coorporations are obliged to carry out CSR programs based on human rights and gender.



Monitoring on indigenous peoples rights in Forest Areas for Maluku and North Maluku regions

5. Monitoring on the alleged violation of land rights and the right to welfare of Farmers Group of Padang Halaban and PT. SMART in North Labuan Batu Regency, North Sumatra Province

Complaints from Farmers Group of Padang Halaban Area (KTPHS) related to dispute with to large-scale plantation company PT. SMART Tbk (Sinar Mas Agro Resources and Technology). The complainants reported that they lived for generations in six villages which the territories largely have been a concession to PT SMART since the 1980s. In 2012, PT. SMART sued the farmers of Padang Halaban where the verdict in the first instance won by PT. SMART and the judges issued a ruling immediately to execute the land that has previously been decided by the courts.

Komnas HAM encouraged peace between the two parties so that the issue of land disputes may be resolved peacefully. In addition, this effort may encourage other villages occupied by farmers of Padang Halaban to be validated and given facilities as other villages.

Komnas HAM carried out monitoring on 18 to 21 November 2014, and recommended to the Governor of North Sumatra and Regent of North Labuhan Batu to encourage a meeting between the Farmers Group and PT.SMART Tbk to enable peace between the two parties; protect and fulfill the rights of the Farmers Group of Padang Halaban and its surrounding communities which include the right to education, the right to health, the right to housing, the right to land and confirm the existence of six villages inhabited by residents the Farmers Group of Padang Halaban and its surrounding communities and provide rights to the villages in accordance with the provisions of the Law on the Village.

6. Monitoring on alleged human rights violations against Dayak Jelak Sekayuk tribe by PT. Harapan Hibrida East Kalimantan- Timur Lipat Gunting Estate/Union Sampoerna Triputra Persada in Ketapang Regency, West Kalimantan

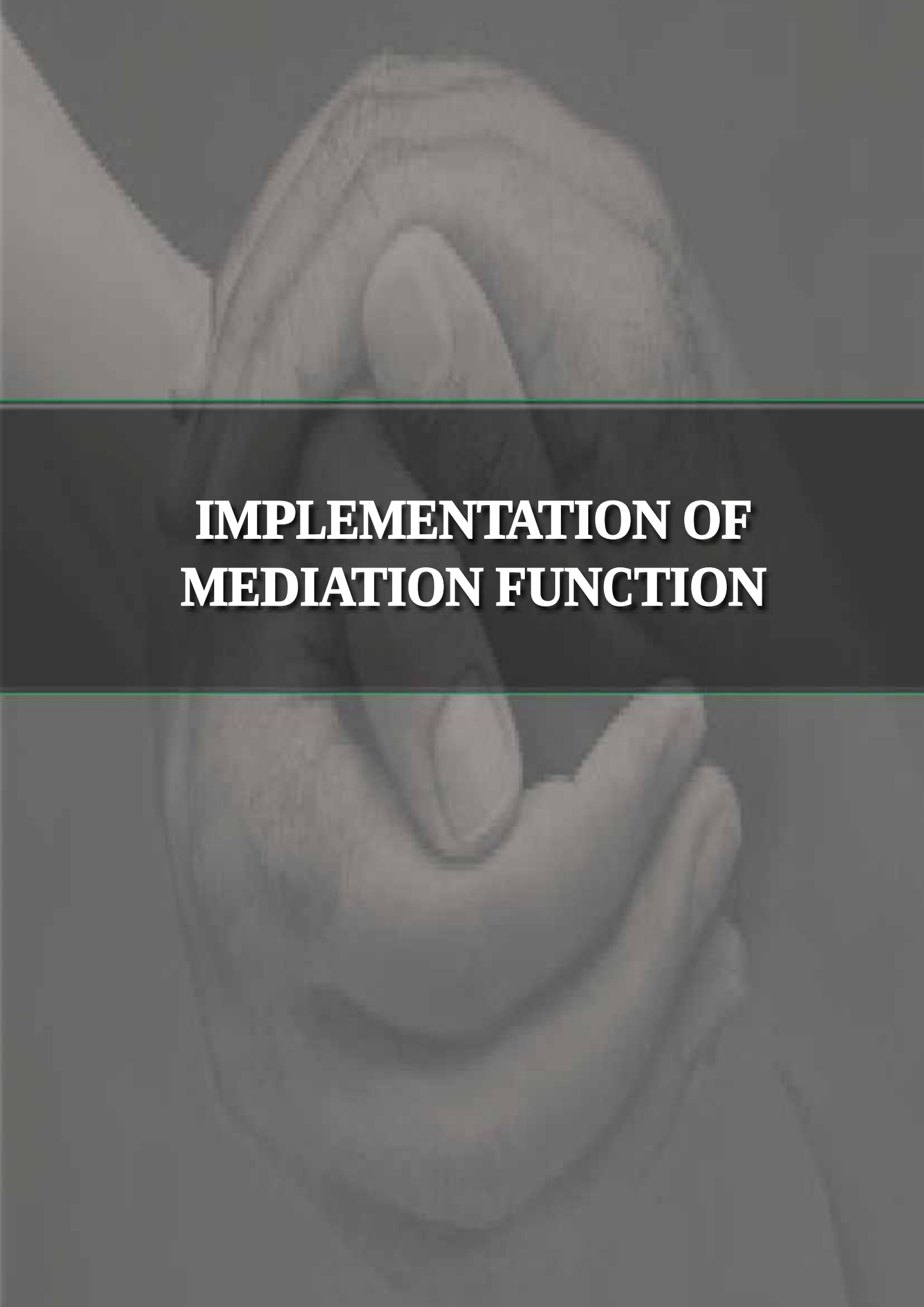
Komnas HAM received complaints from the Padma Indonesia as the attorney of Dayak Jelak Sekayuk communities who live in the village of Batu Sedau, Seguling and Suak

Burung regarding alleged land appropriation belonging to the communities and criminalization of the village chief and five villagers of Seguling. The Commission carried out a field monitoring on 15 to 19 December 2014. The Commission suspected that human rights violations have been occurred, particularly land rights and the right to justice. The company alleged to have taken land belonging to residents and promising program KKPA IIII, but the rights of land owners had not been provided / fulfilled. Moreover, there were indications of overlapping permits and land, where there are two schemes of cooperation between the residents and the company, namely KKPA and partnerships. In addition, conviction to the Seguling Head of Village, Mr. Mulhanitip and five villagers allegation of theft was not just a case, but due to the problems associated with civil rights communities.

Related to this case, Komnas HAM has issued recommendations to the Director General of Plantation of the Ministry of Agriculture to urge the Regent of Ketapang and PT. Harapan Hibrida East Kalimantan Lipat Gunting Estate to immediately resolve the rights of villagers of Batu Sedau, Seguling, and Suak Burung who already given the land to the company for KKPA II and KKPA III Program; urge and monitor factual verification, participatory, and transparent, on land that has been submitted to the company for KKPA program Phase II and III so that land issues can be resolved and benefitted all the parties (the communities, government, and company); audit the implementation KKPA I, II, and III by PT. Harapan Hibrida East Kalimantan Lipat Gunting Estate and hold them accountable if there are indications of irregularities; and monitor and evaluate of the Partnership program which is being run by PT. Harapan Hibrida East Kalimantan Lipat Gunting Estate.



Monitoring on alleged human rights violations against Dayak Jelak Sekayuk tribe by PT. Harapan Hibrida East Kalimantan- Timur Lipat Gunting Estate/Union Sampoerna Triputra Persada in Ketapang Regency, West Kalimantan



IMPLEMENTATION OF MEDIATION FUNCTION

Implementation of Mediation Function

(4) Based on Article 89 paragraph (4), in order to carry out its function as mediator as referred to in Article 76, Komnas HAM has mandate and functions to:

a. arbitrate between the two parties;
b. resolve cases through consultation, negotiation, mediation, conciliation and expert evaluation;
c. give recommendations to the parties for resolving conflict through the courts;
d. submit recommendations concerning cases of human rights violations to the Government in order that their resolution may be followed up on;
e. submit recommendations concerning cases of human rights violations to the House of Representatives of the Republic of Indonesia for their follow up

Komnas HAM Mediation Sub-Commission in handling cases through the stages namely pre-mediation, mediation and post-mediation. At the stage of pre-mediation, a case of human rights violations will not be continued or terminated if it fulfilled the provisions of Article 91 paragraph (1) of Law No. 39 of 1999 on Human Rights. At this stage of mediation, the mediation will resulted in a mediation agreement if there was an agreement between the parties of dispute, whereas official report of adjournment negotiations will be made if the parties had agreed to postpone the mediation, or noted in the official report of mediation if the parties had not reached any agreement. Furthermore, at the stage of post-mediation, the Commission will monitor the implementation of the Mediation Agreement.

During 2014, there were some important records related to the implementation of Komnas HAM's authorities and functions on mediation, namely:

Increasing cases of land	• Increasing development programs by the central government and local governments • Conflicts occur between companies and communities, including indigenous peoples who depend on natural resources • Irreconcilable conflicts because the officers involved tend to be unprofessional and defend the corporation
Increasing community groups and state disputes	• Mediation is constrained because the military did not respect the recommendations to the to conduct a moratorium on enforcement of military official residence

	• The absence of party that acting as the government institution principal or authority related goods home office users or disputed lands including state assets which are state property managed by the Ministry of Finance • Constraints of laws
Polemic traditional markets revitalization	• Bring up the a dispute between the groups of traders with local governments as well as with corporations or developers • The complexity of relationship among related parties to the construction and market management raises the issue of the settlement that acceptable to all parties • The role of the Local Government in resolving the dispute is not yet optimal, and even tended to favor of the company or developer
Social conflict = latent conflict	• The conflict has been occurred for a long time and repeated as well as difficult to solve because, usually, the settlement did not touch the root of the problem • Four trigger of social conflicts, namely: inequality mastery of agrarian and natural resources, the establishment of new autonomous regions and determination of borders, labor welfare, and the issue of ethnic and or religious beliefs • The mediation process takes a long time
Labor and employment disputes	• The companies often breached the provisions of Law No. 13 of 2003 on Labor, particularly related to the contract system, the minimum wage, and unilateral layoffs • The companies often do not show goodwill in the mediation process

Mediation Sub Commission and Mediation Section of Komnas HAM have mapped the handling and settlement of mediation disputes, coordination and consultation with relevant stakeholders related handling of mediation disputes, evaluation of key performance indicators, specify the priority indicator in handling of mediation disputes, and the parameters of success in every stage of mediation. Although in the implementation is yet maximized. This is certainly meant as efforts to improve the quality of public services by Mediation Sub Commission and Mediation Section of Komnas HAM.

Disputes Handling During 2014

A. The Number of Disputes and Complaint Documents

According to Article 5 of Komnas HAM Regulation No.001/Commission/IX/2011 on the Amendment of Komnas HAM Regulation No. 001/Komnas HAM/IX/2010 on Standard Operating Procedures of Human Rights Mediation, disputes mediated by Mediation Sub Commission can be derived from the Decision of Komnas HAM Plenary Session. recommendations Monitoring and Investigation Sub Commission, complaint through the

Administration of Complaints Service Section Division, complaints through Komnas HAM representative offices, and Mediation Sub Commission initiative.

During 2014, Mediation Sub-Commission had handled as many as 544 disputes out of 750 complaints documents. Mediation Sub Commission distinguishes between the number of disputes and complaint documents. The dispute is a case handled by the Mediation Sub Commission. The complaint documents are documents that received by mediation Sub Commission related to the dispute that is being handled, so it is possible that in a dispute there can be more than one document.

The following description of the number of complaint documents and disputes handled by Mediation Sub Commission for 2014 based on distribution of disputed territory.

Disputed Territory

No	Region	The Number of Disputes	The Number of Complaint Documents
1	Aceh	6	8
2	Bali	4	98
3	Banten	19	23
4	Bengkulu	2	4
5	Special Region of Yogyakarta	7	19
6	DKI Jakarta	121	220
7	Gorontalo	1	1
8	Jambi	9	3
9	West Java	59	67
10	Central Java	31	34
11	East Java	55	82
12	West Kalimantan	14	7
13	South Kalimantan	9	9
14	Central Kalimantan	9	13
15	East Kalimantan	15	20
16	Bangka Belitung Island	6	1
17	Riau Island	4	2
18	Lampung	14	13
19	Maluku	16	14
20	North Maluku	-	1

No	Region	The Number of Disputes	The Number of Complaint Documents
21	West Nusa Tenggara	4	6
22	East Nusa Tenggara	9	9
23	Papua	15	20
24	West Papua	1	1
25	Riau	11	18
26	West Sulawesi	-	-
27	South Sulawesi	8	15
28	Central Sulawesi	4	9
29	Sout East Sulawesi	8	8
30	North Sulawesi	10	6
31	West Sumatera	15	32
32	South Sumatera	19	15
33	North Sumatera	39	51
Total		**544**	**750**

In the table above it appears that in DKI Jakarta, West Java and East Java sizeable human rights conflicts were handled through mediation

B. Classification of Rights Being Violated

According to the Law No. 39 of 1999 on Human Rights and international standards in the field of Human Rights Information and Documentation (HURIDOC), then the dispute of alleged human rights violations which handled by Mediation Sub Commission during 2014 can be classified as follows:

Classification of Rights Being Violated

No	Classification of Rights Being Violated	The Number
1	The right to Justice	15
2	The right to welfare	463
3	The right to life	17
4	The right to security,	19
5	The right of freedom of the individual	6
6	The right to self-development	20

No	Classification of Rights Being Violated	The Number
7	The right to participate in government	1
8	Children's rights.	2
9	Women's rights	1
10	The right to marry and bear children	0
Total		**544**

The table above describes that violations of the right to welfare is the right that most widely handled by the Mediation Sub Commission.

C. The Disputes Issues

Here are the most frequent disputes handled by Mediation Sub Commission during 2014.

The Dispute Issues

No	The Dispute Issues	Total
1	Land	257
2	Labor	123
3	Evictions	29
4	Police/Military Assets	5
5	Official Residence	13
6	Environment	19
7	Health	5
8	Religion	3
9	Family	2
10	Vulnerable Groups	12
11	Others	76
Total		**544**

In the table above it appears that the issue of land disputes is the most frequent issues handled by Mediation Sub Commission during 2014. The issue can be further classified as the land dispute between the community and the corporation, the land dispute between the community and the government which most of the land statuses are State Properties, and horizontal land disputes.



Mediation meeting on land disputes between community members affected Jabung Ring Dyke Reservoir in Mlangi Village with *Balai Besar Wilayah Bengawan Solo* (Ministry of Public Works), Provincial Government of East Java and Tuban Regency, 26 September 2014, in Jakarta

D. The Party Complained

Here are the classification of the party complained of the dispute cases handled by the Mediation Sub Commission during 2014.

The Party complained

No	The Party Complained	The Number
1	Government	14
2	Local Government	118
3	Judiciary	2
4	State Enterprise	60
5	Military	37
6	Police	8
7	Coorporation	243
8	Individual	30
9	Others	32
Total		**544**

the table above shows that the coorporation is the most complained in disputes handled by the Mediation Sub Commission during 2014.

E. Mediation Activities

Komnas HAM Mediation Sub Commission follows up the dispute through several stages, namely pre-mediation, mediation and post-mediation. If it's necessary, each stage of mediation can be done more than once. Nevertheless, the dispute handling can be done without going through all stages, in other words only up to the stage of pre-mediation or mediation. At each stage, Mediation Sub Commission may issue a letter of recommendation to the related parties.

Following are the implementation of mediation activities during 2014 based on its stages. The activities referred to in the table are carried out by using the state budget.

Mediation Activities

No	Activity	The Number
1	Pre-Mediation	103
2	Mediation	89
3	Post-Mediation	7
4	Others	36
	Total	**235**



Monitoring of dispute location related construction Kertosono Mojokerto highway between the communities affected by the local government, Ministry of Public Works and PT. MHI, 28-31 October 2014 Mojokerto

The Area of Mediation Activities

No	Area	Field Mediation
1	Central Java	3
2	Yogyakarta	4
3	Riau	1
4	Central Sulawesi	2
5	Lampung	5
6	North Sumatera	2
7	Maluku	2
8	Aceh	1
9	West Java	5
10	West Sumatera	7
11	East Java	13
12	Papua	2
13	South Sumatera	2
14	Banten	2
15	East Nusa Tenggara	1
16	Solo	1
17	West Kalimantan	2
18	East Kalimantan	1
19	Central Kalimantan	1
20	South Kalimantan	1
21	Jakarta	98
Number of Mediation Activity		**156**

F. The Output

Based on its mandate, Mediation Sub Commission not only carries out micro mediation but also macro mediation which includes peace on both sides, consultation, negotiation, conciliation, experts assessment, the provision of advice to the parties to resolve disputes through the courts, submission of recommendations on dispute of rights violations for the government to act upon its completion and submission of recommendations on dispute of human rights violations to the House of Representatives for further action.
The Commission in carrying out its mediation function, it is possible a dispute is resolved only through consultation or mediation recommendation letters without a meeting and/or an agreement.

Below are the detail of documents resulted from mediation by Mediation Sub Commission during 2014.

Documents of Mediation Results

No	The Document	The amount
1	Mediation Agreement	6
2	Minutes of Mediation Postponement	4
3	Recommendation Letter	104
4	Letter related to dispute handling	669
5	Activity Report	156

It should be mentioned that not all letter of recommendations or letters handling cases issued by Mediation Sub Commission receive responses. This is due to not all the letter need or request for a response from related parties. During 2014, the letter of response that received by Mediation Sub Commission reached 56 letters .
In carrying out its function , Mediation Sub Commission applies some models of closing cases as follows:

Closing Dispute

No	Reason	Number
1	Mediation Agreement	10
2	Recommendation	139
3	There is no good faith from the complainant	10
4	The complainant repeal the complaint	1
5	The case referred to Monitoring and Investigation Sub Commission	3
Closing disputes during 2014		**163**

G. Description of disputes resolved by Mediation Agreement or Implementation of Komnas HAM's Recommendation

1. Employment Disputes between 5 former employees with PT. MCI Management

Komnas HAM Mediation Sub Commission has received a complaint of 5 former employees of PT. MCI on 26 August 2014. The complainant stated that the layoffs had occurred on 14 April 2014 against those who are also a core committee of UK SP PAR-REF PT. MCI. The layoff was done without notice, warning, nor confirmation from industrial dispute resolution institution. The complainants expressed that the company has violated the Law No. 13 of 2003 on Labor, which was paying the wages below the minimum wage to workers in particular grass plucker . Indeed, the complainant has sought to resolve this issue.

Furthermore, this dispute mediation held on 12 November 2014, in Komnas HAM office, Jakarta. The parties later reached an agreement that the company will fulfill the demands of the workers' rights, namely severance, gratuity, compensation rights, and THR (feast allowances) in accordance to Labor Law No. 13 of 2003 Article 156 (2), (3), (4).



Employment disputes between 5 former employees with Management PT. MCI, Jakarta, 12 November 2014

2. Dispute on The Right to Health Fulfillment among The patients and RSHJ;

Komnas HAM Mediation Sub-Commission has received a complaint from the complainant on 18 November 2013, which claimed he suffered from permanent hearing loss (deafness) and buzzing in his left ear after he underwent 2 surgeries for his left ear in RSHJ. As a result, he was dismissed from his job. Therefore, the complainant asked for a sum of money as compensation.
Komnas HAM has followed up this complaint by facilitating mediation meeting on 10, 14, and 25 March 2014 and on 4, 22 April 2014 as well as 14 May 2014 in office of Komnas

HAM, Jakarta. After a long negotiation process, the parties agreed on the provision of money as a remedy to the complainant.

3. Dispute among SLBN / A Bandung with PSBN Wyata Guna;

Komnas HAM Mediation Sub Commission had received a complaint letter from SLBN/A/PSB Wyata Bandung Alumni on 27 July 2011 regarding a request for assistance. The institution was said difficult to develop because the land is owned by Panti Sosial Bina Netra (PSBN) Wyata Guna.

The land with an area of ± 4 ha located on Pajajaran Street No. 50 and 52 Bandung, is currently used by SLBN/A Bandung to conduct education for the blind from kindergarten up to special high school; and PSBN Wyata Guna Bandung to conduct rehabilitation for visually impaired adults.

In 1984, PSBN Wyata Guna certificated the land in BPN Bandung. In the certificate stamped "land distribution": 1/3 to SLBN/A Bandung, 1/3 to PSBN Wyata Guna, and third sections that have not been granted to the Foundation to repair the Fate of the Blind (Yayasan Perbaikan Nasib orang-orang buta)

Komnas HAM has conducted pre-mediation on 20-21 October 2011 and 16-17 November 2011 in Bandung. Mediation were carried out on 22 February 2012, 25 June 2012, 18 February 2013, and 23 July 2014. At the last mediation, the parties agreed to establish SLBN A Bandung school with status of leasing land from the Ministry of Social Affairs.

4. Dispute on House Demolition between the Br. Umar Baskoro with Br. H. Soleh

Komnas HAM Mediation Sub Commission has received Umar Baskoro complaint on 19 December 2013. In a nutshell, the complainant stated that H. Soleh has sent some people to demolish his property in Grogol Village, Depok, without giving him a chance to collect his belongings including a motorcycle and money.

Komnas HAM has sent a letter No.019/K/Mediation/I/2014, dated 27 January 2014, regarding the clarification of the mediation process to H. Soleh. The letter has been responded through a letter dated 10 February 2014, regarding chronological incident of the house demolition. In addition, Komnas HAM also visited the site on 4 April 2014, to view the location of demolition and met with villagers who were around the location when the incident occurred.

Mediation was carried out on 16 April 2014, in Komnas HAM's office, Jakarta. Both sides have agreed to end the problem and would not sue each other, as well as compensation was provided for the complainant. This was written into a mediation agreement which both parties have signed.

5. Land dispute between Kendalrejo villagers with Trenggalek Government related Road Widening Project of Golden Triangle Ring Road of Durenan Kendalrejo Village, Trenggalek District , East Java Province

Komnas HAM Mediation Sub Commission has received a complaint letter dated 16 December 2013, regarding complaint for compensation of 24 Kendalrejo villagers,

Trenggalek District. In a nutshell, they complained that the Trenggalek Government has conducted road widening "Golden Triangle Circle Durenan" located in the Kendalrejo village since 2002, but they had not gotten any compensation. Regarding this condition, the landowners rejected the project and asked for compensation. Since 2007, the residents still fight for their rights through Trenggalek Government and Parliament, but there is no clarity up to this date.

According to the Trenggalek Government, they have conducted public meeting and consultation with landowners on 13 November 2013, which resulted in the formulation that the public calls for land compensation and Trenggalek Government has allocated land acquisition completion Ring Road Durenan on 2014 budget. However, Trenggalek Government doubts related government expenditure compensation payments if referring to Law No. 2 of 2012 on Land Procurement for Development for Public Interest. For that, the Trenggalek Government demanded Komnas HAM to mediate the settlement of land compensation "Golden Triangle Circle Durenan".



Site visit regarding land dispute between the villagers Kendalrejo with Trenggalek Government related Road Widening Project of Golden Triangle Ring Road of Durenan Kendalrejo Village on 17 June 2014, Trenggalek

Mediation Sub-Commission had conducted pre-mediation in Trenggalek District on 17 June 2014, and mediation on 8 December 2014 at District Secretariat Office of Trenggalek. In mediation, an agreement is reached between the parties, namely the Trenggalek Government would provide land compensation payment in accordance with the regulation.

6. Land Dispute between residents of RT 11, Ulu 8 Village, Sub-District SU1, Palembang, with the State Islamic Institute (IAIN) Raden Fatah Palembang

Mediation Sub Commission has received complaint from residents of RT 11, Ulu 8 Village, District SU1, Palembang, dated 11 September 2014, and direct complaint to Komnas HAM on 18 September 2014. In its complaint there were 146 families (KK) which has been settled since 10-31 years ago, in RT 11, Ulu 8 Village, Sub district SU1, Jaka Baring,

Palembang, that occupies about 15 hectares of land, with a variety of reasons underlying rights. However, currently, off the land a Campus extension of IAIN Raden Fatah will be built, whose financing helped by the Islamic Development Bank (IDB). Initially, the land was a grant from the South Sumatra Province Government.

South Sumatra Province Government has done some resolution efforts by providing compensation to residents which amount varies between Rp.500.000-Rp. 4.000.000, -, depending on the type of house. However, the residents have not been willing to accept the compensation offered by the South Sumatra Province Government because it was considered too small. The residents wanted to be relocated. Due to the rejection of the compensation that offered by the South Sumatra Province Government, the residents were intimidated by the forms of action of sand and soil excavated backfill around housing residents that involved military apparatus. The residents suffered from act of intimidation involving military personnel by means of dredging sand and soil excavation around their residents' housing.

Komnas HAM has carried out mediation on 28 to 31 October, 2014, in Palembang, South Sumatra. The mediation was held on 30 October 2014, in the Office of the Governor of South Sumatra, Palembang, which resulted in an agreement with some of the solution agreed by the parties, namely: the residents who live in the land of IAIN Raden Fatah will be relocated to the Housing Rent (public housing/rusunawa) in Kertapati sub district with moving costs provided by IAIN Raden Fatah, and other conveniences. The residents, who do not wish to be placed in public housing in Kertapati sub district, will be given money as compensation by IAIN Raden Fatah. As for the residents who have the right to land and occupy their houses will be processed through the Head of Governance South Sumatra Province. The Commission gives priority to the settlement of these problems by prioritizing the poorest that do not have any rights to the land and no adequate housing.



Komnas HAM met the residents of RT 11, Ulu 8 Village, Sub-District SU1, Jaka Baring Palembang, 29 Ocotber 2014

7. Customary land dispute between indigenous peoples groups of Dani and Moni in Timika

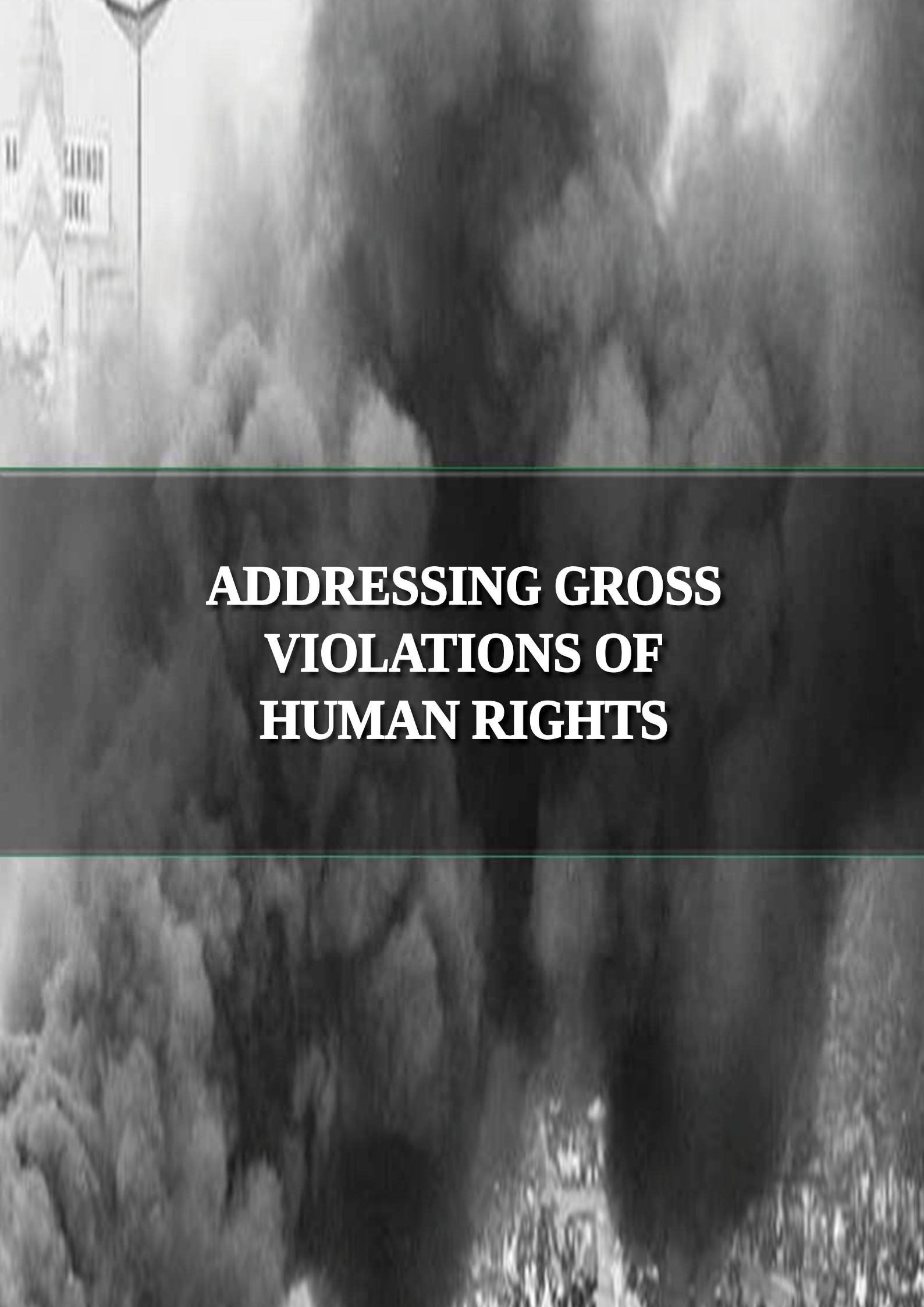
The dispute originated from conflicts between Dani and Moni communities who were fighting over customary rights land along Trans Timika-Paniai Street to Kali Kamora. Mimika Police has gathered community leaders from both groups to sign a statement in order to reconcile them after tribal war in Djayanti Kuala Kencana complex and Kali Pindah-Pindah on 19 February 2014. At the end of the meeting, the leaders of both groups agreed to reconcile and not attacking each other. Regarding the things that cause dispute between two groups, it will be followed up by a team of customary rights land mapping of Mimika District Government. During the result of the team has not finished, the land in condition of status quo, and both parties should refrain from any activities at the site of the dispute in Kali Kamoro, Trans Timika-Paniai.

On 1 March 2014, the two groups held peace ceremony with traditional of rituals broken arrows at Djayanti-Mayon, Kuala Kencana District. Traditional rituals broken arrow was a sign that both groups agreed to end the previous dispute. However, the ethnic war re occurred that killed several people from both tribes, and hundreds were wounded.
In regard of this matter, Komnas HAM Plenary Session on 1-2 April 2014 decided that the Mediation Sub Commission handled the land disputes between indigenous groups of Dani and Moni in Timika, Papua.

Komnas HAM Mediation Sub Commission has conducted pre-mediation on 29 April to 3 May 2014, in Timika and Jayapura, Papua, to meet with the parties and find solution. The result of this activity, Komnas HAM Mediation Sub Commission decided to: 1) demand the parties to a ceasefire 'status quo', in order to discuss justice and the settlement of customary land issues; 2) urge Mimika Government and three traditional institutions (Lemasa, LEMASKO, and Lemasmos) to immediately conduct mapping of indigenous territories to identify which the tribes to be the owner and users, as well as provide protection for its ownership (through letter of recommendation); 3) request the Governor and the Regents of the origin of the tribes that involved in the conflict, to participate and facilitate the settlement of conflicts (through letter of recommendation); and 4) request the security forces from various units not to do any provocation to the parties in conflict.



Site visit on dispute location between Moni and Dani Tribes , 29 June to 4 May 2014, Timika.



ADDRESSING GROSS VIOLATIONS OF HUMAN RIGHTS

Addressing Gross Violations of Human Rights

A. Introduction

Law No. 26 of 2000 on Human Rights Court set up the mechanism for addressing gross violations of human rights. Gross violations of human rights are extraordinary crimes not such as ordinary crimes as set out in the Criminal Code (KUHP), and it resulted in both physical and material harms to the victims as well as widely impacted.

So far, gross violations of human rights in Indonesia are related to past events which until now did not find any solution. Based on experience in many countries, past human rights violation is a problem that must be addressed because it will always be carried over to the ruling regime in the years since then, although the regime was not involved (Satya Arinanto, *Ihwal Keadilan Transisional (Transitional Justice)*, Kompas Newspaper, Thursday, 8 May 2008, p. 6.).

Addressing gross violations of human rights requires a special judicial mechanism namely the Human Rights Court. The Human Rights Court is expected to be the hope of the victims to regain their basic rights that have been violated. Nevertheless the presence of Ad Hoc Human Rights Court cannot stand alone and still need political will of the Government and Parliament.

Disclosure of gross violations of human rights is in contrast to ordinary criminal because it requires specificity *(lex specialis*), among others, investigators, prosecutors and ad hoc judges, protection of witnesses and victims and adheres to the retroactive principles.

As mandated by Article 18 of Law No. 26 of 2000 on Human Rights Court, disclosure gross violations of human rights cases carry out by Komnas HAM as the sole institution with the authority to conduct inquiry into cases of gross violations of human rights.

Referring to inquiry into gross violations of human rights cases, Komnas HAM has the authority to establish ad hoc team consisting of Komnas HAM and public representatives. Komnas HAM hold a very strong position in Law No. 26 of 2000 because its inquiry result is pro justicia. Upon completion of inquiry, Komnas HAM in collaboration of with the Attorney General proceed to investigation process.

B. Komnas HAM Inquiry into Gross Violations of Human Rights

During 2014, Komnas HAM only established 1 (one) Ad Hoc Team for inquiry into Gross Violations of Human Rights, namely Ad Hoc Team for Inquiry into Gross Violations of Human Rights in Aceh Province.

Ad Hoc Team for Inquiry into Gross Violations of Human Rights in Aceh was established through Decree No.018 / Komnas HAM / XI / 2013 dated 8 November 2013. The establishment of this Team is motivated by monitoring and investigation result of human

rights violations in the Period of Military Operations Area (1989-1998) up to the transitional period (1998-2003) to 5 (five) incidents in Aceh Province. Based on the Plenary Session's decision, the mandate of the Ad Hoc Team was later extended through Komnas HAM Chairperson Decree commencing from January to June 2014.

1. Incident at Rumoh Geudong, Pidie

This event occurred after enforcement of Military Operations Area (DOM) Aceh and imposition of martial law in Aceh in 1989-1990 due to unsafe conditions in Aceh because of separatist interference. Then the Government had built security posts at strategic locations to monitor and isolate the movement. Pos Sattis build in each Aceh custom house *(Rumoh Geudong)* scattered in every district where there are 6-10 military personnel the majority are members Kopassus assisted by Assistant Military Operation or *cuak* that constitute of civil society. After DOM revoked on 7 August 1998, it was discovered that authorities have used Rumoh Geudong not only as a pos Sattis, but also as the place of a variety of actions beyond humanity limits.

2. Incident Bumi Flora, Eastern Aceh

This incident is triggered by a group of armed men attacked the workers of PT. Bumi Flora East Aceh, a plantation company in Dusun Pelita, Alur Rambut Village, Banda Alam District, East Aceh Regency.

3. Mass Murder in Simpang KKA in North Aceh.

This incident occurred on 3 May 1999 in the district of Dewantara, North Aceh Regency. The incident began with issue of the disappearance of TNI member Detasemen Rudal 001/Lilawangsa on 30 April 1999 when he infiltrated the religious lecture organized by residents of Cot Murong, North Aceh. The loss of TNI member then responded by sweeping into home of residents and place of activities that eventually reached an agreement that the search must be accompanied by Muspika, however this agreement was not adhered by the TNI members.

On 2 May 1999, members of the Detasemen Rudal on the contrary did search using violence and arrested occupants that triggered protest from residents the next day at the Koramil office. Mass action has suddenly expanded and involved considerable crowds in the streets of Lancang Barat and the surrounding then led to Simpang KKA. The action was responded with shots by officers that killed a number of residents and dozens of others were injured.

The shooting lasted about 20 to 30 minutes before officers left Simpang KKA. The residents survived the fire as they fled or pretend to be dead and then slowly got up and returned to the location to rescue the victims who were shot. A lot of victims who were shot fell on the road towards Medan-Banda Aceh because of people used that road to save themselves.



Memorial of Simpang KKA Case, North Aceh, May 1999

4. Enforced Disappearances and Mass Grave inTimang Gajah District, Bener Meriah Regency

Komnas HAM discovered this incident based on reports from civil society organizations. At the time of the imposition of martial law, the public often got pressure, torture and arrest targeting the presence of members of the Free Aceh Movement (GAM).

Through monitoring and inquiry on special issue of alleged past gross violations of human rights in Aceh on 23 May 2014, the Commission participated in conducting inquiry and search related to events that occurred in Menderek, Bener Meriah Regency. Some facts and information have been obtained from witnesses as well as direct visits to the graves of victims. A monument was build to facilitate victims' families to visit the grave.



Inquiry into Enforced Disappearances in Timang Gajah District, Bener Meriah Regency

5. Massacre at Jambo Keupok, Tapaktuan 2003

This event occurred after the DOM and before the imposition of martial law in 2003. At that time, around 07.00 WIB, approximately 3 (three) units of truck containing armed forces sweeping houses in Jambo Keupok looking for existence of GAM. Later, they have gathered and separated residents (men, women and children) and tortured the men in the village streets. The rest of the residents put into a house and burned.



Mass Grave, Jambo Keupok Case, South Aceh



Witness Examination by Komnas HAM Investigator related to Jambo Keupok Case, South Aceh

Of the five events as many as three events have been investigated by Komnas HAM, those were Rumoh Geudong Incident in Pidie, Simpang KKA and Bumi Flora. The problem is, none of these three incidents went to the Human Rights Court. By the end of 2014, the team has examined witnesses on Simpang KKA and Jambu Keupok incidents.

C. Progress on Addressing Gross Violations of Human Rights Incidents

There is hardly new progress in the settlement of gross violations of human rights incidents. Since 2006, Komnas HAM has submitted 10 legal documents regarding gross violations of human rights to the Attorney General, but only 3 (three) were resolved, whereas 7 (seven) other documents have not been followed up to date.

1. 1965/1966 Incident

Ad Hoc Inquiry Team into Gross Violations of Human Rights 1965/1966 Incident has been established since 2011 and 2012 in order to complete activities of inquiry and finalize report. The settlement of this case became one of victims and their families demand to date. The Plenary Session on 12 July 2012, has been decided and approved sufficient preliminary evidence of gross violations of human rights for this incident.

The inquiry report has been submitted to the Attorney General, but on 25 October 2012, the Attorney General through its letter No. R-26/A/F.6/10/2012 had returned the report to Komnas HAM to be completed. Komnas HAM then completed the report and returned to the Attorney General through letter No. 268/TUA/XI/2012 dated 28 November 2012 along with response to guidelines that has been provided by the Attorney General. July 2013, the Attorney General had returned back the inquiry document to Komnas HAM through letter No. R-067/A/F.6/07/2013 dated 31 July 2013, which Komnas HAM had completed and submitted again to the Attorney General through Komnas HAM letter No. 202G/TUA/IX/2013 dated 24 September 2013.

Further, the Attorney General had re-returned the inquiry report to Komnas HAM through letters No. R-058/A/F.6/06/2014 and letter No.R-057/A/F.6/06/2014 both dated 6 June 2014. In response of these letters, Komnas HAM Chairperson has responded through a letter No.383/TUA/VII/2014 dated 17 July 2014.

2. The Wamena and Wasior Incidents (2001 to 2003)

Wasior and Wamena Incidents are not gross violations of human rights violations of the past, because Wasior incident occurred in 2001to 2002 while Wamena occurred in 2003. However, like most cases of gross violations of human rights of the past, the settlement is constrained by the Attorney General Office of Republic Indonesia.

Komnas HAM had completed pro justisia inquiry related to Wasior 2001-2002 incident and Wamena 2003 incident in Papua Province and submitted both reports to the Attorney General since 3 September 2004. On 30 November 2004, the Attorney General through its letter No. R-209/A/F.6/11/2004 returned the inquiry report to Komnas HAM. The Attorney General considered that Komnas HAM inquiry result was incomplete either material or immaterial. Komnas HAM had returned the report to the Attorney General through letter No. 376/TUA/XII/2004 dated 29 December 2004 on the completion of the files requested. July 2013, the Attorney General had returned back the inquiry document on Wamena and Wasior Incidents to Komnas HAM

through letter No. R-070/A/F.6/07/2013 dated 31 July 2013. Komnas HAM then completed the documents and submitted again to the Attorney General through Komnas HAM letter No. 202B/TUA/IX/2013 dated 24 September 2013.
Further, the Attorney General had re-returned the inquiry report on gross violations of human rights of Wamena and Wasior Incidents to Komnas HAM through letters No. R-053/A/F.6/06/2014 and letter No.R-054/A/F.6/06/2014 both dated 6 June 2014. In response of these letters, Komnas HAM Chairperson has responded through a letter No.385/TUA/VII/2014 dated 17 July 2014.

3. Mysterious Shooting Incident (Petrus) (1982 to 1985)

Petrus incident close related to the Government purpose to attain public order and suppress crime rate. Komnas HAM had established an Ad Hoc Inquiry Team on Gross Violations of Human Rights of the Petrus Incident period 1982-1985 which mandated to investigate incidents that occurred in some areas in the period of 4 (four) years
Based on the result of inquiry, the team found that there were sufficient preliminary evidence of gross violations of human rights and this conclusion was adopted by the Plenary Session on 12 July 2012. The inquiry report had been submitted to the Attorney General, but on 25 October 2012 the Attorney General had returned Komnas HAM investigation report through letter No. R-127/A/F/6/10/2012 to be completed. On 14 August 2012, Komnas HAM had resubmitted the inquiry report to the Attorney General through letter No. 293/TUA/XII/2012. In July 2013, the Attorney General had returned the investigation report of Mysterious Shooting to Komnas HAM through letter No. R-072/A/F.6/07/2013 dated 31 July 2013 and on 24 September 2013 Komnas HAM had submitted back the report to the Attorney General
Further, the Attorney General had re-returned the inquiry report to Komnas HAM through letters No. R-051/A/F.6/06/2014 and letter No.R-052/A/F.6/06/2014 both dated 6 June 2014. In response of these letters, Komnas HAM Chairperson has responded through a letter No.387/TUA/VII/2014 dated 17 July 2014.

4. Talangsari Incident (1989)

This incident included a series of inhumane acts such as arrests and arbitrary detention, torture and displacement or forcible expulsion. Komnas HAM inquiry team has found sufficient preliminary evidence to suspect occurrence of gross violations of human rights.
Komnas HAM had submitted this case to the Attorney General to be followed upon 16 September 2008. However, in July 2013, the Attorney General had returned the file to Komnas HAM through letter No. R-071/A/F.6/07/2013 dated 31 July 2013. The file had completed and re submitted to the Attorney General through Komnas HAM letter No. 202F/TUA/IX/2013 dated 24 September 2013.
Further, the Attorney General had re-returned the inquiry report to Komnas HAM on 6 June 2014 through letters No. R-055/A/F.6/06/2014 and No.R-056/A/F.6/06/2014 both dated 6 June 2014. In response of these letters, Komnas HAM Chairperson has responded through a letter No.384/TUA/VII/2014 dated 17 July 2014.

5. Enforced Disappearances Incident (1997 to 1998)

There were at least 13 (thirteen) people became victims of enforced disappearances incident during 1997-1998 period. The inquiry result had been submitted by Komnas HAM to the Attorney General since September 2006, yet the Attorney General had returned to Komnas HAM through its letter No. R-014/A/F.6/03/2008 dated 15 April 2008. Komnas HAM then resubmitted the report to the Attorney General in April 2008. In July 2013, the Attorney General had returned back the inquiry report of Enforced Disappearance to Komnas HAM through letter No. R-069/A/F.6/07/2013 dated 31 July 2013. Komnas HAM had completed the report and resubmitted to the Attorney General through letter No. 202E/TUA/IX/2013 on 24 September 2013.
The Attorney General had returned inquiry documents on gross violations of human rights, enforced disappearances 1997 to 1998 period on 28 May 2014 through letters No. R-040/A/F.6/06/2014 and No.R-041/A/F.6/06/2014 both dated 28 May 2014. In response of these letters, Komnas HAM Chairperson has responded through a letter No.382/TUA/VII/2014 dated 16 July 2014.

6. The May Riot 1998

Komnas HAM inquiry concluded that the May Riot 1998 which took place on 13 to 15 May 1998 foreseeable as gross violations of human rights. Komnas HAM had established an Ad Hoc Team for Inquiry of May Riot 1998 and the result had been submitted to the Attorney General on 19 September 2003. The file had been returned several times from the Attorney General. In July 2013, the Attorney General had returned the inquiry report of the May Riot 1998 to Komnas HAM through letter No. R-068/A/F.6/07/2013 dated 31 July 2013 to be completed. Then Komnas HAM had completed the report and submitted again to the Attorney General through letter No. 202C/TUA/IX/2013 dated 24 September 2013.
Furthermore, on 6 June 2014 The Attorney General had returned inquiry documents on gross violations of human rights regarding May Riot 1998 through letters No. R-049/A/F.6/06/2014 and No.R-50/A/F.6/06/2014 both dated 6 June 2014. In response of these letters, Komnas HAM Chairperson has responded through a letter No.388/TUA/VII/2014 dated 17 July 2014.

7. Trisakti, Semanggi I dan Semanggi II Incidents

Komnas HAM had established an Ad Hoc Team called the Investigative Commission into Human Rights Violations (KPP HAM) since 27 August 2001 to investigate these incidents as well as to find various act of violence as form of gross violations of human rights. The investigation result had been submitted to the Attorney General since 29 April 2002 and had been returned several times from the Attorney General.
On 28 March 2008, the Attorney General through its letter No. R-012/A/F.6/03/2008 had returned the investigation file to Komnas HAM stating that the investigation result cannot yet be followed up. However, Komnas HAM had returned back the file to the Attorney General to be followed up. In July 2013, the Attorney General had returned the investigation file of Trisakti, Semanggi I and Semanggi II to Komnas HAM through letter No. R-067/A/F.6/07/2013 dated 31 July 2013. Then Komnas HAM had completed the file and returned back to the Attorney General through Komnas HAM letter No. 202A/TUA/IX/2013 on 24 September 2013.

Furthermore, on 6 June 2014 The Attorney General had returned investigation documents on gross violations of human rights of Trisakti, Semanggi I and Semanggi II through letters No. R-047/A/F.6/06/2014 and No.R-48/A/F.6/06/2014 both dated 6 June 2014. In response of these letters, Komnas HAM Chairperson has responded through a letter No.386/TUA/VII/2014 dated 17 July 2014.

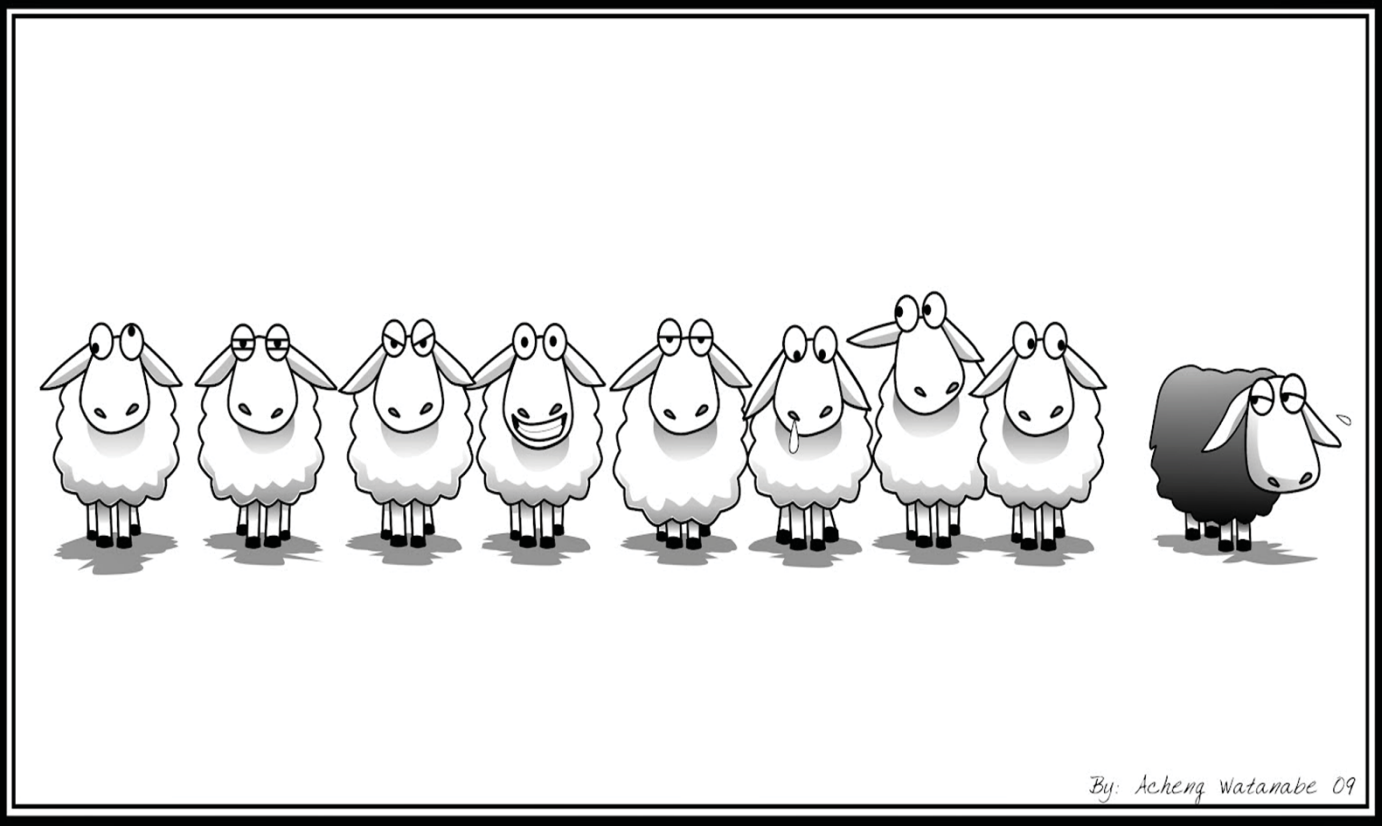
8. Addressing Past Human Rights Abuses Cases

In order to urge follow up on past human rights violations cases which were likely to stagnate, Komnas HAM had established an Ad Hoc Team to Follow-up Inquiry into Gross Violations of Human Rights for the seven incidents aforesaid.
The team was mandated, among others, to organize meetings and/or discussions with stakeholders to obtain inputs regarding the disclosure of truth about past human rights abuses cases, develop mechanisms to resolve past human rights abuses and formulate activities as well as proposals / recommendations to be followed up. This team considered relatively important since almost 13 (thirteen) years of inquiries conducted by Komnas HAM, but has not yet acted upon by the Attorney General to investigation process.
During 2013, in addition to complete the inquiry results, the Team also conducted number of activities as mandated by the Plenary Session, including providing recommendation as Victims of Gross Violations of Human Rights to the victims so that they can use it to obtain medical or psychosocial support from the Witness and Victim Protection Agency (LPSK) as stipulated in Law No. 13 of 2006 on the Protection of Witnesses and Victims.
On this basis, Komnas HAM has issued Komnas HAM Letter of Decree No. 04/KOMNASHAM/X/2013 on Procedures for Granting Certificate of Victim and / or Family Victims of Gross Violations of Human Rights. Until now, Komnas HAM has received about 1,800 petition letters as victims of gross violations of human rights. However, only 800 certificates were considered to meet the requirements and determined as victims of gross violations of human rights by Komnas HAM.

In addition, the team conducted meetings with various parties and relevant agencies to accelerate the resolution of human rights violations cases, both judicial and non-judicial, among others, Attorney General, Coordinating Minister for Politics, Law and Defense, Head of the House of Representatives of Republic Indonesia, Head of People's Consultative Assembly of Republic Indonesia and Advisory Council to the President of Republic Indonesia. The team also encountered community organizations that overshadows both victims of human rights violations and other mass organizations among other was meeting with KKPK (Coalition for Justice and Truth). Moreover the team also looked for alternative attempts through schemes and road map for addressing past human rights abuses.
Komnas HAM, in addition actively conducted road shows to schedule a meeting with Islamic clerical figures of Nahdatul Ulama for East Java regions in order to provide understanding related to inquiry of past human rights violations, especially 1965/1966 incidents and encourage joint efforts for settlement of past human rights violations through non-judicial path.

- *1965/1966* **Incident** *(The inquiry result has been submi tted to the Attorney General 2 years ago)*
- **Mysterius Shooters** *(Petrus) (The inquiry result has been submitted to the Attorney General 2 years ago)*
- *Talangsari 1989 (The inquiry result has been submitted to the Attorney General 6 years ago)*
- *The Enforced Disappearances (The inquiry result has been submitted to the Attorney General 6 years ago)*
- *May Riot 1998 (The inquiry result has been submitted to the Attorney General 11 years ago)*
- *Trisakti, Semanggi I dan Semanggi II (The inquiry result has been submitted to the Attorney General 12 years ago)*

CRITICAL NOTES ON RACIAL AND ETHNIC DISCRIMINATION PRACTICE



"DISCRIMINATION"

Discrimination is a crime

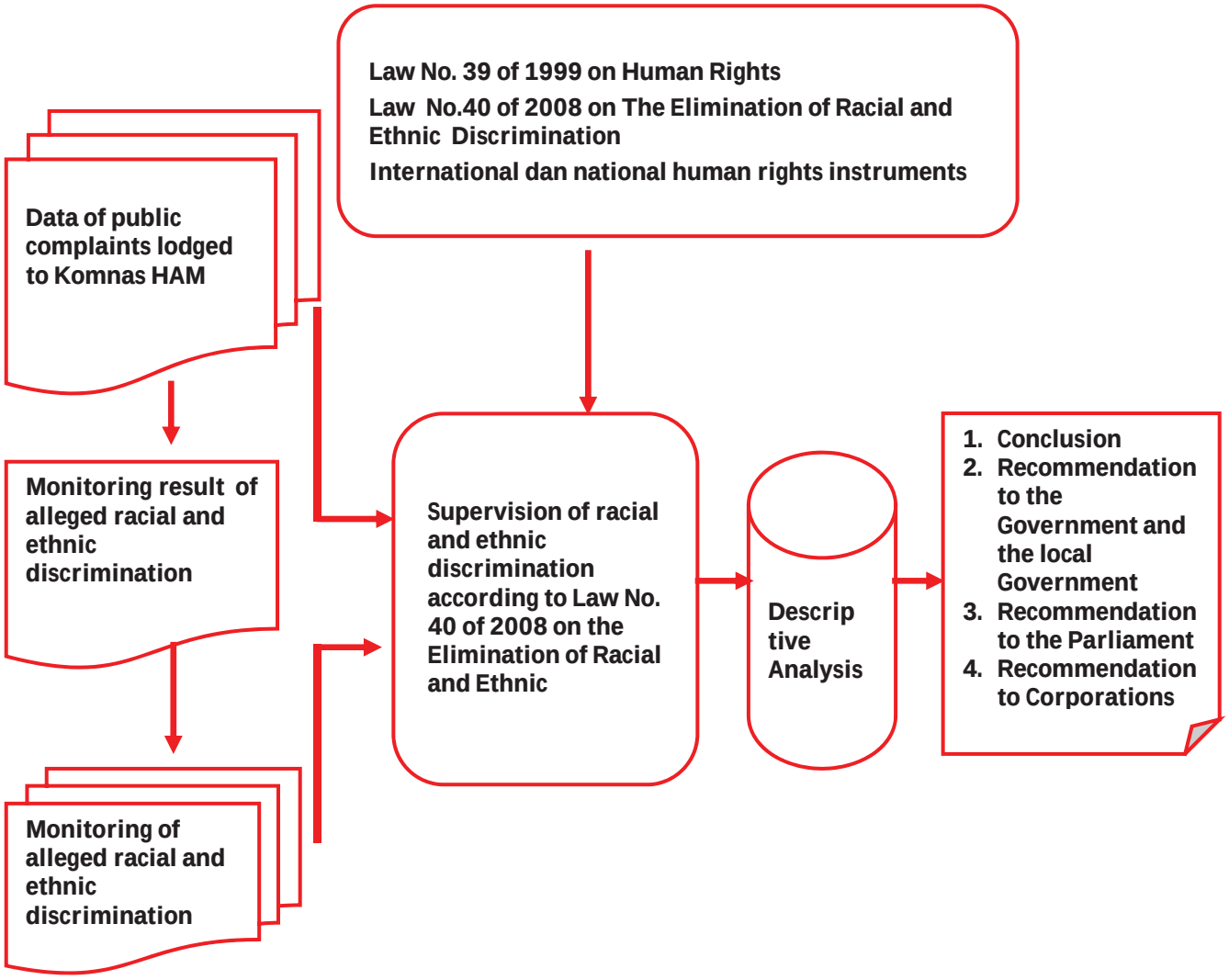
Critical Notes on Racial and Ethnic Discrimination Practice

The Basis of Supervision

The Universal Declaration of Human Rights (UDHR) has determined not to tolerate acts of discrimination. Article 2 of the Universal Declaration states that Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. limitation of sovereignty.
This global commitment was followed by the International Convention on the Elimination of All Forms of Racial Discrimination on 4 January 1969. Through UN Resolution No. 2106 (XX) 21 December 1965, each country can accept, sign, and ratify this convention.
Indonesia has ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 25 May 1999 through Law No. 29 of 1999. The ratification of this convention created legally binding to Indonesia to the principles in the convention.

As a form of Indonesia's commitment to abolish racial and ethnic discrimination practice, then in 2008 the Government has enacted Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination. Komnas HAM was mandated to supervise the implementation of Law No. 40 of 2008, including to:

a) Monitor and assess the Government and Local Government policies that considered have the potential to cause racial and ethnic discrimination;
b) Finding fact and asses individuals, community groups, or public or private institutions which suspected of committing acts of racial and ethnic discrimination;
c) Issues recommendations for the Government and Local Government on the results of monitoring and assessment of the actions that contain racial and ethnic discrimination;
d) Monitors and assess the Government, Local Government and Communities in the implementation of the elimination of racial and ethnic discrimination; and
e) Issues recommendations for the House of Representatives to conduct surveillance to the Government who does not heed Komnas HAM findings.



Implementation of Supervision

During 2014, Komnas HAM cq monitoring and investigation Sub Commission carried out several monitoring on the implementation of Law No.40 of 2008 throughout 2014 . The focus of supervision was addressed for a few cases because of the supervisory function is mostly done through documents and visual evidence approach. Some cases that got the attention were the cases related to the implementation of legislative, presidential and vice presidential elections in 2014.

2014 General Election

The Presidential and Vice Presidential Election in 2014 marred by negative campaign and symbols of hatred which were quite massive and systematic compared to the previous elections. Where in the previous election the issues were only related to Java and outside Java, military and non-military, as well as foreign henchmen, then in the 2014 presidential election, issues were more widespread, varied and tendentious. The issues were stating the candidate as a puppet candidate, slanderous, ethnic, religious, racial, inter group and obituary.

The negative campaign regarding racial and ethnic was not too prominent against pair number 1, Prabowo and M. Hatta Rajasa. In contrast to the pair number 2, Joko Widodo and Jusuf Kalla, as the presidential candidate often rumored to come from ethnic Chinese and has a name Oey Hong Liong besides also rumored to be Christians and the letter H in front of his name is often interpreted as Hebertus, instead of Hajj.
This negative campaign which was spreading hatred due to racial and ethnic discrimination against Jokowi did not stop there. A media coverage, *Obor Rakyat* can be considered cruel because it was loaded with blasphemy and fake news about Jokowi among others Jokowi rumored came from ethnic Chinese, in addition to the Christian faith and so forth. Unfortunately this tabloid distributed in mosques and pesantren (Islamic boarding schools) in East Java, which is the base of Nahdlatul Ulama (NU), so that could rise to potential conflicts.



In the 2014 election, patterns and symbols of hatred proved to be conducted systematic, massive and destructive as well as strongly demonstrated act of discrimination against certain racial and ethnic. Following are the descriptions:

a) Racism as the main commodities

In the history of elections in Indonesia, the 2014 presidential election was an election with record-based symbols of racial hatred in addition to religious sentiment. This happened not only because of diverse variants issues, but also caused by the use of varied media dissemination of appropriate targets and goals. Some of the issues that have arisen among other allegations as a Chinese descent and religion destroyer. These issues not only have made the candidate as a target, but also given the effect of segregation, hostility, and potentially led to the violence. The racial based issues have become the most dominant issue in the 2014 presidential election.

b) Systematic

The negative campaigns and symbols of hatred were carried out in a systematic, structured, and with specific target. Several facts demonstrated those through the synergy between direct campaign, social media, mainstream media, and flyers distributed at specific targets for example the case of Obor Rakyat Tabloid. In addition to widely spread in the Islamic boarding schools, the substance was also delivered through social media, web media called VOA Islam and cyber media of the supporting parties.

c) Omission

The negative campaign, in particular the symbols of hatred based on religion and race, have occurred without any attempt to stop although it was easy to prove that the campaign was slanderous and violated the laws, both criminal and human rights law. For examples of allegations as not Moslem and Chinese descent. Surely this issue was very easy to be proved because it was done openly.

In the case of Obor Rakyat Tabloid, Criminal Investigation Agency (Bareskrim) of the National Police on 3 July 2014 has been the chief editor and two news writer, Setyardi Boediono and Darmawan Sepriyossa as suspects. These people were subjected to the Law on Press and alleged to have violated article 9, paragraph (2) of Law No. 40 of 1999 on the Press because Obor Rakyat Tabloid do not have a legal entity and a violation of the provisions faces penalty of maximum fine of Rp 100 million as set forth in the criminal provisions of Article 18 paragraph (3) of Law No. 40 of 1999 on Press. Article regarding to slander and defamation, namely Articles 310 and 311 of the Criminal Code, will be further discussed. Nevertheless, Notice of Commencement of Investigation (SPDP) has been signed by the Attorney General.

The Discrimination Case Against Arab Descent

On 16 September 2014 Komnas HAM received a complaint from Arif Sahudi, SH, MH et al from Mega Bindang Legal Aid Institute, acting for and on behalf of Drs. Muhsin Al Jufri through letter No. 152 / IX / LBH-MB / 2014 dated 12 September 2014.

Briefly, the complainant reported allegations of racial and ethnic discrimination against the descendants of Saudi Arabia who are considered deceptive. It was committed by the author of the School of Electronics Indonesian for SMP / MTs class IX by Atikah Anindyarini, Yuwono and Suhartanto published by the Center of Books Ministry of Education. Allegation of racial and ethnic discrimination was on page 110, in the competence test section A on a description about number 1 and 2, it says: "..... Midun was shocked to hear words of Sheikh Abdullah. He knew the money he borrowed was only f250, suddenly now became f500. Then he said with anxiety, “How much sir? f500? Why now f500? When I received money from you was only f250? ". "Yes, f500!" said Sheikh Abdullah anyway. Midun must pay f500 now, as written in the notes.. Midun face was so red of angry, because he has been deceived. He felt resentful towards the Arab man. He could not stand it. He lost his fear, as well as honor to the Arabs.

According to the complainant, the message conveyed in these quotations is that the Arab descent/race was deceptive, scary and gives an atmosphere of tension to the descent group / other races which lead to racial discrimination.

Komnas HAM in accordance with the mandate of Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination has requested the Ministry of Education and Culture to provide explanations and clarification on the aforementioned problems.

Dissolution of Islamic Defenders Front (FPI)

Komnas HAM has received a complaint from The Commission for Disappeared and Victims of Violence (KontraS) through letter dated 16 October 2014 regarding insistence to Komnas HAM for handling acts of racial and ethnic discrimination by the Islamic Defenders Front (FPI) and the Islamic People's Forum (FUI).
The complaint was relating to statements on 22 September 2014 which were delivered by Head of FPI Advisory Board, Misbahul Anam. The statement consisted of racial and ethnic discrimination against Ahok in the mass media Suara Islam Online. The statement are as follows:

a) There is no evidence of a just infidel leader as well as protect the Muslim;
b) Ahok was arrogant, imperious even rude;
c) The various elements Jakarta communities are fed up and rejected his leadership;
d) Ahok always shouted democracy. There is no minority led majority in democracy. For example America as a country which is referred as the teacher of democracy, there is no any Muslim governor or minister because America is a kafir country. Take a look at Bali, yesterday there was a Hindus candidate for governor that was rejected simply because he often wear a peci because the cap is considered as a symbol of Islam; and
e) Rejection Ahok is because the Jakartans are majority-Muslim, while Ahok an infidel-Chinese descent. In a video uploaded on YouTube account belonging to FPI entitled "FPI Does Not Refuse Ahok, But Reject Kafir Leader " uploaded on 20 September 2014 (http://www.youtube.com/watch?v=Ft4bEDI92Kg) Habib Rizieq said that FPI reject led by the infidels, and when Ahok will lead Jakarta which the majority of Muslims then Ahok should convert to Islam first.

At a demonstration against Ahok for Governor of Jakarta on 3 October 2014 there have been act of violence committed by the FPI and FUI which resulted 21 injured police officers.

Based on the aforementioned and in accordance with Komnas HAM authority, Article 8 paragraph (2) point b of Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination, the Commission has requested the Chairman of the FPI and the Indonesian Islamic Voice Leaders to provide clarifications related to the complaint submitted by KontraS. The Commission has continued to collect material for supervision based on the clarification.

The Discrimination Against Minangkabau Residents

Komnas HAM has received a complaint from Advocacy and Community Minangkabau Defense who reported humiliation and human rights violations in the film Love but Different *(Cinta Tapi Beda).* The complainant stated that in the film which launched on 27 December 2012 have reversed the perception of cultural identity of Minangkabau society. The movie depicts the Minangkabau girl who always uses crucifix and a devout Catholic, and really liked the food, rica-rica pork.

The complainant considered that the film has been disturbing sense of community diversity of Mingkabau society because the role of Diana portrayed as a representation of Minangkabau society with a strong socio-cultural symbols, but a devout Catholic, complete with its habits. This was considered have led to hatred and contempt for Minangkabau society.

Komnas HAM has conducted monitoring on 15 May 2014, involving leaders and indigenous Elders of Minangkabau. Afterwards a meeting with the Director of the film *Cinta tapi Beda*, Hanung Bramantio in December 2014.

In general, based on monitoring result, the Commission has not yet found any act of racial and ethnic discrimination as stipulated in Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination.





Meeting with Minangkabau leaders and indigenous elders

Conclusion

Komnas HAM hold a great responsibility in monitoring to the various efforts of racial and ethnic discrimination in Indonesia, particularly in the simultaneous implementation of the Regional Election (Pemilukada) to be held in 2015. This moment is considered to be the potential for the occurrence of such practices especially considering the experience in the legislative and the Presidential and Vice Presidential elections in 2014 by mass organizations and other civil groups.



KOMNAS HAM REPRESENTATIVE OFFICE

Komnas HAM Representative Office

In order to create conducive conditions to the implementation of human rights, the Law No.39 of 1999 on Human Rights in particular the provisions of Article 76 paragraph (4) has provided an opportunity for the establishment of Komnas HAM in the regional areas. The establishment of representative office of the Commission also aims to open up access to the widest possible public complaints particularly for human rights victims who live in places far from the office of Komnas HAM in Jakarta. Representatives formation in the region have also contributed positively to the implementation of the Commission duties and functions, in particular for handling cases more quickly. Currently, Komnas HAM has six Representatives in the area.

The existence of Komnas HAM in the region in line with the provisions of the Paris Principles (1991) that a national institution must provide adequate access for the victims of human rights violations including the communities living in the area. Establishment of Komnas HAM Representative Offices carried out on the basis of proposals from the community in the area or if deemed necessary on the initiative of the Commission. The proposal addressed to the Commission along with the recommendations of the Head of the Regional.

It should be mentioned that the current definition of Komnas HAM Representatives' duties and functions are being discussed and expected to be generated in the near future political decisions about the definition of authorized representatives of the Commission in the area. Nevertheless, it has become a certainty that the existence of Komnas HAM Representative Offices in the region is intended to carry out the functions, duties and authorities which are delegated to the Representative Offices. The following are the activities of each Komnas HAM Representative Office.

Komnas HAM Representative Office in Aceh



Enforcement of this area as a Military Operations Area (DOM) during the period 1989 to 1998 has left complicated issues and many human rights violation victims.
This condition is the main motivation of Governor of Aceh special province through letter dated 1 June 1998 number 181.4/12491 to request to Komnas HAM to establish representative office in Aceh province in order to promote, protect and uphold human rights.

Tit for tat, the Commission responded positively to the request is primarily to provide facilities for the victims of human rights violations in the complaints and encourage conditions conducive to the implementation of human rights in Aceh and improve human rights promotion and protection. As a result, Komnas HAM Representative Office in Aceh was established in September 1999 by the Decree of Komnas HAM Plenary Session in 1999 which is the implementation of Article 76 paragraph (4) of Law No. 39 of 1999 on Human Rights.

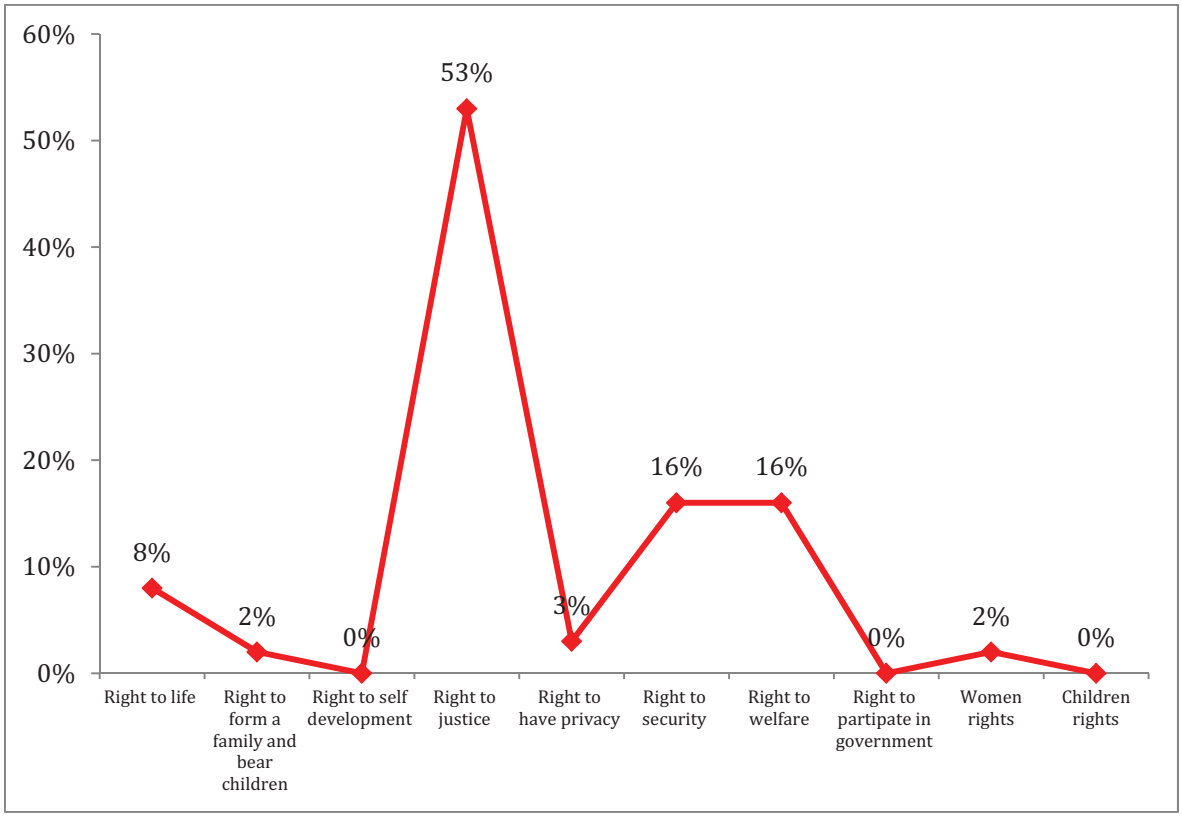
Komnas HAM Representative Office in Aceh functions and duties are as follows:
1. Receiving complaints and carry out the function of monitoring the implementation of human rights through coordination or by assignment of the Commission;
2. Providing assistance to support functional / administrative to the implementation of the functions, duties and authorities of the Commission in the field of monitoring and investigation of allegations of gross violations of human rights;
3. Carrying out the function of public awareness, study and research of human rights by coordinating and based on instruction from the Commission.

I. Classification of Complaints

The incoming complaints coming into Komnas HAM Representative Office in Aceh delivered directly (go to offices or by mail) and indirectly (through a copy of the complaint, other reports in the form of consultations and observations through the mass media) which can be classified as follows:

A. Classification Based on Law No.39 of 1999 on Human Rights

Chart of Human Rights Violations Based on Law No.39 of 1999



B. Classification Based on Law No. 26 of 2000 on Human Rights Court

There are no complaint documents/ cases of omplaints submitted to the Representative Office related to the classification of cases under the provisions of this Law.

C. Classification Based on Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination

There are no complaint documents/cases of complaints submitted to the Representative Office related to the classification of cases under the provisions of this Law.

D. Classification Based on Civil and Political Rights

No	Complaint Category	2013	2014
1	Alleged human rights violations in the law enforcement process	43%	71%
2	Violence and other similar acts between individuals and communities (horizontal)	19%	26%
3	Murder, violence and other similar measures as well as other issues related to the past (the Aceh conflict)	14%	3%
4	Violence and other similar acts committed by the State apparatus	24%	0%
5	Alleged human rights violations in the implementation of Qanun Sharia	0%	0%

E. Classification Based on Economic, Social and Cultural Rights

No	Complaint Category	2013	2014
1	The issue of land, property, compensation, relocation	29%	14%
2	The issue of employment, workers, employees	57%	57%
3	The issue of environment and health	14%	29%
4	The issue of education	0%	0%

F. Recapitulation Based on Case

No	Case	Number	Percentage
1	Civil and political rights	30	75%
2	Economic, social and cultural rights	8	20%
3	Racial and ethnic discrimination	0	0%
4	Out of Komnas HAM Competence	2	5%
	Total	40	100%

According to recapitulation of incoming complaints to Komnas HAM Representative Office in Aceh, it can be concluded that during 2014 the complaints were still dominated by cases of civil and political rights violations.

II. The Party Complained

Komnas HAM Representative Office in Aceh also calculated on the percentage of party complained based on incoming complaints in the form of table as follows:

No	The Party	2013		2014	
		Number	Percentage	Number	Percentage
1	Individual/ Group (Horizontal)	4	14%	11	26%
2	The Police	10	35%	22	51%
3	The Military	1	3%	1	2%
4	Local Government	5	17%	3	7%
5	Central Government	6	21%	1	2%
6	Corporation	3	10%	5	12%
TOTAL		**29**		**43**	

III. Implementation of Komnas HAM's Function

During 2014, Komnas HAM Representative Office in Aceh has carried out 14 activities under Law No. 39 of 1999 on Human Rights, Law No. 26 of 2000 on Human Rights Courts and the Law No. 40 of 2014 on the Elimination of Racial and Ethnic Discrimination.

a. Table of Monitoring carried out during 2014 by Komnas HAM Representative Office in Aceh

No	Date	Description
1	23 to 27 September 2014	Monitoring on the fulfillment of ESC rights in rural/remote areas in village of Balingkarang and Pematang Durian (Sekerak sub-district) as well Teluk Kemiri and Kuala Penaga Village (Bendahara Sub District, Aceh Tamiang District).
2	13 and 24 November 2014	Monitoring on the implementation of the National Health Insurance system (JKN) in the region of Aceh Besar and Banda Aceh
3	17 to 21 November 2014	Premediation on alleged environmental pollution in Pidie and Aceh Jaya
4	01 to 05 December 2014	Monitoring on the fulfillment of ESC rights in the disadvantaged areas in Pulau Balai and Teluk Nibung Village (Pulau Banyak sub district) as well as Haloban, Ujung Sialit, Sukamakmur Village, (West Pulau Banyak sub district, Aceh Singkil District)



Monitoring on the fulfillment of ESC rights in rural/remote areas in village of Balingkarang and Pematang Durian Sekerak sub-district) as well Teluk Kemiri and Kuala Penaga Village , Bendahara Sub District, Aceh Tamiang District on 23 to 27 Septermber 2015

b. Table of Monitoring carried out during 2014 by Komnas HAM Representative Office in Aceh and Komnas HAM

Komnas HAM Team which involved in joint monitoring activity with Komnas HAM Representative Office Aceh is Aceh Ad Hoc Team, Monitoring Team on legislative and presidential elections as well as Monitoring Sub Commission Team.

No	Date	Activity
1	10 to 14 February 2014	The examination of witnesses by the Pro Justicia Inquiry on Alleged Gross Violations of Human Rights in Aceh (Case Simpang KKA and Jambo Keupok).
2	10 to14 March 2014	Pre-Election Monitoring 2014 in Banda Aceh, Aceh Barat and Nagan Raya.
3.	24 to 28 March 2014	The examination of witnesses by the Pro Justicia Inquiry on Alleged Gross Violations of Human Rights in Aceh for Simpang KKA case in North Aceh district.
4	07 to 11 March 2014	Legislative Election Monitoring 2014 in North Aceh, East Aceh and Aceh Tamiang.
5	08 to 09 April 2014	Legislative Election Monitoring 2014 in Banda Aceh and Aceh Besar
6	09 to 13 June 2014	Pre Presidential Election Monitoring 2014 in Southwest Aceh, South Aceh, Aceh Singkil and Subulussalam.
7	07 to 11 July 2014	2014 Presidential Election Monitoring in Banda Aceh, Aceh Besar, Bener Meriah, Central Aceh and Nagan Raya.
8	30 September to 02 October 2014	Monitoring alleged human rights violations against Sufi Tariqat Naqsyabandyah led by Prof. Dr. H. Syaidi Kadirun Sheikh Yahya in Kampung Rawe and Kampung Kalamng, Lut Tawar Sub District , Central Aceh District



Pre legislative elections monitoring in Meulaboh correctional facility , West Aceh LP on 12 March 2014

IV. The Obstacles

The main obstacle of the implementation of Komnas HAM Representative Office in Aceh functions and duties as well as other Komnas HAM representative offices is related to institutional arrangements and Komnas HAM Representative in the region. Appropriate institutional arrangements will maximize the role and functions of the Commission and its representatives.

During this time, Komnas HAM Representative Office has been feeling that there has been no serious effort of the Commission to conduct institutional reform, particularly related to legal basis of Representative Offices authorities so that they capable to play their role and function optimally.

The Commission should make quick efforts in order address these issues, among others to: (i) formulate the implementation of the provisions of Article 76 Paragraph (4) of Law No. 39 of 1999 on Human Rights, (ii) Prepare Government Regulation on the establishment, organizational structure and working procedures of Komnas HAM Representative Offices, including transferring entire or part of the Commission's functions and authority Law 39 of 1999 on Human Rights, Law No. 26 of 2000 on Human Rights Courts and Law No.40 of 2008 on the Elimination of Racial and Ethnic Discrimination (iii) Prepare the Commission Regulation on the implementation of Government Regulation on the establishment, organizational structure and working procedures of Komnas HAM, (iv) formulate budget allocation which independent and tailored to regional conditions and needs of Komnas HAM Representatives in the region.

The Fourth efforts aforementioned have been decided in Coordination Meeting between Komnas HAM and Komnas HAM Representative on 12 to 13 November 2014, for further follow-up by Komnas HAM Chairperson.

The other major things to do is accelerating the amendment of Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on Human Rights Court, and immediately creating a law that specifically set up Komnas HAM as a State Institution.

Furthermore, in the long term, Komnas HAM institutional restructuring should be directed to achieve the following objectives: [a] an appropriate organizational functions and scalable, along with effective number of commissioners [b]a bureaucracy with integrity and high performance, [c] a more clear, effective, efficient, scalable systems, processes and work procedures which in accordance with the principles of good governance, [d] a more orderly regulation and not overlap and conducive to the promotion and enforcement of human rights, including clear delegation of authority to Komnas HAM in the region [e] the apparatus who have integrity, neutral, competent, capable, professional, high-performance and prosper; [f] a clean and free of corruption governance, [g]. improve the capacity and accountability performance of the bureaucracy; and [h] excellent service according to the needs and expectations of society.

Komnas HAM Representative Office in West Sumatra



Komnas HAM Representative Office in West Sumatra

Komnas HAM Representative Office in West Sumatera initially was West Sumatera Province Human Rights Institution. Its presence has not been able to dampen the rampant human rights violations in West Sumatera region. In 1999, West Sumatera occupied as the top ten in the case of human rights violations in Indonesia. Therefore the boards of human rights institution under the coordination of H. Baharuddin along with the government and West Sumatera Parliament encouraged to raise the status of human rights institution to Komnas HAM Representative Office in West Sumatera. Since the issuance of Komnas HAM Chairperson's Decree No.065/Komnas HAM/VIII/2002 on the Establishment of Komnas HAM Representative West Sumatera and Decree No.066a /Komnas HAM/ VIII /2002 on the Appointment of Komnas HAM Representatives Leadership of West Sumatera on 6 August 2002, the West Sumatra Human Rights Institution is stated to be Komnas HAM Representative in West Sumatera. The inauguration of Komnas HAM West Sumatra was conducted on 4 September 2002 by Komnas HAM Chairperson in Padang, which attended by the Governor Zainal Bakar, Chairman of the Parliament Arwan Kasri, the officials and the various elements of the Regional Head (Regents and Mayors), Department/Agency, as well as other elements of society.

Komnas HAM Representative Office in West Sumatera has carried out some authorities among others, education and public awareness, monitoring and investigation, pre-mediation and based on Komnas HAM Chairperson Decree No. 24 /Komnas HAM/VIII/2003, Komnas HAM Representative Office in West Sumatera also carries out study and research function.

Organizational restructuring carried out in order implement the mandate Komnas HAM Chairperson Decree No.268A /TUA/VII/2010 on the implementation of main duties and functions Komnas HAM Representative Office in West Sumatera. The decree provides mandate to the Secretariat of Komnas HAM Representative Office in West Sumatera to carry out duties and functions same as when membership of Komnas HAM Representative in West Sumatera still valid, considering there was no appointment of Komnas HAM Member in West Sumatera since the end of the term of its Members for 2006-2009 period.

Komnas HAM Representative Office in West Sumatera receives approximately 115 cases for the last 7 years.

I. Complaints Service

During 2014, Komnas HAM Representative Office in West Sumatra had received 111 complaints . This figure increased from the number of complaints in 2013 that reached 108 complaints which were dominated by civil-political rights issues (50 cases), followed by protection and fulfillment of the rights of vulnerable groups or special groups / PKK (30 cases) and the issue of fulfillment of ecosoc rights (28 cases).

The following summary complaint data in Komnas HAM Representative Office in West Sumatra in 2014:

No	Description	Amount
1	Number of complaints	111 complaints
2	The complainant background	Citizens / Individual
3	The most reported institutions : 1. The Police : 70 complaints 2. The Local Government : 19 complaints 3. The national land agency : 4 complaints 4. Corporation : 2 pengaduan	
4	The rights that most widely complained	The right to justice



II. The implementation of Function

a. Study and Research

Pursuant to Article 89 (1) of Law 39 of 1999 on Human Rights, Komnas HAM Representative in West Sumatera has been given the authority to perform study and research function. In 2014, the representative have been conducted study and research on the design of the West Sumatera Provincial Regulation on the Implementation of the Protection of Persons with Disabilities.

Komnas HAM Representative Office in West Sumatera has led to the birth and provided significant input to the Draft Regional Regulations (Ranperda) in order to respect, fulfill and protect the rights of people with disabilities. In 2015, Ranperda on Persons with Disabilities Protection will be set into the Regional Regulation by the Parliament and the Provincial Government of West Sumatera.

b. Education and Public Awareness

Komnas HAM Representative Office in West Sumatera has conducted Public Awareness activity during 2014 as follows:

No.	Date	Description
1	16 April 2014	Human Rights Education for students of SMK Negeri 9 Padang.
2	15 May 2014	Evaluation of RANHAM in West Sumatera Seminar. This event were participated followed by Regency / City in West Sumatera
3	12 July 2014	Law and Human Rights Education for Teachers and Principals of the city of Padang.
4	30 August 2014	Law and Human Rights Education for Teachers and Principals for Agam District, conducted in Lubuk Basung.
5	13 September 2014	Law and Human Rights Education for Teachers and Principals for Pariaman City.
6	18 October 2014	Law and Human Rights Education for Teachers and Principals for Padang Pariaman District
7	19 December 2014	Law and Human Rights Education for School of Law (STIH) Students in Padang.
8	22 December 2014	Law Education for Civic Education Secondary School Teachers for Padang Panjang City

Implementation of education and public awareness functions were also implemented on the basis of cooperation between Komnas HAM Representative Office in West Sumatera with the Provincial Government of West Sumatera, Padang City Government and Padang Panjang City Government. The Cooperation was also

established with by the Regional Executive Board Association of Retired Military and Police and Warakawuri (DPD-Pepabri).
Cooperation with Government of West Sumatera Province was in form of involvement of Komnas HAM Representative in West Sumatera in RANHAM Committee 2009-2014 period. As cooperation with the Government of Padang Panjang and Department of Education cq. SMKN 9 Padang was in form of human rights education in schools both for teachers and students.

c. Monitoring

Monitoring activities carried out by the Komnas HAM Representative Office in West Sumatera during 2014 as follows :

No.	Date	Description
1	23 s.d. 24 september 2014	Monitoring of case of death in police custody Arosuka Solok District
2	30 September 2014	Monitoring of journalists arrest by the Member of Polresta Police Solok.
3	1s.d. 2 October 2014	Monitoring of house demolition of Ngasiman Hadi Susanto in Dhamasraya and arrests with violence by police Members Rumbai River in Dhamasraya.
4	16 October 2014	Monitoring of Yusneli Gami complaint about compensation of building that affected by BP2IP project in Tiram Tapakais Padang Pariaman District.
5	17 October 2014	Monitoring of Yuniar, Maizir Dt. Bandaro Sati and Desrial complaint on the lack of progress in the case of Guguak Police, 50 city District and Susilawati complaints about the alleged mistreatment and murder of Zulvita Ernit that allegedly committed by the victim's husband in Payakumbuh.
6	29 October 2014	Monitoring of waqf land disputes SMPN 7 Lubuk Basung, Agam District.
7	30 October 2014	Monitoring of dismissal of SMKN 2 student (Herlina Efendi) in Pariaman city and monitoring the follow-up of persecution against minors (Rahmat Kurniawan) in Padang Pariaman District.



Coordination between Komnas HAM Representative Office in West Sumatera with the police related to investigation

d. Pre-mediation

As mandated by Komnas HAM Decree No.065 /Komnas HAM/VIII/2002 on the establishment of Komnas HAM Representative Office in West Sumatera, one of the main duties and functions Komnas HAM Representative Office of West Sumatera is conducting pre-mediation. During 2014, pre-mediation activities has been carried out, among others:

No	Date	Description
1	10 to 12 July 2014	Preparatory of mediation regarding compensation damage in Darul Aziz residence (JAKUDAIR) with Alamsyah et al in Jorong Pegambiran Nagari Parik, Koto Balingka Sub District, West Pasaman District.
2	27 to 28 October 2014	Pre-mediation of compensation for building that affected by BP2IP project in Tiram Tapakais, Padang Pariaman. District
3	17 to 20 November 2014	Mediation of compensation for damage in Darul Aziz residence (JAKUDAIR) with Alamsyah et al in Jorong Pegambiran Nagari Parik, Koto Balingka Sub District, West Pasaman District.

III. The Obstacles

Komnas HAM Representative in West Sumatera encountered some obstacles in the implementation its duties and functions among others:

1. Limitation of authority
2. The Office did not received budget allocation for the implementation of the functions; and
3. The budget allocation for the Office only for operational cost.

Komnas HAM Representative Office in West Kalimantan

The strong urge from leaders community, religious and traditional post social conflict in Sambas became a factor of establishment of Komnas HAM Representative in West Kalimantan in 2000.

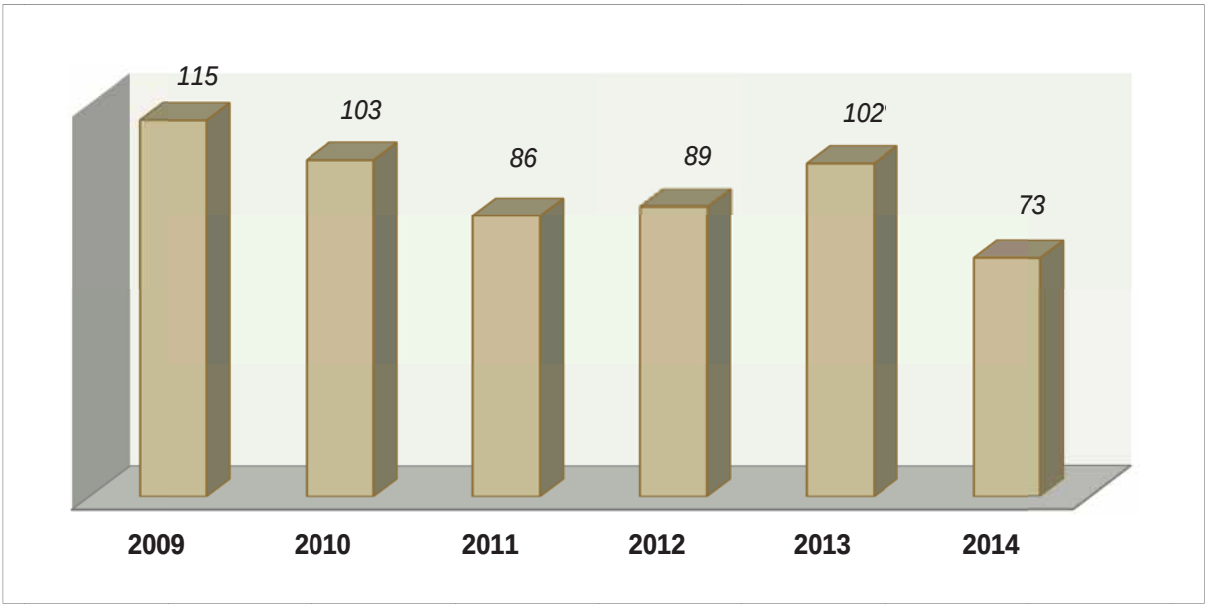
Komnas HAM Representative Office in West Kalimantan was established by Komnas HAM Decree No. 010/Komnas HAM/VI/2000 dated 6 June 2000 on Inauguration of Komnas HAM Representative in West Kalimantan. Furthermore, the institutional structure of representative offices established by decree No.032 /SES.SK/V/2007 on the Establishment of the Secretariat of Komisi Nasional Hak Asasi Manusia in Aceh, West Sumatera, West Kalimantan, Central Sulawesi, Maluku and Papua. In the decree, organizational structure of the representative secretariat, consists of: Head of the Secretariat, the General Affair Sub Section and Complaint Sub Section. Currently, the Secretariat of the Komnas HAM Representative Office in West Kalimantan has 10 employees.

Following are the functions and duties carried out by the Komnas HAM Representative Office in West Kalimantan:

a. Technical and operational support services;
b. Management of general administration, finance, personnel, administration, protocol, household and other public affairs;
c. Implementation of affairs in the field of complaint services of human rights violations in the region;
d. Administrative services for Komnas HAM cooperation Government and Non-Government Institutions in region; and
e. Organizing of data collection, processing and presentation as well as prepararing reports of activities of Komnas HAM Representative Office in West Kalimantan in the Province;

I. Complaints Service

During 2014, Komnas HAM Representative Office in West Kalimantan has received complaints as many as 73 cases. This figure has decreased compared to 2013 that reached 102 cases. Following are fluctuations in the numbers of complaints received by the Komnas HAM Representative Office in West Kalimantan from year to year:



Figures of Chart Complaint of Komnas HAM Representative in West Kalimantan From Year To Year

The cases which dominated were complaint regarding land disputes (agrarian), submitted by individuals, groups/community or through NGOs. Based on data from the complaint, the most violated rights were the right to justice, the right to welfare, the right to security, children's rights, women's rights, right to marry and bear children, the right to life, etc.



II. The Implementation of Function Implementation

Below is a description of the implementation of functions that have been carried by the Komnas HAM Representative Office in West Kalimantan:

1. Study and Research

Study and Research Sub Commission on 30 September 2014 has coordinated with Komnas HAM Representative Office in West Kalimantan in order to study the improvement of Komnas HAM Management Information System. This activity is led by Sandrayati Moniaga (Member of the Komnas HAM). The output was that Komnas HAM has a database and an integrated system that allows users of information to

obtain the data that they need related to documents and activities that have been implemented by Komnas HAM.



2. Education and Public Awareness

a. Seminar on "Building a Human Rights Based Education" for SMA/SMK/MA teachers in Pontianak. The seminar was carried out on 25 September 2014 at G Hotel Pontianak. This activity purpose was to build a common understanding of the importance of human rights education perspective as well as respect for human rights in education. The same activity was conducted for SMP/MTs teachers in Pontianak City on 23 December 2014 held at the Assembly Hall, Universitas Tanjungpura , Pontianak.



b. The National Inquiry "The Rights of Indigenous Peoples in Forest Area Over Indonesian territory of Kalimantan region". The event was held on 1-3 October 2014 in Universitas Tanjungpura, Pontianak. This activity was intended to discover the root issues through fact-finding, study of literature, research, and public hearing either closed or open with the public participation.



The figures who involved in the inquiry for public hearing for Kalimantan region consisted of Sandrayati Moniaga (Member of the Komnas HAM), Enny Soeprapto, Hariadi Kartodihardjo, and Saur Tumiur Situmorang.

c. National workshop with theme "The Spirit of Youth Pledge, We Strengthen National Integrity to Achieve a Peaceful and Prosperous Homeland without distincion of race, religion and groups (SARA)". This activity was intended for students and NGOs / Civil Society Organizations, held at the Islamic State Institute (IAIN) Pontianak on 28 October 2014.



d. Seminar on "Human Rights-Based Development in Western Indonesia Region". This seminar was intended for SKPD West Kalimantan and Pontianak City. This activity was held on 1 December 2014 at the Santika Hotel , Pontianak. The resource persons were Muhammad Nurkhoiron (Member of Komnas HAM), Drs. Ahi, MT (Head of Planning Agency of West Kalimantan Province) and Turiman Faturrachman, SH., M. Hum (Academician UNTAN).



e. Screening and discussion of the movie "Senyap". The event was held on cooperation with Bhinneka Institute and Canopy Indonesia (film maker) and Komnas HAM Representative Office in West Kalimantan in commemoration of International Human Rights Day on 10 December 2014 held at the Hall of West Kalimantan Library. Film by Joshua Oppenheimer has a main theme about massacre in 1965.





3. Monitoring

a) Monitoring alleged human rights violations by PT.Patiware against villagers of Rukmanjaya Sungai Raya Sub District, Bengkayang Islands, 5-8 September 2014;
b) Monitoring alleged human rights violations by PT. Swadaya Mukti Perkasa and PT. First Resource on land owned by indigenous Dayak in Batu Daya Village, Simpang Dua Sub District, Ketapang District , 22-25 September 2014;
c) Pre-mediation alleged human rights violations by PT. Sintang Raya against community in Seruat II village, Seruat III Village, Dabung Village, Mengkalang village of Kubu Raya Sub District, Kubu District, 5-8 October 2014;
d) Pre-mediation over alleged human rights violations by PT. Rajawali Perkasa West Kalimantan in Semadum-Dawar Hamlet, Pisak Village, Seventeen Sub District, Bengkayang District, 16 to 19 September 2014;
e) Monitoring alleged human rights violations by PT. Patiware to the community in the Sagatani Village, South Singkawang Sub District , Singkawang City, 11-13 December 2014; and
f) Monitoring alleged human rights violations related to mass land certification by BPN Mempawah District in the land Bukit Batu village by falsifying documents (names and addresses of the people), 15-17 December 2014.

III. General administration, finance, personnel, administration, protocol, and other household affairs.

During 2014 , Komnas HAM Representative Office in West Kalimantan has carried out its duties and functions using funds from state and local budgets (West Kalimantan Provincial Government grant) so that the total budget was Rp. 519 430 000, - the details was the state budget Rp. 319 430 000, - and local budget was Rp. 200.000.000, - with a budget absorption capacity until December 2014 reached ± 91.54%.

In order to increase the capacity of a staff, Komnas HAM Representative Office in West Kalimantan has conducted a number of activities including:

a. Involved staffs in the National Inquiry Workshop, Training of properties/services of the Government, State Property assistance and feasibility studies in complaints handling in the Komnas HAM Representative Office in Aceh;
b. Coordination with Komnas HAM in order to improve financial services and administration, state property (BMN) and complaints;
c. Delegating staffs to attend a seminar or workshop that is held by government agencies and NGOs/Civil Society Organizations.

Komnas HAM Representative office in West also established a partnership with AMAN West Kalimantan, Region. Cooperation is based on a Memorandum of Understanding No.01/MOU/SAFE-Kalimantan/I/2014 and No.01/MOU/PWK-KB/I/2014 on Mainstreaming Indigenous Peoples Human Rights Based Approach in West Kalimantan.



IV. The Obstacles

1) In the implementation of Komnas HAM functions and duties of and the Representative Office not yet within a clear legal basis primarily related the scope of authority. Up to this date, The Representative Office refers to Komnas HAM Secretary General Regulation No.032 / SES.SK / V / 2007 on the Establishment of the Secretariat Komnas HAM Representative Office in six regions including the Komnas HAM Representative Office in West Kalimantan and no mention at all about the implementation of functions in the Representative Offices ; and
2) The absence of the budget allocation for the implementation of the functions and duties of the Representatives. These conditions, among others, led to the monitoring plan has been drawn up could not be accomplished in accordance with the planned schedule and impacted to the service to the complainants.

Komnas HAM Representative Office in Central Sulawesi

On 17 May 2006 through Komnas HAM Decree No.016 /Komnas HAM/V/2006, Komnas HAM Representative Office in Central Sulawesi which is located in Palu was officially established. Its existence is part of systematic efforts to improve the protection and enforcement of human rights for the personal development of Central Sulawesi society and have the ability to participate in various spheres of life.
Central Sulawesi region was full of communal conflicts and other conflicts derived from agrarian disputes between the peoples and corporations and between the people and the State. This condition raised implications on the efforts to fulfill and enforce human rights. The poor condition can be seen in the events that occurred in Poso District and several other Districts in Central Sulawesi, including Palu as its capital. The entire series of events that, until today have not get a comprehensive settlement, especially from law enforcement apparatus. There are many things have to be addressed in this region with regard to a number of cumulative problems
.

I. Complaint Service

During 2014, Complaint Section of Komnas HAM Representative Office in Central Sulawesi has received as many as 57 cases of complaints. This figure has decreased compared to previous year (2013), which reached 61 cases.

1. Type of Complaint

Complaints Service Unit has classified complaint under two categories: direct and indirect complaints (a copy of the complaint letter to the Komnas HAM Representative Office in Central Sulawesi) as shown in the table below:

No	Type of Complaint	Amount (Cases)	
		2013	2014
1	Direct :	44	32
	Visit : 26		
	Letter : 17		
	Phone : 1		
	Email : -		
2	Indirect (A Copy of Letter)	17	25
Total		**61**	**57**

2. Type of Human Rights Violations Based on Law No.39 of 1999

Based on Law No. 39 Year 1999 on Human Rights, complaints lodged to Komnas HAM Representative Office In Central Sulawesi can be classified as follows:

No	Rights Violated	2013	2014
1	The right to Life	0%	3%
2	The right to marry and bear children	2%	0%
3	The right to self-development	0%	0%
4	The right to justice	51%	39%
5	The right of freedom of the individual	0%	0%
6	The right to security	16%	9%
7	The right to welfare	21%	37%
8	The right to participate in government	3%	2%
9	Women's Rights	2%	5%
10	Children's Rights	5%	5%

3. The Party Reported

No	The Party Reported	2013	2014
1	The State Enterprise	2%	3 %
2	The Prosecutor	3%	2 %
3	The Judiciary	3%	3 %
4	Department of Education cq The principal / University	2%	2 %
5	Local Government	19%	23 %
6	Corporation	13%	14 %
7	The Police	44%	46 %
8	Military	3%	0 %
9	Individual	8%	3 %
10	Correctional Facility	3%	4 %

4. Distribution of Complaint

No	District /City	2013	2014
1	Palu	**30**	**25**
2	Donggala District	**5**	**2**
3	Sigi District	**5**	**8**
4	Parigi Moutong District	**3**	**2**
5	Poso District	**3**	**4**
6	Tojo Una-una District	**2**	**4**
7	Morowali District	**6**	**2**
8	Banggai District	**2**	**1**
9	Banggai Island District	**-**	**1**
10	Toli-toli District	**1**	**2**
11	Buol District	**1**	**4**
	Other Territory		
1	Kendari, Southeast Sulawesi	**1**	**0**
2	Makassar, South Sulawesi	**1**	**0**
3	DKI Jakarta	**1**	**2**

II. Case Handling

1. Through Letters

The case handling through letter at Komnas HAM Representative Office in Central Sulawesi during 2014 was carried out by issuing clarification requests, recommendation letters and response to a complaint that amounted to 98 letters with the following composition:

No	Type of Letter	Total
1.	Type of Letter	41
2.	Request for clarification	24
3.	Recommendation	33
Total		**98**

Written responses were addressed to the following parties :

- Government Agencies (Central and Local);
- The Police;
- The Military ;
- The Corporation; and
- Society .

2. Through Field Monitoring

During February to November 2014, Monitoring and Investigation Section of Komnas HAM Representative Office in Central Sulawesi has been carried out the functions specifically related to monitoring and pre-mediation as many as 6 times. The intensity of this activity slightly decreased compared to 2013 which were 5 monitoring activities and 4 times pre mediation activities. A brief description of the activities are as follows:

a. Monitoring activities:
   - Monitoring related legislative pre-election and during the election
   - Monitoring related to presidential pre-election and during the election
   - Monitoring in Buol District; and
   - Monitoring in Toli-Toli District



Monitoring related clashes between residents with the Police in Buol District



Monitoring cases of arrest and detention as well as alleged ill-treatment by police officers in Galang sector which resulted in the victim (Kasmir) died in the General Hospital Mokopido Toli Toli District.

b. Pre mediation:
   - Pre mediation in Donggala District;
   - Pre mediation in Poso District




Mining activity of PT. Mutiara *Alam Perkasa,* Batusuya Village, Sindue Tobata District, Donggala District , Central Sulawesi Province




Land acquisition of Ms. Loliawaty Wijaya Kusuma by Poso District Government, Sangele Village, Puselemba Pamona Sub District, Poso District, Central Sulawesi Province.

III. The Obstacles

It should be mentioned that Komnas HAM Represntative Office in Central Sulawesi has not encountered any obstacle in handling and settlingcases on technical issues including distribution of request of clarification /recommendation letters. The issue of implementation of the functions in the Representative office primarily due to the vagueness of the authority delegated to the Representative Office. This condition is an irony given the complexity of the problems that occur in the field of human rights.

IV. Conclusion

The Police institution became the most complained institution during 2014 as many as 26 cases, although the logic of supremacy of law, the best step of law enforcement should start from law enforcers (police). In many cases encountered in the field, the police were not able to act objectively when there were officers involved in a crime(s). This of course

greatly affected the objectivity of law enforcement. Likewise, the higher rank has the right to punish (Ankum) this perceived lack of objectivity in the taking actions against its members even there were Ankum who freed the suspect from criminal penalties.
Basically, the criminal acts committed by the police members is a violation of disciplinary rules and police ethics code, therefore, Article 12 (1) of Government Regulation No. 2 /2003 on Disciplinary Rules of Indonesian Police asserted that the "imposition of disciplinary sanctions does not erase criminal prosecution".
Apart from the aforementioned polemic, the complaints lodged to Komnas HAM Representative Office in Central Sulawesi during 2014 has decreased approximately 10.93% over the previous year. There are at least two possibilities that lead to this condition :

1. People aspirations are channeled through authorized government agencies; and
2. The level of public trust to Komnas HAM has declined. It was closely related to the inability of Komnas HAM to resolve incoming complaints This condition was strongly associated with limited authority that has been delegated the Representative Office which until now has not received clear authority. In addition, Komnas HAM recommendations may be said have no legal force.

Shortly, to carry out Komnas HAM mandate and respond public expectation, Law No. 39 of 1999 on Human Rights needs to be amended, particularly regarding the functions, duties, and authorities of Komnas HAM including clarity on the authority of the Representative Office.

Komnas HAM Representative Office in Maluku

Humanitarian conflict initially broke up in Maluku on 19 January 1999 and significantly had encourated the establishment of Komnas HAM Representative Office in Maluku. The conflict that ended up in humanitarian tragedy indicated many human rights violation cases to be addressed and handled by various parties.

To address the issue, on 14 January 2000, Komnas HAM decided to establish the investigation and mediation Commission for Human Rights violation in Maluku (KPPMM), and at the same time established liaison office to facilitate public in submitting complaints to Komnas HAM. KPPMM has worked until July 2001.

Unfortunately the conditions in Maluku has not improved. This led to the issuance of Komnas HAM Chairperson Decree Number: 0209/Komnas HAM/VII/2001 dated 2 July 2001 as the basis for establishment of Komnas HAM Representative Office in Maluku based in Ambon city.

In its development, Komnas HAM Representative Office in Maluku does not only respond to violations of rights due to social conflict, but also handle human rights violations complaints caused by unfulfilled rights of the refugees, reports of violence, land ownership dispute, etc.

Even though there were various positive developments in human rights implementation, however Komnas HAM Representative Office in Maluku noted that human rights protection in Maluku was still very low and less attention from parties such as the executive,legislative, judiciary , law enforcement and civil society.

In fact, the functions and responsibilities of the government and the state apparatus were not working as it should. A few of violences that wounded humanity triggered by act of violence by the state apparatus. One of them was the shooting and persecution that occurred in the Messiang village, South Central Aru Sub district by unscrupulous members of the mobile brigade against the Messiang peoples.

Besides the conflict inter villages (negeri), during 2014 resurfaced among other conflicts between the community Negeri Lima and community Negeri Ureng, and conflicts between community Negeri Lha and community Negeri Luhu which were motivated by the communal land disputes.

Shortly, the state as the duty bearer was not playing its role as regulated and guaranteed by the Constitution and legislation. At least this was the picture that obtained by Komnas HAM Representative Offices Maluku related to the development and situation of human rights in Maluku during 2014.

I. Complaint Service

There was an increase in the number of complaints in 2014 compared to the previous year (2013). 2013 there were 56 complaint documents in 2013 then 67 complaint documents in 2014.

1. The Party Complained

No	Institution	2013	2014
1.	Central government	0 %	0 %
2.	State Institutions	2 %	
3.	Local Government	14 %	13 %
4.	Legislative	0 %	0 %
5.	Judiciary	4 %	0 %
6.	The Police	27 %	40 %
7.	Indonesian National Army	5 %	13 %
8.	The Attorney Office	0 %	1 %
9.	Corporation	4 %	7 %
10.	State Enterprise	0 %	1 %
11.	Individual	28 %	16 %
12.	Penitentiary	4 %	1 %
13.	Health Services (Private)	0 %	1 %
14.	Worker/Professional	0 %	3 %
15.	Educational Institution (Private)	2 %	1 %
16.	Community Group	10 %	3 %

Distribution of Complaint Areas

No	District/City	2013	2014
1.	District of Buru	1	2
2.	District of South Buru	-	1
3.	District of Aru Island	3	4

No	District/City	2013	2014
4.	District of Southwest Maluku	4	2
5.	District of Central Maluku	10	8
6.	District of Southeast Maluku	1	3
7.	District of East West Maluku	1	2
8.	District of West Seram	4	3
9.	District of East Seram	-	1
10.	City of Ambon	18	29
11.	Tual	1	1

2. Type of Human Rights Violation Reported

No	Type of Rights	Number
1.	The right to life	5
2.	The right to marry and bear children	1
3.	The right to self-development	-
4.	The right to justice	30
5.	The right of freedom of the individual	1
6.	The right to security	22
7.	The right to welfare	15
8.	The right to participate in government	1
9.	Women's Rights	1
10.	Children's Rights	7
11.	The right not be treated discriminatory	-

II. The Implementation of Function

1. Field Monitoring

During 2014 Komnas HAM Representative Office in Maluku has carried out as 4 monitoring, as follows :

No	Case	Finding	Recommendation
1	Monitoring individual case of violence Brimob BKO Detachment A Pelopor sub-detachment 2, Maluku Police against Mesiang villagers, City Dobo, Aru Islands	There were indications of violations committed by Brimob officers who served at that time as well as by local community action.	1. The Government of the Aru Islands 2. Maluku Regional Police 3. Village Government
2	Monitoring Legislative Election (Pileg) in Ambon City, Town Piru (West Seram District) and Masohi City (Central Maluku)	2014 Legislative Election in Maluku province has been run safely and orderly, but some obstacles still occured: 1. Some residents were not registered in the voters list (DPT) and updated of DPT was less accurate ; and 2. Special polling station (TPS) / mobile TPS were eliminated and hospital patients and persons with disabilities were not given any special facilities	-----
3	Monitoring pre presidential election (26-28 June 2014) and Presidential Election in Ambon City (7- 12 July 2014)	1. The constitutional rights of vulnerable groups have not been met, particularly for residents of psychiatric hospitals; 2. The Election Organizer has not recorded the number and distribution of persons with disabilities, so that they could not exercise their voting rights; 3. Socialization of 2014 presidential election stages and process was considered inadequate and it did not reach to persons with disabilities; 4. The reduced number of TPS which may cause difficulties for voters, especially special groups; and 5. The absence of Special TPS which impend the use of voting rights of the patients and their families at the hospital.	-----

No	Case	Finding	Recommendation
4	Monitoring at Negeri Lha and Luhu, Huamual Sub District, West Seram District	A persuasive efforts should be made for the settlement of conflicts (communal)	1. Komnas HAM; 2. Governor of Maluku; 3. Maluku Police Chief; 4. Regent dan Muspida West Seram Distric; and 5. Residents of Negeri Lha and Negeri Luhu.



Pre monitoring presidential election, meeting with General Election Commission (KPU)

2. Mediation Activities

As from January to December 2014, Komnas HAM Representative Office in n Maluku has conducted pre-mediation and mediation. The brief details of the process are as follows:

No	Case	Date	Result
1	Pre-Mediation Negeri Wakolo and Lisabata (Taniwel subdistrict, West Seram District) and Negeri Wasia and Sanahu (Teluk Elpa Putih subdistrict, , Central Maluku District,)	13 to 16 october 2014	a) Related to the boundary dispute between Negeri Wokolo and Lisabata: ▪ The District Government of West Seram District was requested to resolve the issue; and ▪ Komnas HAM will immediatedy conduct a mediation between Indigenous Wakolo with Indigenous Peoples Lisabata involving Government of West Seram District

No	Case	Date	Result
			b) Related to the boundary dispute between Goverrment of Central Maluku and West Seram District, the Commission concluded: ▪ Remoteness location of the center of government causes span of control ▪ There are still some segments of the boundaries (land and sea) which problematic; ▪ Poor public services provided by the Government of West Seram to the community; ▪ Lack of relevant laws issued regarding the boundary; ▪ Vacuum activity in the border region of West Seram District; ▪ Completion of the issue of the boundary between West Seram and Central Maluku District Government to be resolved by promoting good communication with the public, especially indigenous peoples; and ▪ Komnas HAM will soon implement a mediation process in accordance with the request of local communities.



Pre Mediation in Lisabata, West Seram

3. Education and Public Activities

Komnas HAM Representative Office in Maluku has carried some activities as follows:

1. Dissemination of Law No. 7 of 2012 on Social Conflict Management, collaboration of Komnas HAM Representative Office in Maluku with the Regional Office of the Ministry of Law and Human Rights Maluku on 25 March 2014;

2. Discussion with IAIN Ambon students related the protection and fulfillment of the rights of Indigenous Peoples in the management of forest resources on 4 March 2014;
3. Training of special modul Bhabinkamtibmas phase III consist of Maluku local , cooperation with Maluku Police and the International Organization for Migration (IOM) on 18 to 22 August 2014;
4. Training of special modules Bhabinkamtibmas consist of Maluku local content phase IV, cooperation Maluku Police and the International Organization for Migration (IOM) on 1 to 5 September 2014.

4. Other Activity

Komnas HAM Representative Office in Maluku also has carried out other activities beside implementation of the functions as described previously, namely:

1. Gathering with constituents "Interpret the importance of women's representation in the legislative in 2014 election", conducted with cooperation with HUMANUM, the Center for Political Studies UI and The Asia Foundation on 18 February 2014;
2. Supervision of Police Brigadier admission selection 2014 Maluku Regional Police on 26 March to 15 April 2014;
3. Supervision of Police Academy admission selection 2014 Maluku Regional Police on April 19 to 25 May 2014;
4. Data Launching Public Dialogue "Bring the Women Victims of Violence to Access to Services" was held on 29 March 2014;
5. Thematic community discussion "Public Information Service related the Maternal and Child Health in Maluku Province " collaboration with LAPPAN and Tifa Peace Foundation on 23 April 2014;
6. FGD on Indonesian Democracy Index conducted in cooperation with Maluku Provincial Government and BPS Maluku on 23 - 24 April 2014;
7. Public Seminar "Reflection and Civil consolidation for Maluku for 5 Years" was held in collaboration with HUMANUM and The Asia Foundation on 21 June 2014;
8. FGD "Indonesian Women Empowerment in the Poverty Reduction Program" was held in collaboration with the Asian Strategic DFAT (Department of Foreign Affairs and Trade of Australia) on 26 June 2014;
9. Dialogue and report writing for the extensive meaning recovery for victims of violence in West Seram District on 27 June 2014;
10. Focus group discussions "Fulfillment Victim's Rights of Gender-Based Violence Victims of Past Human Rights Violations in Savanajaya Buru Island" in collaboration with LAPPAN, AJAR (Asia Justice and Rights) and Komnas HAM Representative Office Maluku on 10 July 2014;
11. Public consultation towards the revision of Law No. 13 of 2006 on Protection of Witnesses and Victims, was held in cooperation with the Maluku Regional office of Ministry of Law and Human Rights and LPSK on 7 August 2014;
12. One-day seminar "Reflections on Maluku Women Parliamentary Caucus performance Year 2009 to 2014 and Preparation of Common Agenda of Year 2014-2019" in collaboration with the Maluku Women Parliamentary Caucus with Women Observer NGO on 23 August 2014;
13. FGD “Study of Abuse and Violence in Elections" in collaboration with the Partnership ITDM on 5 September 5, 2014;
14. Komnas HAM National Inquiry "Rights of Indigenous People on their territory in Indonesia Forest Areas in Maluku and North Maluku Region" on 29 to 31 October 2014.

III. Delivery Recommendations

1. Institution / organization receiving recommendation

During 2014 Komnas HAM Representative Office in Maluku has issued 72 letters of recommendation with the following details:

No	Institution	Number
1.	Central government	-
2.	State Institutions	7
3.	Legislature	-
4.	Judiciary	-
5.	The Police	30
6.	The Indonesian National Army	8
7.	The Attorney Office	1
8.	Corporation	3
9.	State Enterprise	1
10.	Individuals	12
11.	Peninteary	1
12.	Institute of Health Services (Private)	1
13.	Pekerja/Profesi Workers	2
14.	Educational Institution (Private)	6
15.	Community Group	-
otal		**72**

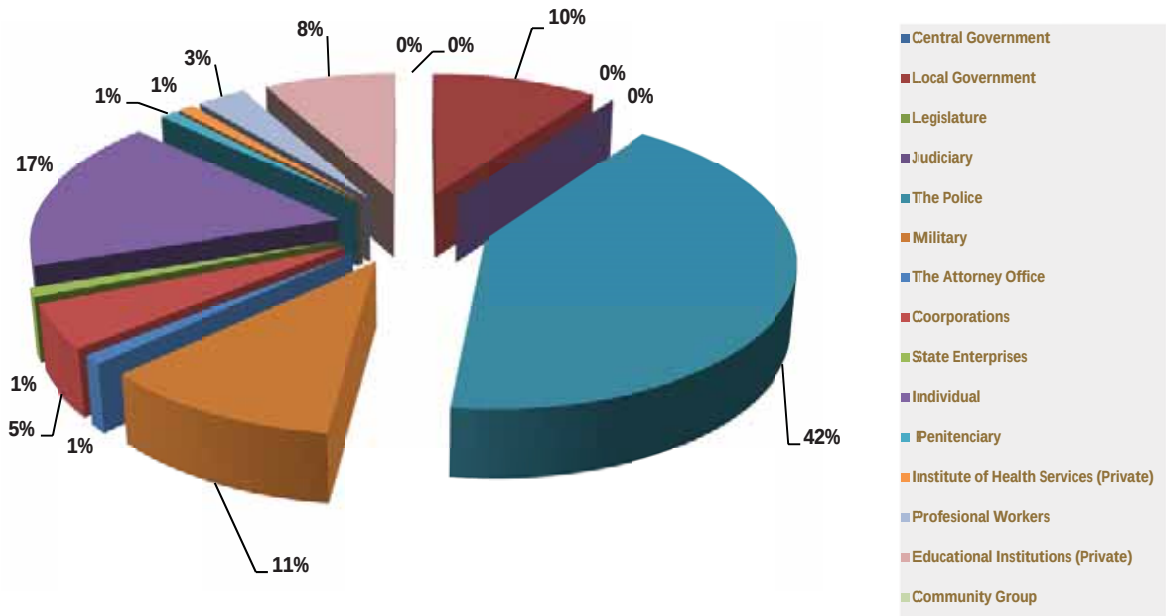


Chart Institution / organization receiving recommendation

2. Response to Recommendations

During 2014, tKomnas HAM Representative Office in Maluku has received responses to the recommendations that submitted with 36 response letters with the following details:

No	Institution	Number
1.	Central government	-
2.	State Institutions	2
3.	Legislature	-
4.	Judiciary	-
5.	The Police	21
6.	The Indonesian National Army	5
7.	The Attorney Office	-
8.	Corporation	2
9.	State Enterprise	1
10.	Individuals	-
11.	Penintenciary	1
12.	Institute of Health Services (Private)	1
13.	Profesional Workers	-
14.	Educational Institution (Private)	3
15.	Community Group	-

IV. The Obstacles

In carrying out its duties and functions, Komnas HAM Representative Office in Maluku experienced several obstacles, among others:

1. The bad weather factor was hindering the monitoring process to the regions so that the Representative Office can not optimize the collection of data, facts, information, and investigation of complaints and human rights violations;
2. Lack of of human rights knowledge are considered less especially for civil and state apparatus that have impacted on the lack of understanding, protection and enforcement of human rights;
3. Many state institutions that not yet understand the functions and authority of Komnas HAM that resulted in low response to these related institutions to Komnas HAM Representative Office Maluku letter of recommendation; and
4. Minimum of implementation of the functions of education and public awareness on human rights due to limited budget that impacted on the lack of public knowledge about Komnas HAM functions and authority.

V. CONCLUSION

Budget constraints still remain an issue that is quite prominent during 2014 especially considering the geographical conditions of Maluku Province. Maluku geographical location consisting of islands which prone to human rights abuses. This situation is very visible that should be a consideration in allocating budget specifically related to the implementation of the functions in Maluku.

Komnas HAM Representative Office in Papua

Komnas HAM Representative Office in Papua was established on demand by Papua peoples through the letter of Papua Province Governor Number 180/14404/SET dated 29 October 2002 concerning suggestion to establish Komnas HAM Representative Office in Papua. Then, those letter become consideration for Komnas HAM to release the Komnas HAM chairperson Decree Number 20/Komnas HAM/VII/2003 on Establishment of Komnas HAM Representative Office in Papua.

Inspite of the procedural mechanism, substantially as well as structurally the provision of Papua special autonomy status had opened a very broad space for protection and enforcement of human rights in Papua. Article 43 Law No. 21/2001 on Papua Special Autonomy, states that Papua Province government is obliged to recognize, respect, protect and develop the rights of indigenous people referring to the prevailing regulations. Further article 45 states that Government, Local Government and civilians of Papua Province are obliged to implement, promote, protect and respect human rights in Papua Province.

Eventually, it is common obligation of Papua government and community to establish Komnas HAM Representative Office in Papua as a symbol of effort to promote and respect human rights in the era of Papua special autonomy.

In contrast to the Komnas HAM representatives in other regions, Komnas HAM Representative Office in Papua is allowed to have members although since 2009, Central Komnas HAM issued a policy to cease appointing representative members due to lack of budget allocation from central government. This condition occured because the guidelines on Law Number 39 of 1999 on Human Rights, states that Komnas HAM only recognize commisioner members appointed through the president decree.

The absence of Papua Representative members effects all the duties and functions of Komnas HAM delegated to the chief and staff the Komnas HAM representative secretariat to be periodically reported to central Komnas HAM in Jakarta. Budgetary resources for the implementation of duties and functions derived from the state budget in 2014 and budgetary support from the Government of Papua Province in 2014.

I. Human Rights Condition in Papua

Papua Province was experiencing a transition of political leadership during 2014. This condition is triggered by the prolonged election of Governor and stagnant impact on local government policy, especially related to the promotion and enforcement of human rights.
A slightly different conditions occured in West Papua Province. Post-inauguration of the new governor, horizontal conflicts increasingly heated. The new selected Governor believed to have sparked protests from many groups in the community as a result of policies that tend breaching the rule, namely establishment of the People's Assembly of West Papua (MRPB) which judged to have breached communal commitment to make the Papuan People's Assembly (MRP) as a forum that unites 'Papuans' although separate in two provinces.

At the same time, the issue of violations of economic, social and cultural rights remains a prominent theme and evenly in all regions. Some issue that gets public attention, among other: conflicts of land ownership with the government and enterpreneur, lack of teachers, the right to health in the villages, orientation of the traditional medicine methods, high cost of transportation between regions, price of basic commodities, and the domination of economic sectors by traders that potentially trigger crime.

While the issue of violations of civil and political rights are often influenced by the dynamics of human rights in Papua, which still revolves around clash between the armed group and the National Liberation Army (TPN) and the Free Papua Organization (OPM) with military and police. As a result, a group of innocent civilians become victims. The Police used of security standards in the name of public order. Papuan activists were arrested and put on trial by the Judiciary without considering aspects of historical, cultural and economic. The application of Article on treason influencing the decision of judges. The law enforcement has not been in favor of the human rights of the defendants.

This situation is exacerbated by the stagnation of law enforcement on cases of abduction and assasination of the Chairman of the Papuan Presidium Council (PDP), Theys Eluay, by members of Kopassus. Over the past 12 years of Papuans constantly faced a big question. At the insistence of Mrs. Yakine Ohee Eluay (Theys' wife) through the Komnas HAM Representative Office in Papua, the clarity was finally obtained after repeatedly sending letters to the High Court III Surabaya.

In order to contribute more in uncertainty of human rights promotion and enforcement Papua, Komnas HAM Representative Office in Papua has continuously tried to encourage discussion of the draft Regulation of the Special Region of Papua Province (Perdasus) on the Komnas HAM existencee as mandated by the Special Autonomy Law (Special Autonomy) 2001 Article 45. Unfortunately, these efforts did not get a positive response from the Government of Papua and the DPRP.

As a result, violent incidents often occured since the implementation of the Special Autonomy Law and establishment Komnas HAM Representative Office in Papua a. The situation is compounded by the weakness of local policy support for human rights promotion and enforcement in Papua. Local governments continuously facilitate the establishment Non-Governmental Organization (NGO) and provide budgetary support to the military/police. While at the same time, they have imposed restrictions for foreign journalists to do reporting human rights situation in Papua and the Papua Indigenous Council which is an organization of indigenous people have been repressed to not conduct a series of indigenous peoples agenda. No wonder, when people later using their own way to express their opinion to the local civil authorities.

A. Conditions on Economic, Social and Cultural

Type of Rights	Condition
The right to work	▪ High unemployment due to limited job opportunities; ▪ There was a number of cases of mass layoffs, i.e case of printing the Papua region ▪ Complaints former employees of PT Freeport Indonesia Tembagapura that have not been resolved and ▪ The rise of agricultural land eviction and agrarian conflict cases in Nabire, Kerom and Merauke (Komnas HAM Papua has followed up these cases).
The right to decent standard of living	▪ The high number of poor people in the villages; ▪ Food insecurity cases in Kota Mulia and Aimas District, Sorong Regency ▪ The right of the poor have not been fulfilled to obtain decent shelter.
The right to standard physical and mental health	▪ Limited access to free medical treatment in Government hospital ▪ Malnutrition in Aimas, West Papua Province and rural areas; ▪ Abandonment towards people with mental illness; ▪ Limited number of medical specialists; and ▪ The absence of nurses in some health centers in the villages.
The right to education	▪ Unequal access to education for school-age children in the villages; ▪ Limitations of educational facilities; ▪ Lack of quality of education provided to the public; ▪ Lack of teachers in some schools which resulted in delays in the learning process (the case of Merauke); and ▪ The conflict between the school and some of the indigenous people (the case in Sentani district)
The right to social security	▪ Data collection on the number of poor people yet not optimal; and ▪ Program assistance and social security are often misplaced.
The right to participate in the cultural life	▪ the traditions of indigenous people of Papua started to disappear; and ▪ A number of works of indigenous Papuans is not protected by copyright.

B. Civil and Political Rights Conditions

Type of Rights	Condition
The right to security	▪ Prolonged armed conflict in Puncak Jaya so resulted in casualties from the police officers, the military and civil society are also the TPN / OPM; ▪ The armed conflict in Jayawijaya which resulted victims from police/military and civil society; ▪ The armed conflict in Timika District; ▪ The armed conflict in Yapen District; ▪ The protests which resulted anarchy in Jayapura and casualties as well as lost of property.
The right to freedom of expression	▪ Dissolution rallies in Jayapura, Wamena, Timika and Manokwari by the Police; ▪ Dissolution of Commomeration of Indigenous Day by Papuans who are members of the Papuan Customary Council by the Police; ▪ Police often respond to the issue of Papuan independence with the dissolution of the action; ▪ Arrest of Universitas Cendrawasih students by the police when delivering a speech in front of the Rector; and ▪ Dozens of students were arrested and detained at the Jayapura police station due to the absence of a license to do demonstrations.
the Right to participate in government and politic	▪ Nominations of Regional Head restricted to certain tribes; ▪ Appointment of officials not in accordance with procedural bureaucracy through Baperjakat Provincial Government of Papua; ▪ Local elections in rural areas are still using noken system (system of representation through tribal chiefs); and ▪ Complaints of prisoners of unpleasant treatment the prisons in some regions (cases of peninteary class IA Jayapura, detainees PNG and Selfius Bobii, cs).
Enforced disappearances cases	▪ Enforced disappearances of Aristoteles Masoka, H Theys Eluay deceased driver which has not been revealed; ▪ Enforced disappearances of 17 people on the way from Yapen towards Mamberamo in 2009 which is yet to be revealed; ▪ The loss of 4 people in Puncak Jaya mysteriously; ▪ The pursuit of a number of activists (Buchtar Tabuni cs). and ▪ Alleged disappearance of 23 people in the district of Jayapura.

II. Implementation of Functions

The implementation of function of Komnas HAM representative office in Papua has not run optimally due to :

a. Internal conflicts related work period of Komnas HAM Chairmanship from 2.5 years to 1 year;
b. Central allocation budget for implementation of function

c. There are many structural positions which still filling by acting officers
d. Commissioner invertensions to Secretary General authorities;
e. Communication problems related case handling between the central office and Komnas HAM representative in Papua.

A. Implementation of Human Rights Enforcement Function 2014

1. Case of trafficking and child labor at a Karaoke/Bar Boulevard Entrop Jayapura City

Komnas HAM Representative Office in Papua has made some efforts to respond this complaint by contacting the victim in order to ensure her conditions. On the same day, the Papua Office has conducted a meeting with the victim and Deputy Manager of Karaoke/Bar Boulevard. This meeting has not produced any results. Komnas HAM Representative Office Papua team agreed to undertake a follow up meeting.

2. Monitoring of Rudi Orarei shooting in Serui

Komnas HAM Representative Office in Papua has formed a team of negotiators involving Yapen local government, military and police. The negotiation process conducted by the team has managed to repatriate hundreds of people to the village Sasawa. However, based of the results of Komnas HAM Papua investigation, they who had been detained were found to have suffered from severe torture. As a result, for security reasons, seven suspects were sent to the Penitentiary Sorong to stand trial.

3. Monitoring Bloody Paniai

Monitoring related this case has been carried out on 12 to 15 December 2014. As reported by many mass media, as a result of shooting, five residents in Paniai was declared dead and identified victims were under ages. Based on Komnas HAM monitoring results, it pointed out that the shots came from three directions namely from the Paniai police, Koramil 1705-02 Enarotali and of height / direction of the airport tower. It was suspected that the military and police were opened fire.
It should be mentioned, the results of Komnas HAM monitoring Team to ensure that tthe shot fired by apparatus intended to kill, because the position of fire was directed to above the knee, stomach and other deadly place. Another hints that helped was the local hospital has submitted proof of metal flake fragments wiht gray colour from the patient's body. This initial hits regarding the use of life-threatening weapon. This condition, if not resolved will trigger a prolonged conflict.
Komnas HAM Representative office in Papua recommended that either Kodam XVII/Cendrawasih and Papua Police forming a joint team of military-police for investigation because of the strong suspicion, some officers from both institutions werevconsidered involving in this case. The team included observers from the church for the sake of independence and transparency in the delivery of results.

4. Monitoring vertical conflicts in Keroom

Komnas HAM assessed the loss of property and other plants were wildly destroyed was quite large so Keroom District Government and the Provincial Government of Papua

immediately take the recovery measures. Pasero Kerom Police Chief stated that the police have been doing stained to prevent subsequent retaliation.

B. Implementation of Human Rights Promotion Functions

During 2014, the implementation of study and education and public awarenss functions in Papua has been implemented in seven activities which are funded by a grant budget from APBD Papua provincial administration in 2014, namely:

1. Study on the High Military Court Decision III Surabaya related Theys Eluay case in connection with the disappearance of Aristoteles Masoka;
2. Human Rights Education in the District Sota, Merauke;
3. Human Rights Dissemination the Topo community, Uwapa District, Nabire Regency
4. Scientific concert and human rights campaigns in collaboration with the Youth and Students Solidarity Papua;
5. Human Rights Education for the rights of indigenous peoples Port Numbay, Jayapura;
6. Focused Group Discussion "A Critical Assessment Verdict Against Military Court case Theys Eluay in connection with the disappearance of Aristoteles Masoka"; and
7. Human Rights Dissemination in Dom Region, Sorong Regency, West Papua.



Human Rights Dissemination in Dom Region, Sorong Regency, West Papua.

III. Partners

Komnas HAM Representative office in Papua has established partnerships with other institution at the local, national and international levels. This partnership is built in a variety of meetings and collaborations that expected to give a broad impact on the promotion of human rights in 2014. Following meeting with the parties during 2014:

1. Meeting with the Head of the Regional Police (Police Chief) Papua;
2. Meeting with Cendrawasih XVII Military Commander;

3. Meeting with the Papuan Legislative Council;
4. Meeting with the Governor of the Province of Papua;
5. Receive visits several embassies of foreign countries which based in Jakarta;
6. Inviting foreign journalists to cover the human rights situation in Papua;
7. Discussion with activists, journalists, indigenous peoples, NGOs, religious organizations;
8. Meeting with the organization TPN/OPM in order to negotiate on cases of armed violence in several places in Papua such as Timika, Sorong, Puncak Jaya, Jayawijaya, Serui, Jayapura district, Kerom, Mamberamo Raya, and Sarmi.

IV. Closing

"Sharp downward, blunt to the top", the term is probably best describes the condition of human rights in Papua. Human Rights Enforcement is very difficult when dealing with cases involving the state. On the other hand, the law is enforced firmly and quickly to small peoples. The condition has caused at least apathy towards commitment and mechanisms of the state.

In the social context, the apathy conditions have created new problems. First, vigilante case began to appear. Second, people tend not to choose the legal process to resolve their problems, but emphasizes violence.

The promises of President-elect Joko Widodo on 27 December 2014 that violence, blood and tears in Papua should not happen again, it raises a big question on the seriousness of the state's commitment. Imagine, need not long after that, a tragedy Paniai happened. A tragedy that until today the state has not addressed yet and need to be resolved quickly, accurately and fairly by using legal mechanisms.

Adagium of *sharp downward, blunt to the top* is true. The Violence still continues. Violence, blood and tears in Paniai is a mirror for us to reflect ourselves.

The law formally authorizes Komnas HAM to provide an assessment of whether there is an element of gross violations of human rights in Paniai case. The most fundamental problem is the state good will to resolve this case in view of Komnas HAM limited authority The good will problem seems to have been rolled into a polemic given in cases of human rights violations before, such as Wamena-Wasior case, to today settlement like ping pong balls, aimlessly, with indeterminate results.

Indeed, we never know when the violence, blood and tears in Papua will end. Papuans like strangers in their own land. The right to education rights is still far to fulfill, access to health is very expensive, welfare belongs to those who have money and power, land so easily taken away for the sake of and on behalf of the state, the apparatus becomes oblivious to its existence. While those people who are in the forest continues shouting and state was never present there, the media continues to proclaim violence as a normal and became a public consumption. All this stunt was witnessed even played by the state.

We need to fight harder and continue to sharpen the conscience of humanity so violence, blood and tears soon pass from the Papua.



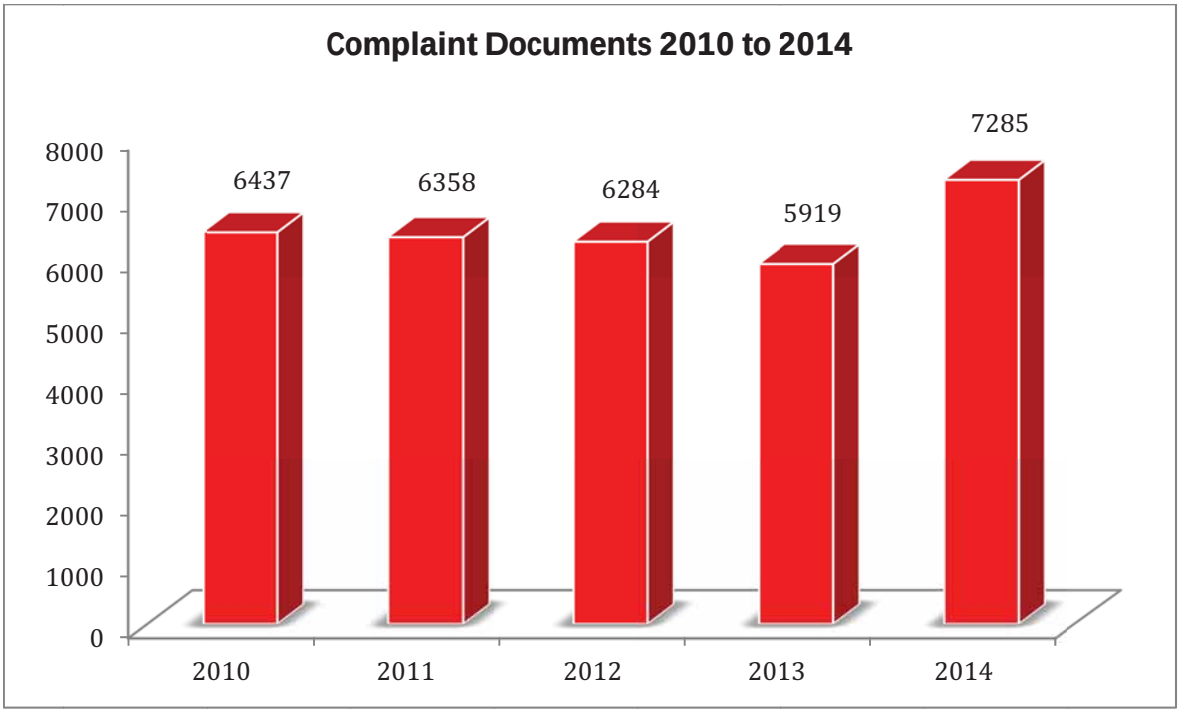
COMPLAINT SERVICE

Complaint Service

Article 90 paragraph (1) of Law No. 39 of 1999

"Any person or group of people who have reason to believe that their human rights have been violated may submit an oral or written complaint to Komnas HAM"

For the last 5 (five) years, complaints about allegations of human rights violations received by Komnas HAM has exceeded 6,000 documents per year or approximately 500 documents every month. Below is the chart of complaint documents reception for the last five years:



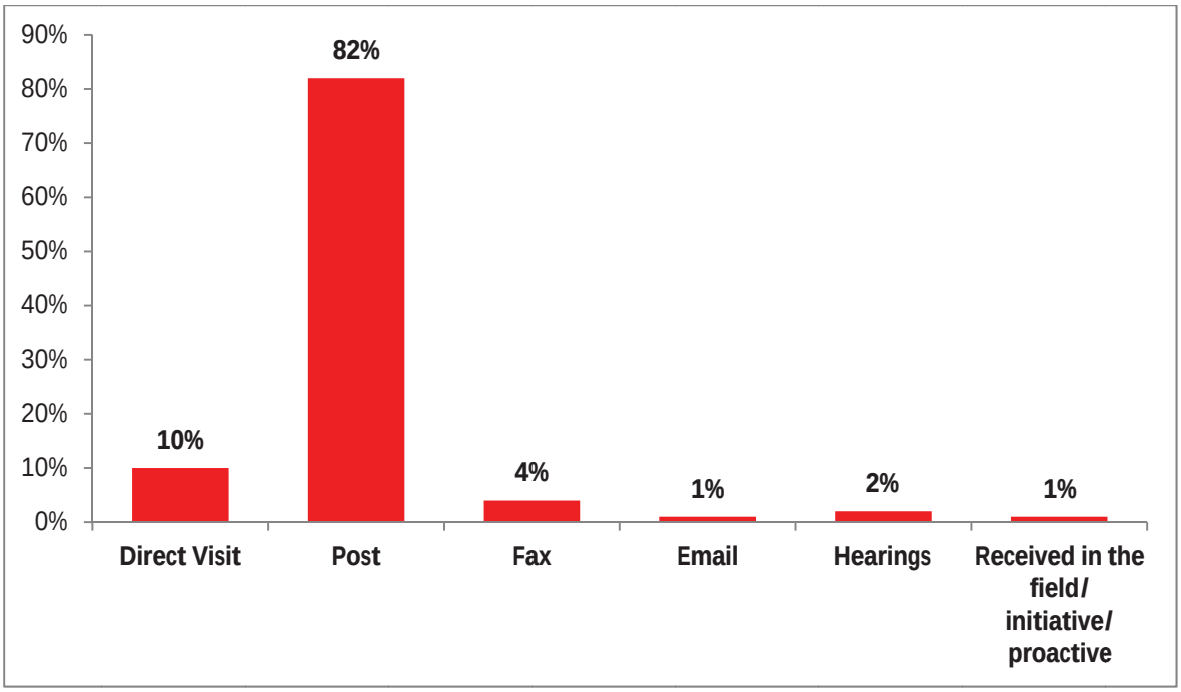
Based on case analysis of complaint lodged to Komnas HAM during 2014, there were 2,630 cases that must be distributed and handled by Sub Commission and Monitoring and Investigation Administration Section or Sub Commission and Mediation Administration Section. A number of cases cannot be forwarded due to : (i) the document is incomplete; or (ii) Komnas HAM does not handled the case as stipulated in Article 91 of Law No. 39

of 1999. Related to the case that cannot be forwarded to handle, then Administration of Complaint Services Section will send a response letter that explains the reason for the Commission not to continue assessing of the case.
Following are description of Komnas HAM data regarding complaints reception during 2014 which classified into several categories:

I. Method to submit complaint documents

By means of submission, 7,285 files were received by Complaints Service Section that can be divided as follows:

Method to submit complaints documents





Komnas HAM received complaints from Rembang residents about establishment plan of PT SI factory (Persero) that could potentially contaminate the Watu Putih Basin area as a water source

II. Region of the Complainant

Based on region of the complainant, 7,285 complaint documents received by Complaints Service Section that can be classified as follows:

Region of the Complainant

No	Region of the Complainant	Number of Document	No	Region of the Complainant	Number of Document
1	Aceh	92	18	West Nusa Tenggara	84
2	North Sumatera	724	19	East Nusa Tenggara	125
3	Bengkulu	55	20	West Kalimantan	87
4	Jambi	89	21	South Kalimantan	77
5	Riau	240	22	Central Kalimantan	78
6	West Sumatera	335	23	East Kalimantan	136
7	South Sumatera	145	24	North Kalimantan	16
8	Lampung	104	25	Gorontalo	11
9	Bangka Belitung Island	38	26	South Sulawesi	212
10	Riau Island	38	27	Southeast Sulawesi	40
11	Banten	164	28	Central Sulawesi	128
12	West Java	691	29	North Sulawesi	63
13	DKI Jakarta	2.092	30	West Sulawesi	5
14	Central Java	348	31	Maluku	99
15	East Java	614	32	North Maluku	19
16	Special Region of Yogyakarta	93	33	Papua	113
17	Bali	99	34	West Papua	18

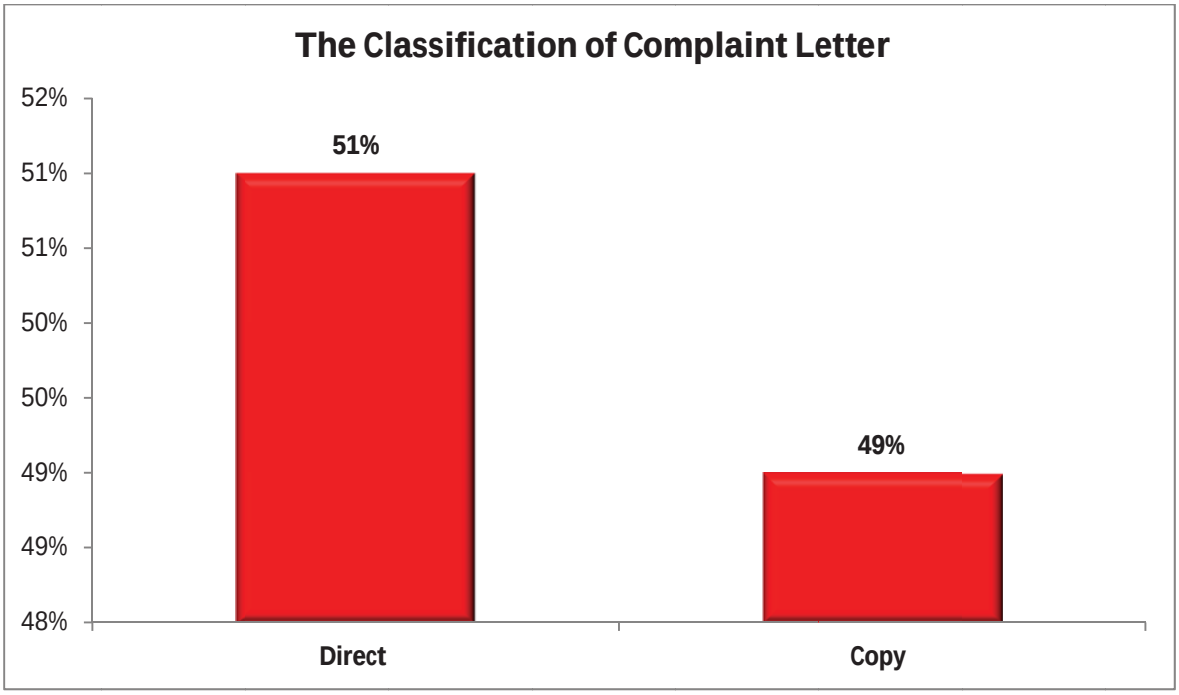
Based on the table above, four provinces with the largest number of complaints document were Jakarta (2,092 files), North Sumatra (724 files), West Java (691 files) and East Java (614 files).

The number of complaint documents originating from those 4 the regions did not necessarily mean that those regions have high number of alleged human rights violations. The high number of complaints from those regions due to easy public access in submitting the complaint and increasing levels of public understanding.

In addition, the Commission also received several complaint documents from abroad, among others: (i) Saudi Arabia 1 document, (ii) People's Republic of China 6 documents, (iii) England 1 document, (iv) Germany 2 documents, (v) Kuwait 1 document, (vi) Laos 1 document, and (vii) Mexico 1 document.

III. Type of Document

Based on the type document, Complaints Service Section has classified letter of complaint based on two categories:



IV. Classification of Rights

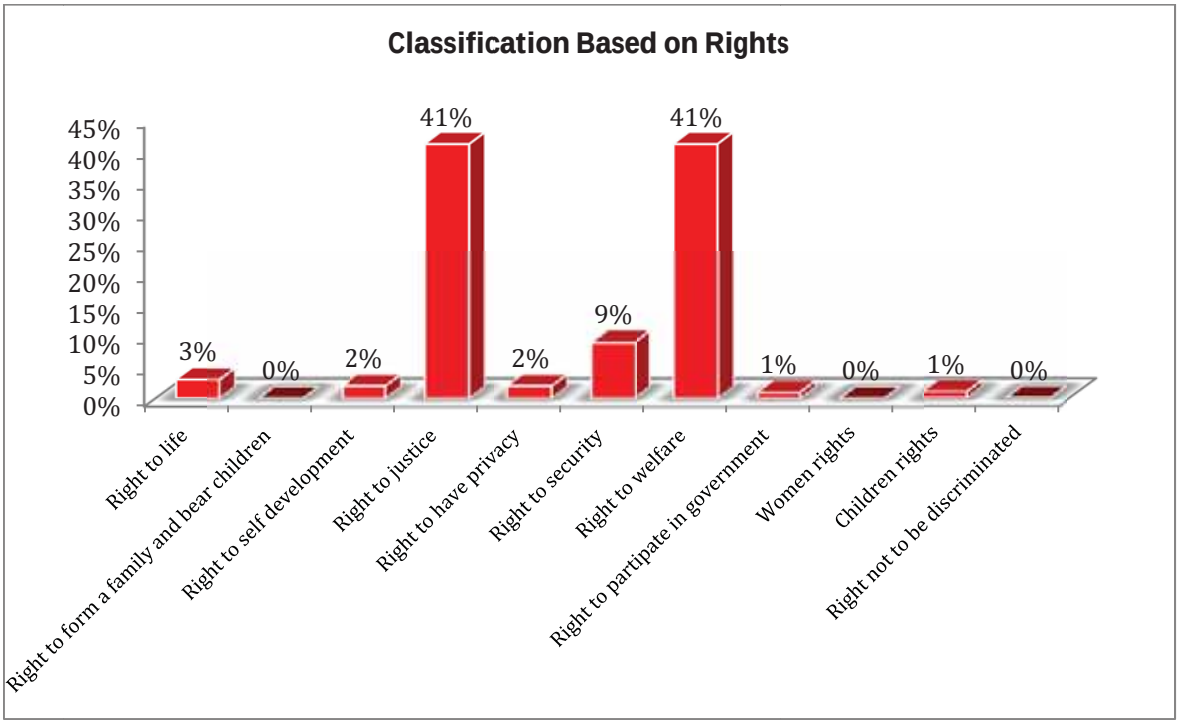
Based on the provision of Article 9 to Article 52 of Law No. 39 of 1999 on Human Rights, there is a recognition and guarantee of the rights of 1o themes, namely : (i) the right to life (ii) the right to marry and bear children, (iii) the right to self-development, (iv) the right to justice, (v) the right of freedom of the individual, (vi) the right to security, (vii) the right to welfare, (viii) the right to participate in government, (ix) women's rights and (x) children's rights.

Furthermore, the Commission has additional mandate related to supervision of the implementation of the Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination, then it is also added the rights that can be reported to the Commission, namely right not be treated discriminatory as stipulated in Article 4 Law No. 40 of 2008.

Classification of Rights

No	Classification	Number of Document	Percentage
1	the right to life	226	3%
2	the right to marry and bear children	14	0%
3	the right to self-development	107	2%

No	Classification	Number of Document	Percentage
4	the right to justice	3,011	41%
5	the right of freedom of the individual	145	2%
6	the right to security	645	9%
7	the right to welfare	2,959	41%
8	the right to participate in government	85	1%
9	women's rights	22	0%
10	children's rights	55	1%
11	The right not be treated discriminatory	16	0%
Total		7,285	100%



Based on the table, it can be identified that the most widely complained rights during 2014 were: (i) the right to justice (41%), (ii) the right to welfare (41%), and (iii) the right to security (9%).

Theme the right to justice, in general, with regard to the performance of law enforcement officials such as police, prosecutors, and the judiciary that were reported to work not in accordance with the procedures or expectation of the complainants. The criminalization, mafia law, to misguided trial still be a bitter pill for law enforcement in Indonesia.

Theme the right to welfare, revolved around the issue of land conflicts, labor and employment disputes, evictions houses and traders, the right to health, as well as migrant workers.



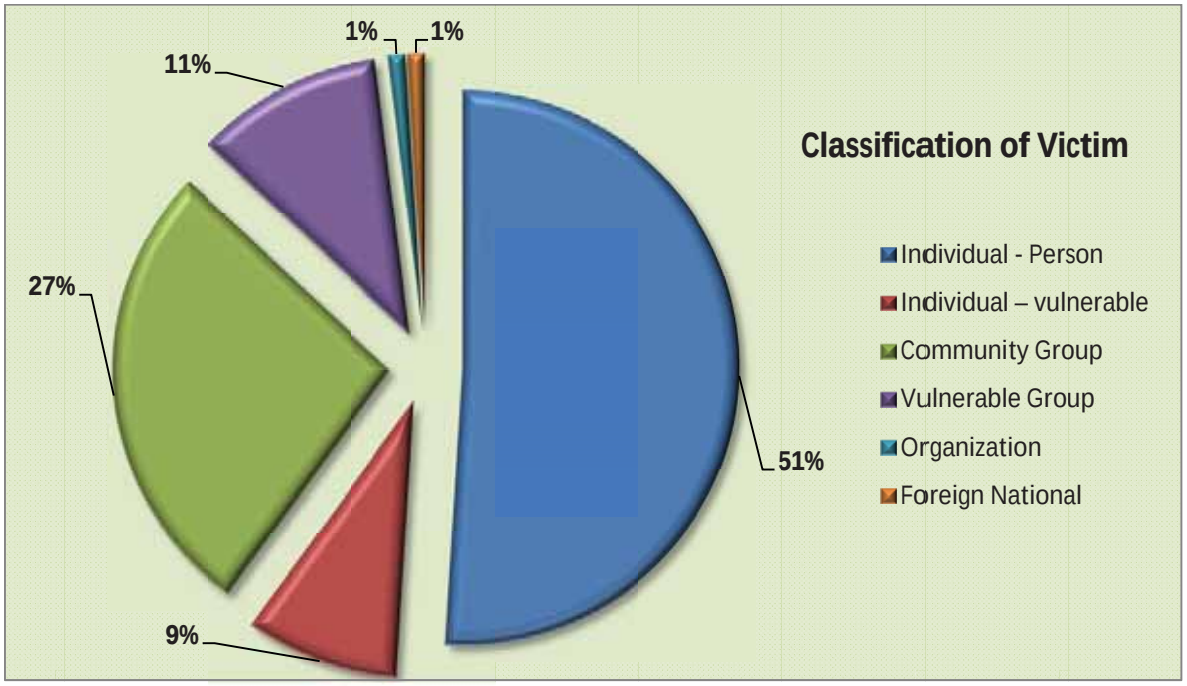
Komnas HAM received complaints from Aceh residents who reported human rights violations in Aceh during the enactment of the Military Operations Area (DOM)

V. Classification of Victim

Based on classification of victim, Complaint Service Section has classified 7,285 complaint documents as below:

Classification of Victim

No	Classification of Victim	Number of Document	Percentage
1	Individuals - Person	3.647	51%
2	Individual – vulnerable	695	9%
3	Community Group	1.951	27%
4	Vulnerable Group	802	11%
5	Organization	23	1%
6	Foreign National	12	1%
Total		**7.130**	**100%**



The above table shows that the alleged human rights violations experienced by individuals made up the majority of reporting to the Commission. The number of complaints reached 4,342 (The number represented an increase of individual 3,647 files and vulnerable individuals 695 files). While the definition of vulnerable individuals are children (138 files), women(197 files), migrant workers (64 files), workers/profession (207 files), tribe (2 files), race and ethnicity (2 files), religion and belief (8 files), people with disabilities (9 files), terrorists (1 file), victims of past human rights violations (37 files), elderly (27 files), and poor (3 files).

Reports of complaints by victims group reached 2,753 (The number represented the addition of community groups 1,951 files and vulnerable groups 802 files). The Vulnerable groups are referred to in this case are children (47 files), women (9 files), migrant workers (9 files), worker/ profession (407 files), indigenous peoples (216 files), race and ethnicity (8 files), religion and belief (55 files), people with disabilities (11 files), lesbian gay bisexual and transgender (LGBT) (2 files), terrorists (one file), and victims of past human rights violations (37 files).

The number of complaints by victims groups of workers / professionals became evident that the potential workers were victims of human rights violations. The imbalance between employers and workers was one contributing factors. The high number of complaints from the indigenous people was also an indication that the Constitutional Court Decision No. 35 / PUU-X / 2012 have not been able to provide maximum protection, especially for the recognition of indigenous forests.

VI. Classification of the Party Complained

Based on the classification of the party complained, Complaint Service Section has classified 7,285 complaint documents as below:

Classification of the Party Complained

No	Classification of the Party Complained	Number of documents
1	Central Government (Ministry)	499
2	Local Government	771
3	Legislative	1
4	State Institution	282
5	Judiciary Institution	641
6	The Police	2.483
7	Indonesian National Army (TNI)	215
8	The Prosecutor	195
9	Detention / Correctional Facilities	44
10	Other State Governments	13
11	Corporations	1.127
12	State-Owned Enterprises	463
13	Health Care Institution	41
14	Education Institution	134
15	Organization	58

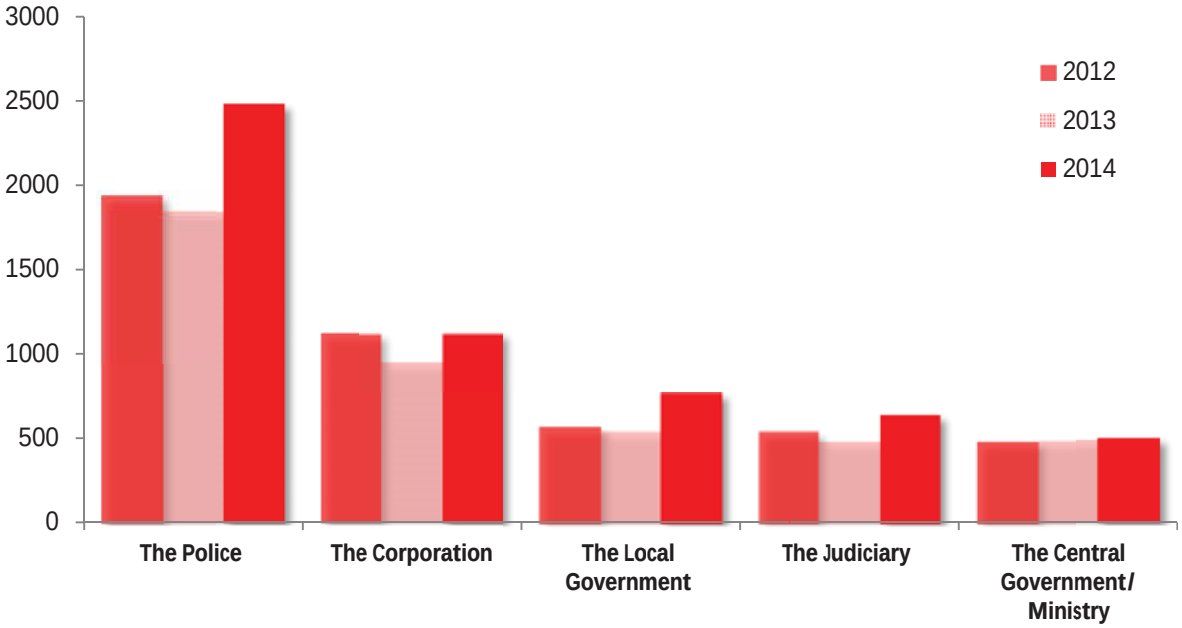
Based on the data above, there are five categories of party complained with the highest number of complaints namely: (i) The Police (2483 documents), (ii) The Corporation (1,127 documents), (iii) the Local Government (771 documents), (iv) The Judiciary (641 documents), and (v) the Central Government / Ministry (499 documents).

The high number of complaints against the police was a reflection on high expectations of society towards improvement of police performance. Nowadays, the society has been in a critical stage and aware of human rights, so as to see something wrong or unnatural on the performance of the police, they will immediately report to the Commission.

Just for comparison, based on the record of Complaints Service Section, the most complained parties over the last 3 years have not changed significantly, as shown in the table below:

The Most Complained Parties over the Last 3 Years

No	The Party	2012	2013	2014
1	The Police	1.938	1.845	2.483
2	The Corporation	1.126	958	1.127
3	The Local Government	569	542	771
4	The Judiciary	542	484	641
5	The Central Government / Ministry	483	488	499



VII. Distribution of complaint

As the provisions of Article 76 paragraph (1) of Law No. 39 of 1999 on Human Rights, Komnas HAM has several functions that must be implemented, namely the function of study and research, public awareness, monitoring, and mediation.

Related to the handling of cases of complaints, it is related to the implementation of monitoring functions and mediation carried out by the Monitoring and Investigations Sub Commission as well as Mediation Sub Commission. Therefore Complaints Service Section has distributed complaint documents that have been received by the Commission to the relevant units as shown in the table below:

Distribution of complaint

No	Distribution of complaint	Number of Document
1	Monitoring and Investigation Sub Commission	5.980
2	Mediation Sub Commission	752
3	Team	200
4	Document	353
Total		**7.285**

The team referred to the above table is a team formed by Komnas HAM Plenary Session in 2014 consisting of 1965 Case Handling Team ,The National Inquiry Team on Indigenous People, Kivlan Zein Team, Gross Violations of Human Rights of the Past Team, and 2014 General Election Team 2014.

While the definition of the term document is a complaint document that does not meet requirement for further investigation as provided for in Article 91 paragraph (1) law No. 39 of 1999, (1) Investigation shall not be undertaken, or shall be suspended if already underway,

in the event that: a. there is insufficient evidence; b. the subject matter of the complaint is not a violation of human rights; c. the complaint is not presented in good faith, or if the complainant is not in earnest; d. more effective legal measures are available to resolve the complaint; e. resolution through available legal means, in accordance with the law.



INTER INSTITUTION COOPERATION

Inter Institution Cooperation

Komnas HAM, although by definition is an independent institution, will not be able to work optimally without participation of any party. Komnas HAM is not working in a vacuum situations. Therefore, the Commission needs cooperation with other institutions.

Komnas HAM applies the principle of wide connections in order to optimize the implementation of its functions. The cooperation to build synergies is *a sine qua non* in the attempts to promote and enforce human rights in Indonesia.

Throughout 2014, Komnas HAM has established various cooperation with civil society and state institution in form of memorandum of understanding, both bilateral and multilateral. The cooperation is carried out in a framework of institutional strengthening, implementation of the functions and development of human rights networks with adhere to the principle of mutual benefit and adapted to the characteristics of each institution to make it more efficient.

Sub Section of Inter-Institutional Cooperation is a unit that has tasks and functions related to Komnas HAM cooperation with other institutions. During 2014, Komnas HAM has established cooperation with the principle of mutual cooperation with various institutions and realized through the signing of a memorandum of understanding. The cooperation that built by Sub Section of Inter-Institutional Cooperation conducted in various level, not only in national level *an sich*, but also international cooperation.

In 2014, Komnas HAM has signed 12 Memorandum of Understandings and a Cooperation Guidelines (see table). Issues that were carried in cooperation are various, not only monolithic.

Memorandum of Understanding in 2014

No	Institution	Date	Note/Title
1	Komnas HAM and Komisi Kepolisian Nasional	10 March 2014	Cooperation with framework of the protection, promotion, and enforcement of human rights
2	Komnas HAM and The Asia Foundation	7 May 2014	Technical Support Arrangement to strengthen the protection of religious freedom and human rights defenders
3	Komnas HAM and Australian Human Rights Commission	20 May 2014	Cooperation to improve communication and synergy between Komnas HAM and AHRC
4	Komnas HAM and Lembaga Perlindungan Saksi dan Korban (LPSK)	17 June 2014	Cooperation for the protection of witnesses and victims of gross violation of human rights and other crimes

No	Institution	Date	Note/Title
5	Komnas HAM, Lembaga Perlindungan Saksi dan Korban (LPSK), Pemerintah Kota Palu, and Komisi Nasional Anti-Kekerasan terhadap Perempuan (Komnas Perempuan)	17 June 2014	Cooperation for the implementation of the promotion, protection, enforcement and fulfillment of human rights in Palu
6	Working Guidelines between Komnas HAM and LPSK based on Memorandum of Understanding	17 June 2014	Explanation of MoU between Komnas HAM and LPSK to be used as a reference in witness and victim protection activity
7	Komnas HAM and Universitas Andalas Padang	23 June 2014	Promoting Human Rights through Tri Dharma
8	Komnas HAM and Universitas Muhammadiyah Malang	26 June 2014	Promoting Human Rights through Tri Dharma
9	Komnas HAM and The Governor of Central Java	15 August 2014	Enhancing communication and coordination related to mediation and strengthening human rights in Central Java Province
10	Komnas HAM and Universitas Negeri Makassar	17 September 2014	Promoting Human Rights through Tri Dharma
11	Komnas HAM and Universitas Bosowa 45 Makassar	18 September 2014	Promoting Human Rights through Tri Dharma
12	Komnas HAM and UniversitasTadulako Palu	22 September 2014	Promoting Human Rights through Tri Dharma
13	Komnas HAM and Universitas Sintuwu Maroso Poso	22 September 2014	Promoting Human Rights through Tri Dharma

In the international context, Komnas HAM has agreed to cooperate with the Raoul Wallenberg Institute (RWI) in February 2014 related to the implementation of the national inquiry training focused on the agrarian problems. The national inquiry is considered very important because this mechanism will provide a comprehensive education for the community as a first step in resolving conflicts such latent agrarian conflicts. Stages of national inquiry includes a comprehensive study and public hearings. Public hearings have been held in eight regions in Indonesia.

Sub Section of Inter-Institutional Cooperation is also active in organizing multilateral cooperation is woven by Komnas HAM. Related activities of international organizations continue to receive attention due to membership of Komnas HAM in the forum. Activities of South East Asia National Human Rights Institutions Forum (SEANF), Asia Pacific Forum for National Human Rights Institutions (APF), and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) are some of the organizations in which the Komnas HAM is involved. Komnas HAM also actively participated in UN Human Rights Council meetings as well as took part in Committee on Economic, Social and Cultural Rights session in 2014.

In relations between Komnas HAM and APF, throughout 2014 , both institutions have carried out some activities. APF has conducted Komnas HAM Capacity Assessment in May 2014. This activity aimed to assess the institutional aspects of Komnas HAM in depth. Then the APF has conducted capacity building activity to the institution, staffs and commissioners which is the duties and functions of APF and its routinely implemented. Related to this, in November 2014 in Jakarta, APF in collaboration with Komnas HAM have conducted Regional Training on Police Detention Monitoring for staffs of three countries which are members of the APF, namely Indonesia, Malaysia and Timor Leste.

Komnas HAM has a historical attachment to SEANF because it was one of the founders of this institution. In 2014, there are three important activities undertaken related to multilateral cooperation of the Commission in SEANF. In April 2014, Komnas HAM has held technical working group of SEANF in Bali. The activity resulted in several agreements, among others, research on ASEAN mechanism of human rights, land rights workshops, and the plan to establish a permanent secretariat of SEANF. On September 2014 in Jakarta, Komnas HAM held technical working group of SEANF. This meeting was a follow-up to the previous forum. One of the main issues in this meeting was sharpening the establishment of a permanent secretariat of SEANF.

Komnas HAM hosted annual meeting of SEANF. This meeting was held in November 2014 in Bali and raised the issue of conflict resolution as part of the fulfillment of human rights. In addition a discussion on the implementation of the ASEAN Community 2015 was also conducted. This momentum was expected to continue with standards of human rights and democracy. For that, SEANF has produced recommendations for fostering cooperation between SEANF and the ASEAN Inter-governmental Commission of Human Rights (AICHR) to promote and enforce human rights in ASEAN.

During 2014, Komnas HAM has started a new iniative to be actively involved in South-South cooperation and triangular (KSST). This cooperation was not an extension of the concept of "north-south" in decade 1970-1980's that related between developed and developing countries, but rather to explore the potential of developing countries to achieve progress together with principle of good relations with others. Indonesia in this regard has taken the position not only as the recipient country, but also as donor state to partner countries. Komnas HAM has reported several activities to the National Team KSST and participated in Triangular Cooperation Coordination Workshop in late November 2014 in Bandung.

Administrative and Resource Support



Administrative and Resource Support

Bureaucratic Reform has been translated into the three main pillars namely Public Service, Improved Performance and Good Governance where everything must go through three key indicators, namely Organizational Restructuring, Completion Management and Improved of Discipline, Morality and Human Resource Management.

Institutional reform and human resources are important work in carrying out its duties and functions. It has become the focus of Komnas HAM Secretariat General in recent years, especially in order to achieve the purpose of bureaucratic reform.

In principle, bureaucratic reform aims to enhance and governance systems in order towards behavior change through process of redesign, change, improve, and refine the bureaucracy to make it better, professional, effective, efficient and productive.

1. Organizational Structure

In order to support the implementation Bureaucratic Reform, Komnas HAM proposed changes to the organizational structure based on:

a. Plenary Session's mandate;
b. Efforts to achieve a change management through proper organizational structure changes in terms of function and size;
c. Accommodates functional positions at bureaus in Komnas HAM ;
d. Accommodate State Audit Agency (BPK) recommendation to establish Internal Control Unit; and
e. Includes the Plenary Session, Sub Commission and Representative Office in Komnas HAM structure.

In order to institute structural changes, the Commission has made several efforts as follows:

a. maintaining intensive communication with the Ministry of Administrative and Bureaucratic Reform, especially Institutional Deputy;
b. Drafting changes in the structure and Perses No. 001 / I / 2009;
c. Sending a proposal letter No. 257 / S.0.0.3 / X / 2014 dated 23 October 2014 concerning Changes in Komnas HAM's structure to the Minister of Administrative and Bureaucratic Reform; and
d. Sending a second letter No. 297 / S.0.0.3 / XII / 2014 dated 19 December 2014 regarding the proposed changes to Komnas HAM's structure to the Minister of Administrative and Bureaucratic Reform.
e. The Commission hoped that the proposed changes in the structure will be approved by the Minister of Administrative and Bureaucratic Reform so that the better performance of institutions, professional, effective, efficient and productive.

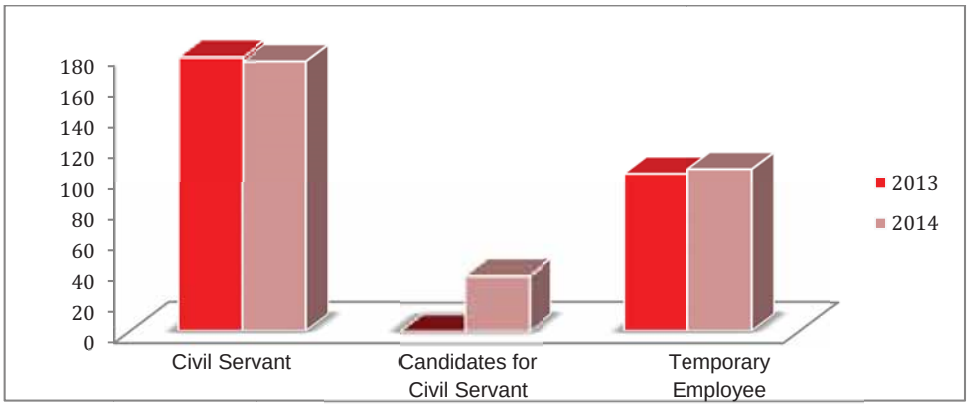
2. Human Resources

Human Resources is the prime driving forceactivities and programs of the institution. Therefore, a proper management of human resources is needed in order to strengthen the Commission's staffs who have independency, integrity and professionalism.

An appropriate human resources management will have an impact on the optimization polict of promotion and rotation, recruitment, and development of human resources capacities, as well as changes in organizational structure.

Following is a description of the of human resources composition Komnas HAM based on the classification as follows:

Comparison of the number of employees based on the type of employee

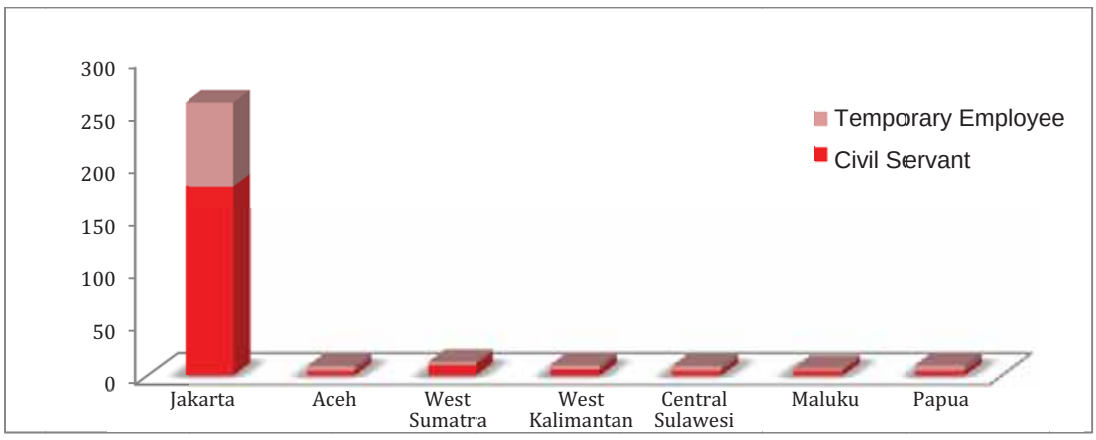


	Civil Servant	Candidates for Civil Servant	Temporary Employee
2013	178	0	102
2014	175	36	105

Until the end of 2014 the number of Komnas HAM staffs has increased 11,39% or reaching a total of 316 staffs compared to previous year (2013), consisting of as many as 211 Civil Servants (PNS) and 105 Non Permanent Staffs (PTT).

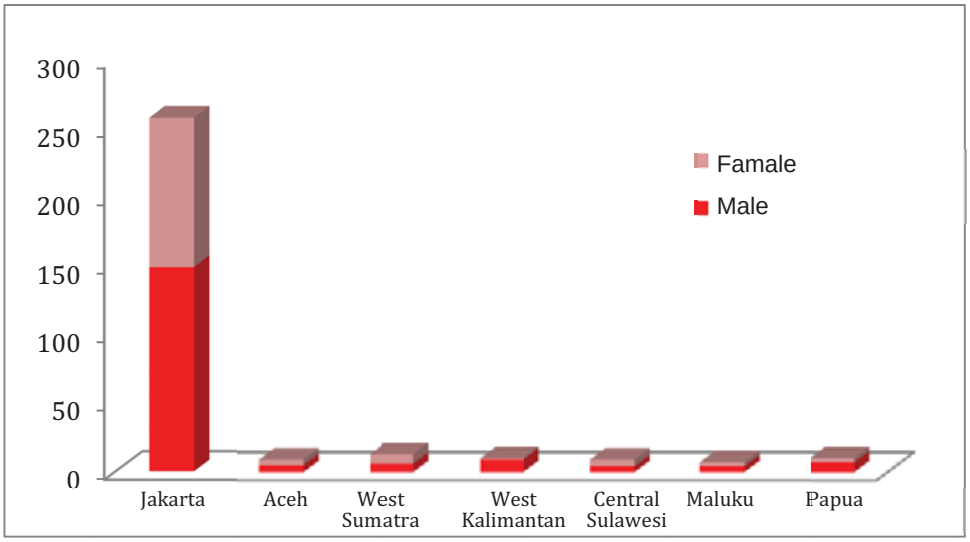
Above data will be further explained based on qualifications below :

a. Staff Composition in Central Office and Representative Office



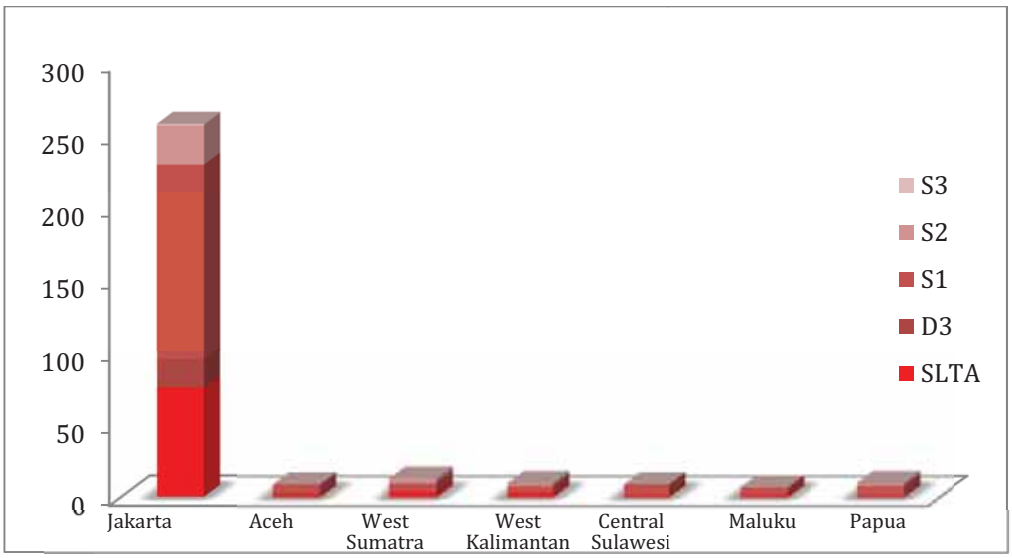
	Jakarta	Aceh	West Sumatra	West Kalimantan	Central Sulawesi	Maluku	Papua
Civil Servant	179	4	10	6	4	4	4
Temporary Employee	79	5	3	4	5	3	6

b. Staff Composition Based on Gender Type



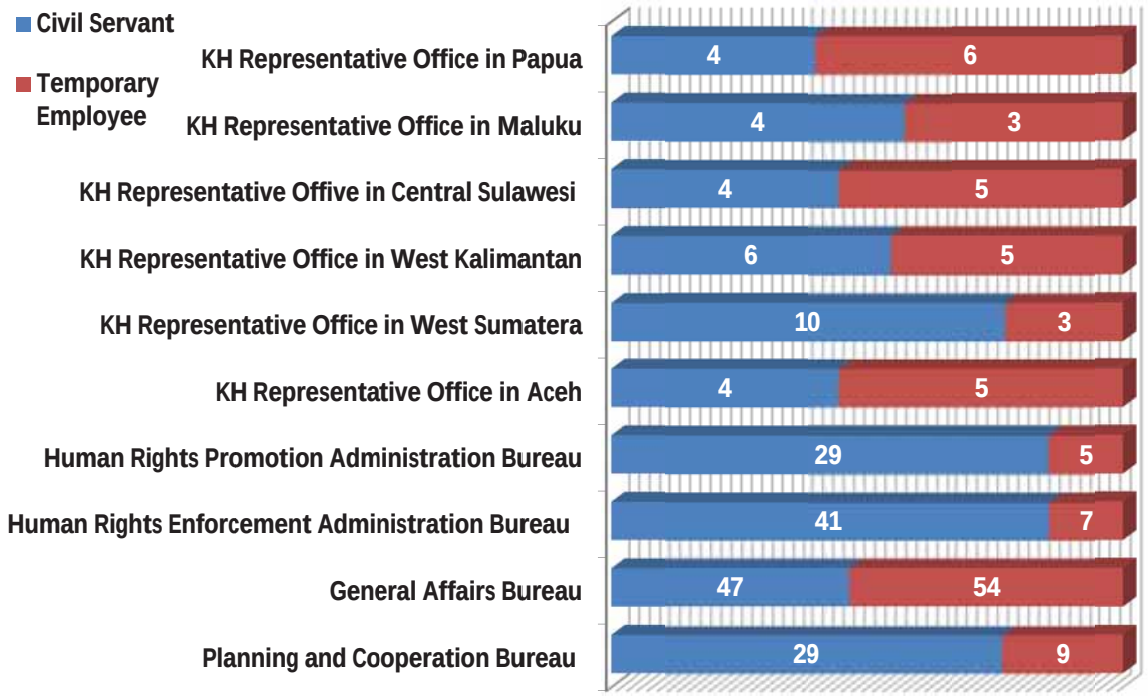
	Jakarta	Aceh	West Sumatra	West Kalimantan	Central Sulawesi	Maluku	Papua
Male	149	5	6	9	4	4	7
Famale	109	4	7	1	5	3	3

c. Staff Composition Based on Education Level



	Jakarta	Aceh	West Sumatra	West Kalimantan	Central Sulawesi	Maluku	Papua
SLTA	75	2	4	3	2	2	1
D3	20	1	0	0	0	0	0
S1	135	6	6	5	7	5	7
S2	27	0	3	2	0	0	2
S3	1	0	0	0	0	0	0

d. Staff Composition Based on Working Unit



3. 2014 Activities

a. General Affairs Bureau Working Meeting

The General Affairs bureau carried out an activity in the promotion and improvement of General Bureau Staffs in Bumi Gumati Hotel on 13 to 15 February 15. This activity funded by APBN DIPA Komnas HAM No. SP DIPA - 074.01-0 / AG / 21014 (3336.001.001.012). This Working Meeting activity is then mandated to each section of General Bureau Affairs consisting of Section of Human Resources and Organization, Section of Equipment and Household and Section of Finance to formulate the proposed activities for the next 5 years in order to support the strategic plan 2015 to 2019 of General Affairs Bureau. Through this meeting, the quality of knowledge, performance and coordination of staff in General Affairs Bureau are expected to increase.

b. Recruitment of Civil Servants Candidate (CPNS)

Based on the letter State Employment Agency (BKN) No.K.26-30/V.22-8/ 99 dated 17 January concerning the preparation of Central PNS Formation for Fiscal Year 2013, the Commission has submitted the proposed addition of PNS Formation in Secretariat General of Komnas HAM for Fiscal Year 2013 to the Minister of State for Empowerment of State Apparatus and Bureaucratic Reform (Kemenpan and RB) and Head of BKN through Komnas HAM Secretary General letter No.041 / SES / II / 2013 on 25 February 2013.

Secretariat General of the Commission has done the announcement of recruitment of CPNS Komnas HAM, administrative selection, Basic Competency Test (TKD) using Computer Assisted Test (CAT), psychological and human rights knowledge tests, as well as interview on 16 January 2014.

Based on the letter of Menpan and RB (Chairman of PANSELNAS) No.R / 23 / M.PAN-RB / 02/2014 dated 21 February 2014 on Submission of Integrated Grade of TKD and TKB for General Applicants, it has been determined the applicants who have passed the CPNS recruitment for 2013 Formation in Secretariat General of Komnas HAM as many as 39 applicants. It was announced through the announcement of the committee No.009 / pansel / II / 2014 on 26 February 2014 and No.010 / pansel / III / 2014 on 3 March 2014.

That until a specified time limit, there were 4 applicants who have resigned, so that the number of applicants received by Komnas HAM as many as 35 people plus a special formation from Kemenpan and RB, a Papuan. On 27 February 2014, a submission was done of the proposed civil service identification number (NIP) for CPNS.

c. Human Resources Capacity Building

Following are the data of education and training participated by Komnas HAM staffs during 2014 :

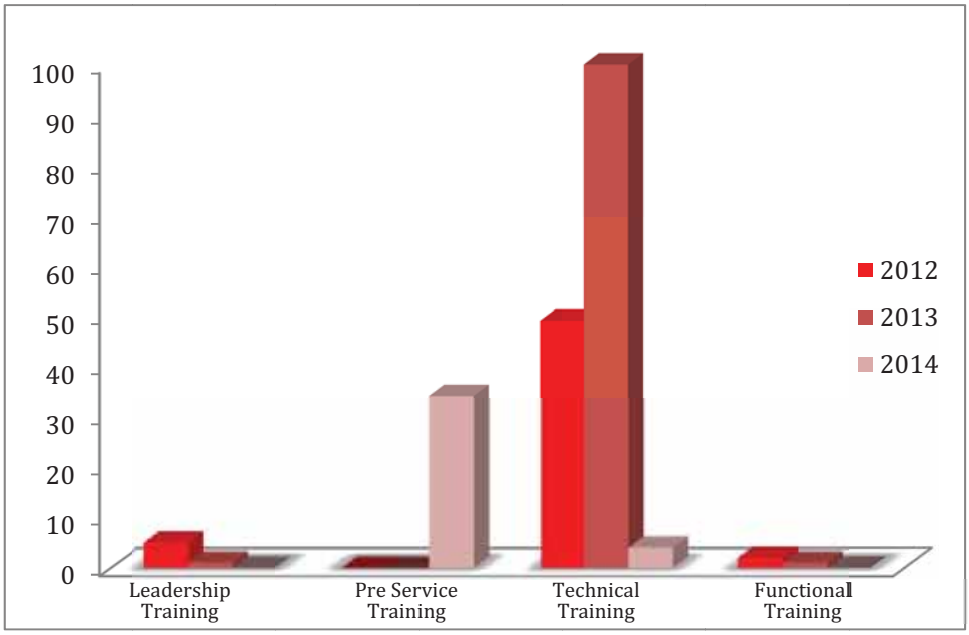
1. Pre-service Training (Diklat Pra Jabatan) is a requirement for the appointment of candidates for Civil Servants (CPNS) to become the Civil Servants. CPNS must be included Prajabatan no later than 2 (two) years after his/her appointment as a CPNS.
2. Technical Training is a training that is conducted to achieve the requirements of technical competence needed for full implementation of staff assignments.

Here is the composition of training, in comparison between 2013 and 2014:

No.	Type of Training	2013	2014
Pre-Service Training Class II and III			34
Leadership Training Level II		1	
Technical Training :			
1.	Dismissal and pensions of PNS		1
2.	Completion PNS Discipline Violation		1
3.	Performance Management		2
4.	Procurement of Goods and Services	8	
5.	Management of Training	1	

No.	Type of Training	2013	2014
6.	Government Financial Accountability Acceleration Program (PPAKP)	5	
7.	International Military Course on The Law of Armed Conflict	1	
8.	Position Analysis	2	
9.	Legal Tools Database and Case Matrix	33	
10.	Report Writing	21	
11.	Training of Fire Prevention	28	
Functional Training			
1.	Planner	1	
	Total	***101***	***38***

Here is a data comparison for the number of staffs who have participated in trainings in 2012, 2013 and 2014.



Year	Leadership Training	Pre Service Training	Technical Training	Functional Training
2012	**5**	**0**	**49**	**2**
2013	**1**	**0**	**100**	**1**
2014	**0**	**34**	**4**	**0**

Based on the data above, there is a significant reduction in the number of staffs who participated in technical training in 2013 to 2014 period.
In addition to training, a Technical Assistance for DUPAK also conducted on 28 November and 1-2 December 2014 for certain functional positions namely Librarian, Computer Personnel, and Archivist.

d. Bureaucratic Reform

The implementation of Komnas HAM Bureaucratic Reform (RB) was initiated in 2009 through the creation of the Bureaucratic Reform Road Map (RB Road Map) in 2009 to 2014. Toward the completion of the RB road map in 2014, the Commission has accomplished the following:

1. Establishment of RB Team Implementer at the Secretariat General Komnas HAM Secretary General Decree No. 021 / SES.SK / II / 2014;
2. Meeting with the Directorate HPP to discuss performance benefit on 23 May 23, 2014;
3. The employee income data submission to Director General of HPP on 26 May 2014;
4. Dissemination RB stages to performance benefit on 4 June 2014;
5. Filling out PMPRB online at Kemenpan and RB in June 2014;
6. Komnas HAM received Presidential Decree No. 114 of 2014 on Employee Benefit Performance in the Secretariat of the Commission in October 2014;
7. Preparation of the draft Regulation on the Provision of Benefits Performance on 1 October 2014; and
8. Socialization of rules on granting performance benefits to Komnas HAM staff on 14 October 2014
9. Initial discussion of formulation of Komnas HAM RB Road Map 2015 to 2019.

e. Formulation of Guidelines of Discipline and Rules for Staff of Secretariat General of Komnas HAM.

In order to support the implementation of the duties and functions of the Commission and to improve the efficiency, effectiveness, productivity, morale and sustainability of the activities of the Commission as well as the creation of a work environment that is orderly and quiet, it is necessary to have a discipline and rules mechanisms for staff of Secretariat General of the Commission.

The whole mechanism needs to be established as a guide and code of practice and policies in the field of Human Resources, then in 2014 Human Resources Section has formulated of Guidelines of Discipline and Rules for Staff of Secretariat General of Komnas HAM .

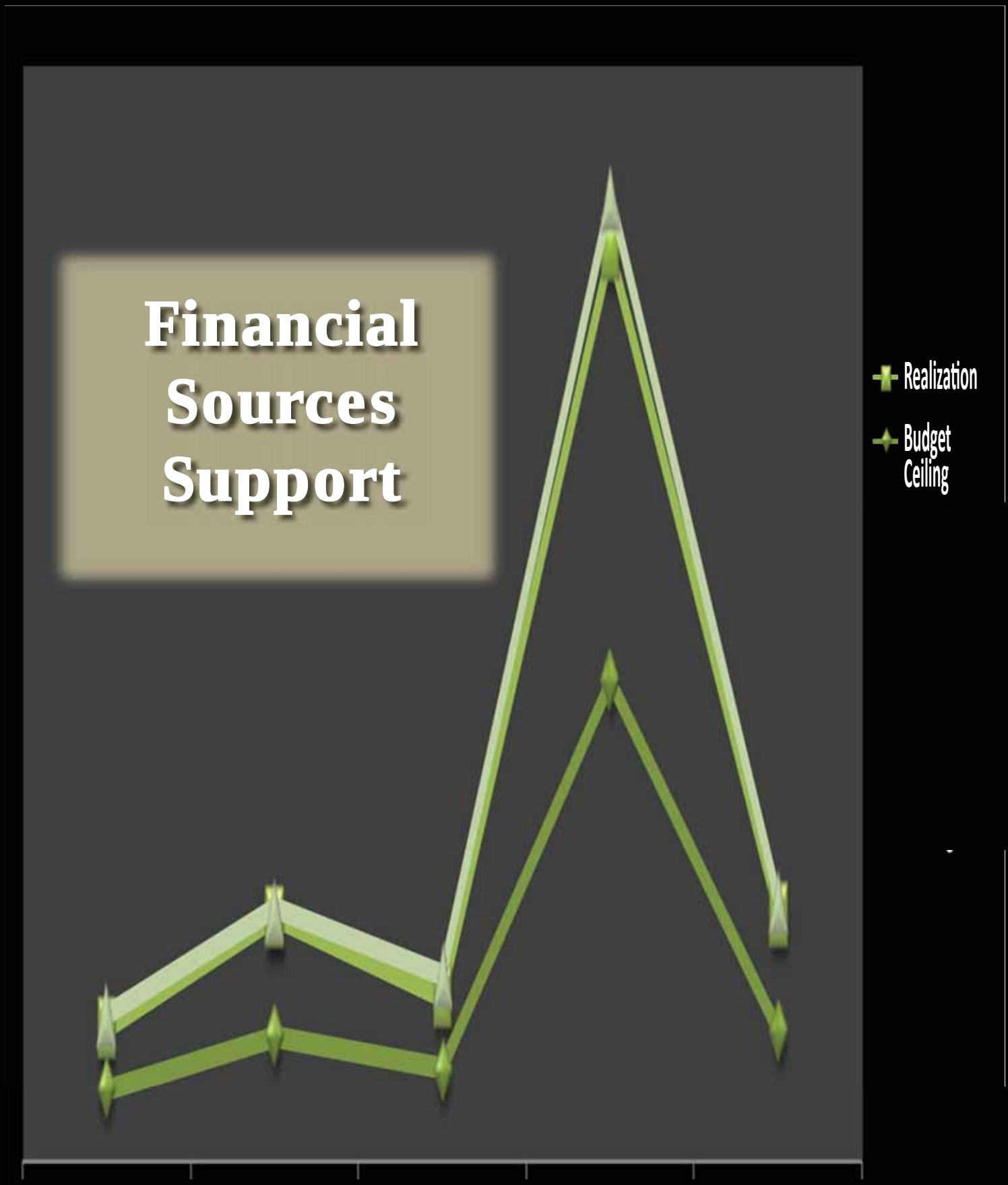
4. List of Echelon I - IV Officials at Secretariat General of Komnas HAM

No	Nama	Gol.	Jabatan	Eselon
1	UNTUNG TRI BASUKI, SH, SPN NIP. 19590718 198603 1 001	IV/e	Secretary-General	I.a
2	DRS. SUDIBYANTO, M.Si NIP. 19580519 198111 1 001	IV/b	Head of Human Rights Administration Promotion Bureau	II.a
3	Ir. JOHAN EFFENDI, M.Si NIP. 19620626 198903 1 002	IV/c	Head of Human Rights Enforcement Administration Bureau	II.a
4	DRS. WIDJATMOKO, MM NIP. 19600227 198906 1 001	IV/b	Head of General Affairs Bureau	II.a

No	Nama	Gol.	Jabatan	Eselon
5	SRIYANA, SH, LLM, DFM NIP. 19700102 198903 1 001	IV/a	Head of Planning Section	III.a
6	RISMA YETTI IDRIS, SE, MM NIP. 19701215 200312 2 001	III/d	Head of Facility-Inventory and Household Section	III.a
7	TRIYANTO, SH NIP. 19710524 200312 1 001	III/d	Head of Public Awareness Administration Section	III.a
8	IMELDA INDRIANI SARAGIH,SH,LL.M NIP. 19730319 200312 2 001	III/d	Head of Mediation Administration Section	III.a
9	WIDYANA, SE NIP. 19741113 200502 2 001	III/c	Head of Financial Administration Sub Section	IV.a
10	RAHMAH SURYANDARI, SE NIP. 19770816 200502 2 001	III/c	Head of Treasury Sub Section	IV.a
11	AGUS SALIM, SE, MMSI NIP. 19740815 200502 1 001	III/c	Head of Organization & Procedure Sub Section	IV.a
12	NANANG RAHARDJO, SH NIP. 19700206 200312 1 001	III/d	Head of Staff Development & Functional Position Administration Sub Section	IV.a
13	RIA FITRIANA, SE NIP. 19780902 200502 2 001	III/c	Head of Staff Administration Sub Section	IV.a
14	IR. RITA ARIANY ZAINUDDIN NIP. 19661013 200312 2 001	III/d	Head of of Household Sub Section	IV.a
15	RATNA WATI TOBING, SH NIP. 19640318 200312 2 001	III/d	Head of Mail and Correspondence Sub Section	IV.a
16	ARIEF SURYADI, SE NIP. 19731203 200312 1 002	III/d	Head of Facility and Inventory Sub Section	IV.a
17	DELSY NIKE, ST NIP. 19761129 200502 2 001	III/c	Head of Session Sub Section	IV.a
18	LIZA YOLANDA, SH NIP. 19750226 200312 2 001	III/d	Head of Administration to the Chairmainship and Protocol Sub Section	IV.a
19	SASANTI AMISANI, SIP NIP. 19700325 200312 2 001	III/d	Head of Inter-Institution Cooperation Sub Section	IV.a
20	SANTY RAHAYU NINGSIH, SE NIP. 19761006 200502 2 001	III/c	Head of Budgeting Planning Sub Section	IV.a
21	EKO DAHANA DJAJAKARTA, S.SOS NIP. 19690921 200312 1 001	III/d	Head of Internal Control & Report Evaluation Sub Section	IV.a

No	Nama	Gol.	Jabatan	Eselon
22	YENI ROSDIANTI, S.SOS NIP. 19750315 200502 2 001	III/c	Head of Publications & Public Awareness Sub Section	IV.a
23	KOESOEMOWANTO, SE, MM NIP. 19660415 198803 1 001	III/d	Head of Public Awareness Plan Sub Section	IV.a
24	ASRI OKTAVIANTY WAHONO, SH NIP. 19751031 200502 2 001	III/c	Head of Study and Research Plan of International Laws Sub Section	IV.a
25	RR.JOHANA NUNIK WIDIANTI, S.SOS, MA NIP. 19730308 200312 2 001	III/d	Head of Monitoring and Investigations Reports Sub Section	IV.a
26	INDAHWATI, SH NIP. 19701116 200312 2 001	III/d	Head of Monitoring & Investigation Plan Sub Section	IV.a
27	SLAMET WIDODO, SH, MH NIP. 19720510 200502 1 001	III/d	Head of Mediation Report Sub Section	IV.a
28	SOLECHAH,SH NIP. 19681220 200312 2 001	III/d	Head of Mediation Plan Sub Section	IV.a
29	RIMA PURNAMA SALIM, SH NIP. 19710620 200312 2 001	III/d	Head of Complaint Reception Sub Section	IV.a
30	AA RAJAB , SH NIP. 19740731 200312 1 002	III/c	Head of Complaint Archive Sub Section	IV.a
31	SULTANUL ARIPIN, S.SOS NIP. 19750402 200502 1 001	III/d	Head of of General Affairs Sub Section (West Sumatera)	IV.a
32	FIRDAUS, SH NIP. 19721221 200502 1 001	III/d	Head of of Complaints Service Sub Section (West Sumatera)	IV.a
33	CUT ERNAWATI, SE NIP. 19761027 200502 2 001	III/c	Head of of General Affairs Sub Section (Aceh)	IV.a
34	SEPRIADY UTAMA, SH NIP. 19690913 200502 1 001	III/c	Head of of Complaints Service Sub Section (Aceh)	IV.a
35	BENEDIKTUS SARKOL, S.PD NIP. 19640702 200701 1 003	III/b	Head of of General Affairs Sub Section (Maluku)	IV.a
36	DJULIATI TOISUTA NIP. 19820715 200901 2 009	III/b	Head of of Complaints Service Sub Section (Maluku)	IV.a
37	KASFUL ANWAR NIP. 19640323 199203 1 013	IV/b	Head of Secretariat (West Kalimantan)	III.a
38	MUHAMAD DINO WAHYUDY, SE NIP. 19781108 200802 1 001	III/b	Head of of Complaints Service Sub Section (West Kalimantan)	IV.a
39	NELLY YUSNITA NIP. 19751116 200901 2 002	III/b	Head of of General Affairs Sub Section (West Kalimantan)	IV.a

No	Nama	Gol.	Jabatan	Eselon
40	FRITS BERNARD RAMANDEY,S.SOS NIP. 19770425 200802 1 001	III/c	Head of of General Affairs Sub Section (Papua)	IV.a
41	EDY SUTICHNO, SH NIP. 19820213 200802 1 001	III/b	Head of of General Affairs Sub Section (Central Sulawesi)	IV.a
42	HIDAR NIP. 19760418 200901 1 005	III/b	Head of of Complaints Service Sub Section (Central Sulawesi)	IV.a


Financial Sources Support
Realization
Budget Ceiling

Financial Sources Support

Komnas HAM financial source formulated by pay serious attention to several elements such as vision, mission, strategic objectives, programs and activities, the results / outcomes, indicators that support the successful performance of Komnas HAM and also Komnas HAM Strategic Plan for 5 (five) years .

After formulated in internal organization, Work Plan Budget of Komnas HAM then was discussed in a trilateral meeting between Komnas HAM, Directorate General of Budget (DJA) and Ministry of State for National Development Planning (Bappenas) in order to obtain approval.

Komnas HAM in the implementation of the Work Plan and Budget only have 1 (one) program for level of 1st echelon that is Program of Management Support and Implementation of Other Technical Tasks. Based on the DIPA Approval Letter number-074.04.1.650236/2014 fiscal year 2014, total budget of Komnas HAM is Rp.84.480.315.000,-. The budget allocation already includes budget allotment for Komnas HAM as much as Rp.59.534.973.000,- and Komnas Perempuan as much as Rp.24.945.342.000,-. Here is a report on Komnas HAM budget absorption based on source of funds for the period 1 January to 31 December, 2014:

Code	Working Unit	Fiscal Year 2014		
		Budget Ceiling	Realization	Percentage
1	APBN Komnas HAM	57.973.236.000	54.938.199.222	94,76%
	Grant Komnas HAM	1.561.737.000	1.538.540.051	98,51%
Sub Total		59.534.973.000	56.476.739.273	94,56%
2	APBN Komnas Perempuan	8.307.130.000	7.224.778.768	86,97%
	Grant KomnasPerempuan	16.638.212.000	11.065.097.322	66,50%
Sub Total		24.945.342.000	18.289.876.090	73,32%
Total		**84.480.315.000**	**74.766.615.363**	**88,50%**

Below is a report on budget spending by activities in 4 Units / Bureau in Komnas HAM plus one working unit Komnas Perempuan, 1 January to 31 December 2014 period:

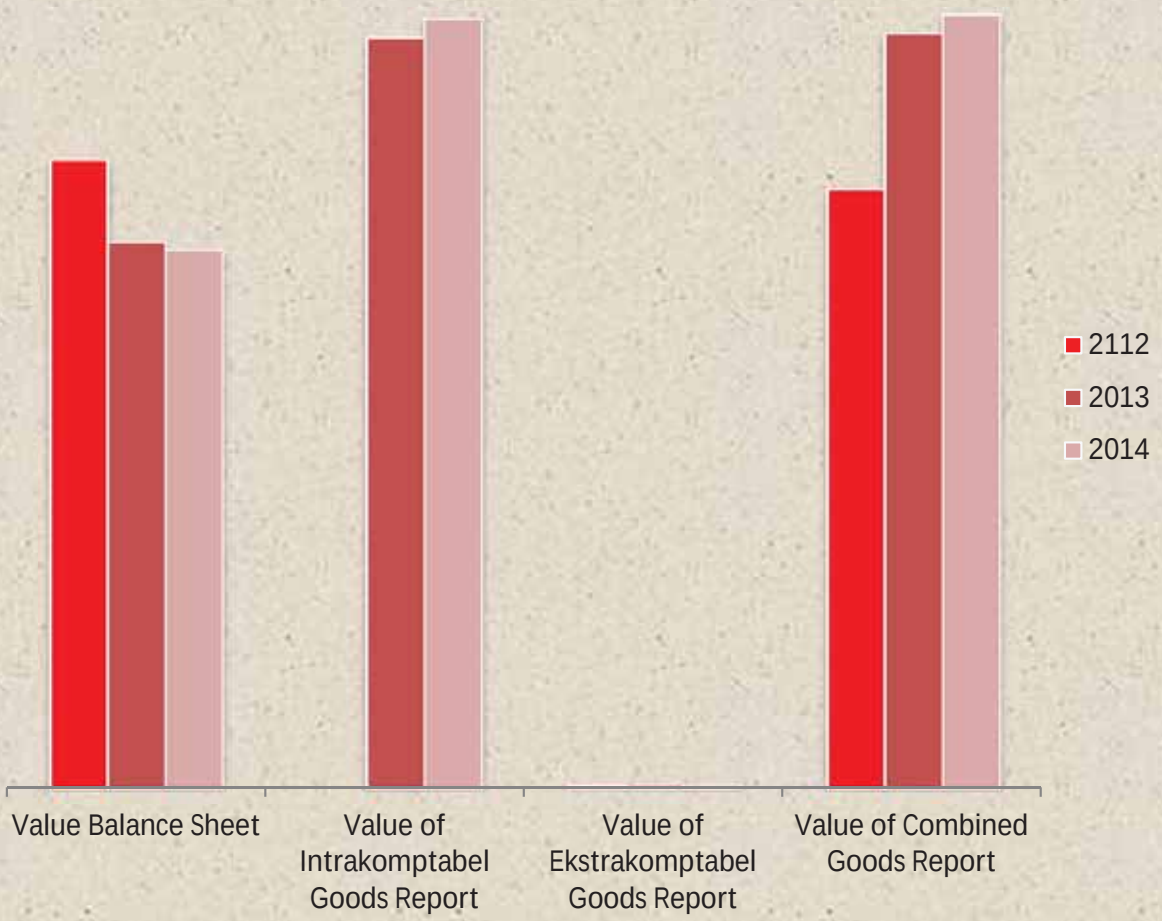
Code	Working Unit	Fiscal Year 2014		
		Budget Ceiling	Realization	Percentage
3332	Strengthening Human Rights awareness for The Public and State Apparatus	5.046.738.000	3.981.549.116	87,45%
3333	Enhancement of Human Rights Violations Cases Handling And Settlement	11.784.519.000	11.329.555.687	98,47%
3334	Prevention and combating of all forms of violence against women and fulfilment of victims' rights	24.945.342.000	18.289.876.090	73,32%
3335	Development of Komnas HAM Planning and Cooperation	4.762.443.000	4.306.997.271	93,69%
3336	Improvement of Komnas HAM Public Services	37.941.273.000	35.681.833.148	94,88%
Total		**84.480.315.000**	**73.589.811.312**	**88,50%**

During 2014, Komnas HAM received budget allotment and grant of Rp.84.480.315.000, - the amount of absorption of Rp.73.589.811.312, - or 88.50% of the total budget. This figure shows that the budget has not been optimally spent.

When examined further this is caused by the low budget absorption of Komnas Perempuan grant. Komnas Perempuan low budget absorption was very influential on Komnas HAM considering Komnas Perempuan is part of Komnas HAM Working Unit (Satker). In total, the budget absorption of Komnas Perempuan only reached 73.32%. While Komnas HAM budget absorption reached 94.56%. This caused the total absorption of Komnas HAM Satker be 88.50%. This condition was indeed very unfortunate due to low budget absorption of Komnas HAM Satker which greatly affected the budget increase in years to come and not obtaining the reward in the current/coming years.

Whereas, Komnas HAM has a good financial performance in the eyes of external monitoring agencies, namely the State Audit Agency (BPK). Komnas HAM has been successfully achieved predicate of unqualified opinion (WTP) for 6 times on annual financial statement for 2008, 2009, 2010, 2011, 2012 and 2013. The predicate is the highest award given by the Ministry of Finance based on the BPK audit on Komnas HAM's Financial Statements.

Facility and Infrastructure



Facility and Infrastructure

In order to support the implementation of Komnas HAM duties and functions, then activities procurement of facilities and infrastructure at Komnas HAM office were conducted including procurement of goods and service, maintenance, utilization, management, recording and reporting of office inventory items or the State Owned Asset (BMN).

BMN procurement management or office inventory items has increased in comparison to previous year. This can be seen from the BMN report which comprised of intrakomptabel goods, ekstrakomptabel goods and combined goods (intrakomptabel and ekstrakomptabel).

In BMN Balance per 31 December 2014 (Unaudited) the value of Komnas HAM BMN C reached Rp.29.590.142.136,00. Increasing value of BMN as reported on 31 December 2014 in intrakomptabel goods report reached Rp.1.695.949.517,00 with the addition of as many as 680 units of goods and no additional ekstrakomptabel goods. The addition of the combined goods intrakomptabel and ekstrakomptabel reached Rp.1.695.949.517,00 with the addition of as many as 680 units of goods while adding value of Intangible Assets for Fiscal Year 2014 for Rp.262.750.000,00 or 4 units.

The increase in wealth value of BMN in User Reports Item for 2014 Fiscal year 2014 was Rp.1.695.949.517,00 consisted of intrakomptabel and ekstrakomptabel goods reports as follows:

1. Report of Intrakomptabel Goods in the amount of of Rp.1.695.949.517,00, consisting of:
   a. Procurement of equipment and machinery for Rp. 2,698,127,260.00;
   b. Procurement for the books/printed library materials and audio-visual for Rp.68.580.824,00 or as many as 363 units of goods;
2. Report of Ekstrakomptabel Goods is a report on goods that do not meet the capitalization. During 2014 Fiscal Year, no replenishment for ekstrakomptabel goods..

In addition to the procurement mentioned previously, during 2014 Fiscal Year there was procurement for Rp.262.750.000,00 of Intangible Assets in the form of Computer Software.

Procurement of goods and services for the benefit of the State is one way to drive the economy. Therefore, budget absorption in these activities is very important. The main spotlight is on the implementation of the procurement of effective, efficient and economical way to get the maximum benefit from the use of the budget. The implementation of the principles of efficiency, effective, open, competitive, transparent, fair / not discriminatory and accountable procurement according to the principles of procurement of goods / services in Presidential Decree No. 70 in 2012, became inevitable, in order to improve the performance of institutions and carry out institutional duties. Implementation of procurement of goods / services have been realized during the period of 1 January to 31 December 2014.

Starting in 2014, procurement of goods and services is conducted by the Procurement Services Unit (ULP), which was established through Komnas HAM Chairperson Decision No.007 / Commission / IV / 2014 dated 1 April, 2014 on the Establishment of Procurement Services Unit (ULP) in Komnas HAM Office and Komnas HAM Chaiperson Decision No.008 / KOMNASHAM / IV / 2014 on the Appointment of the Head, Secretary, Secretariat staff and Working Group of Komnas HAM Procurement Services Unit was amended with Komnas HAM Chaiperson Decree No.018 / Commission / X / 2014 on Third Amendment to Komnas HAM Chaiperson Decision No.008 / Komnas HAM / IV / 2014 on the Appointment of the Head, Secretary, Secretariat staff and Working Group of Komnas HAM Procurement Services Unit.

Procurement conducted by ULP in 2014 Fiscal Year (during the second half of 2014 Fiscal Year) worth Rp.3.236.869.911,00 consisting of procurement of printed materials, meeting package, stationery, medicines, and capital goods.

The procurement of goods / services that were conducted during 2014 fiscal year , including:

1. **Procurement of Equipment and Machinery**
   This activity aimed to support the operational organization. Throughout 2014 fiscal year, procurement of equipment and machinery reached Rp.1.695.949.517,00 which consists of the procurement of official/ operational vehicles, iron/ metal cabinets, wood cabinets, CCTV, LCD / in focus projector, wooden work desks, wooden office chair, split air conditioning, telephone, other household appliance, PC units, note book and others.

2. **Other Fixed Assets**
   Procurement of Other Fixed Assets for 2014 Fiscal Year reached Rp.68.580.824,00 consisting of procurement of Komnas HAM library supporting namely procurement of printed books and audio-visual equipment (CD / VCD).

3. **Intangible Fixed Asset**
   Intangible Fixed Asset is fixed asset that is intangible but identifiable, has economic value and has more than 1(one) year of economic age. Goods that are considered to be intangible fixed asset are: software, license, patent and other intangible asset. Throughout 2014 fiscal year 2013, Komnas HAM has made procurement of intangible assets in the amount of Rp.262.750.000,00 for procurement of computer software.

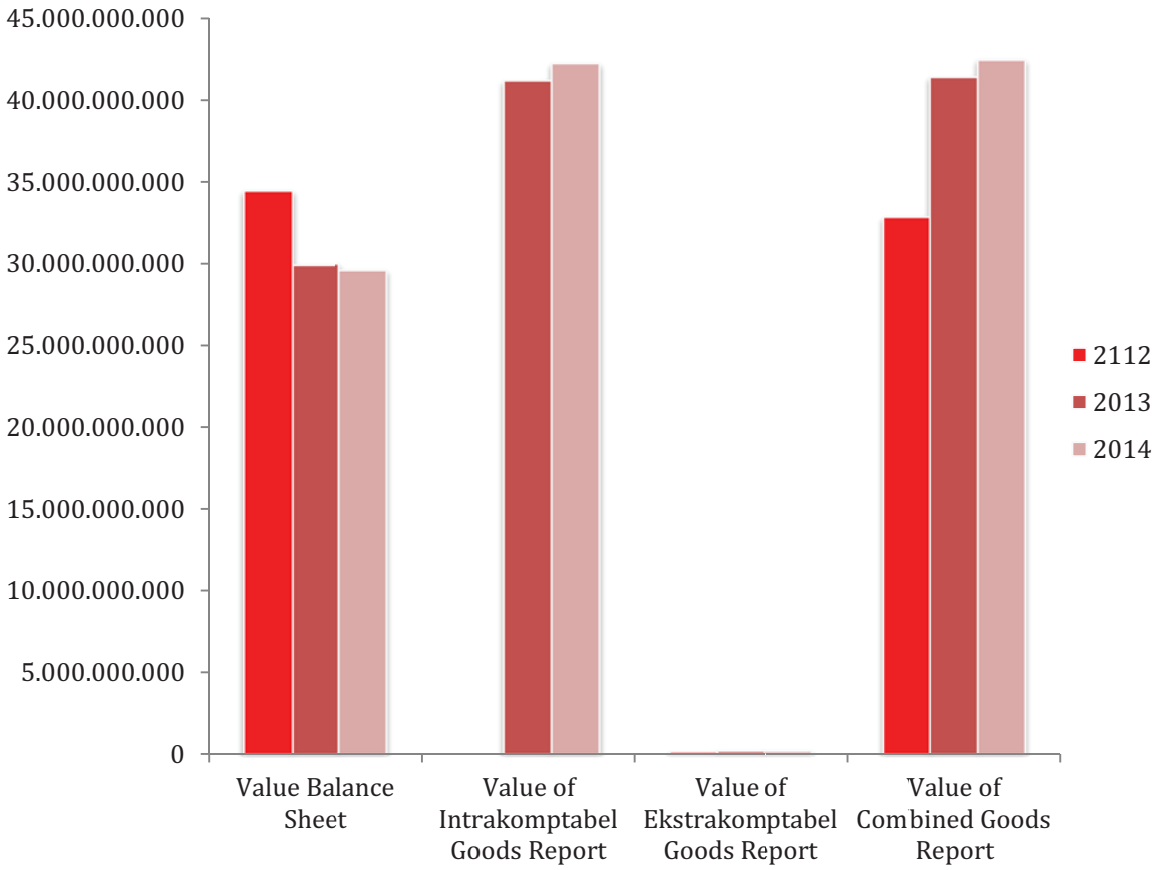
4. **Routine Procurement**
   Aside from the procurement mentioned above, other routine procurement activities are utilization and maintenance of asset and inventory of office as well as procurement of goods/services such as :
   a. Procurement of Komnas HAM Office janitor services;
   b. Routine drinking water supply;
   c. Renting of copy machine and copying activities;
   d. Telephone
   e. Water
   f. Electricity
   g. Elevator maintenance;
   h. Pest and bugs spray;

i. AC maintenance; and
j. etc

The Report of Komnas HAM State Owned Asset Value for 2012, 2013 and 2014 Fiscal Year

Budget Year	Value Balance Sheet	Value of Intrakomptabel Goods Report	Value of Ekstrakomptabel Goods Report	Value of Combined Goods Report
2012	34.512.265.393	32,720.892.370	169.946.192	32.890.838.562
2013	29.990.835.740	41.216.965.720	210.517.632	41.427.483.352
2014	29.590.142.136	42.270.716.980	210.517.632	42.481.234.612

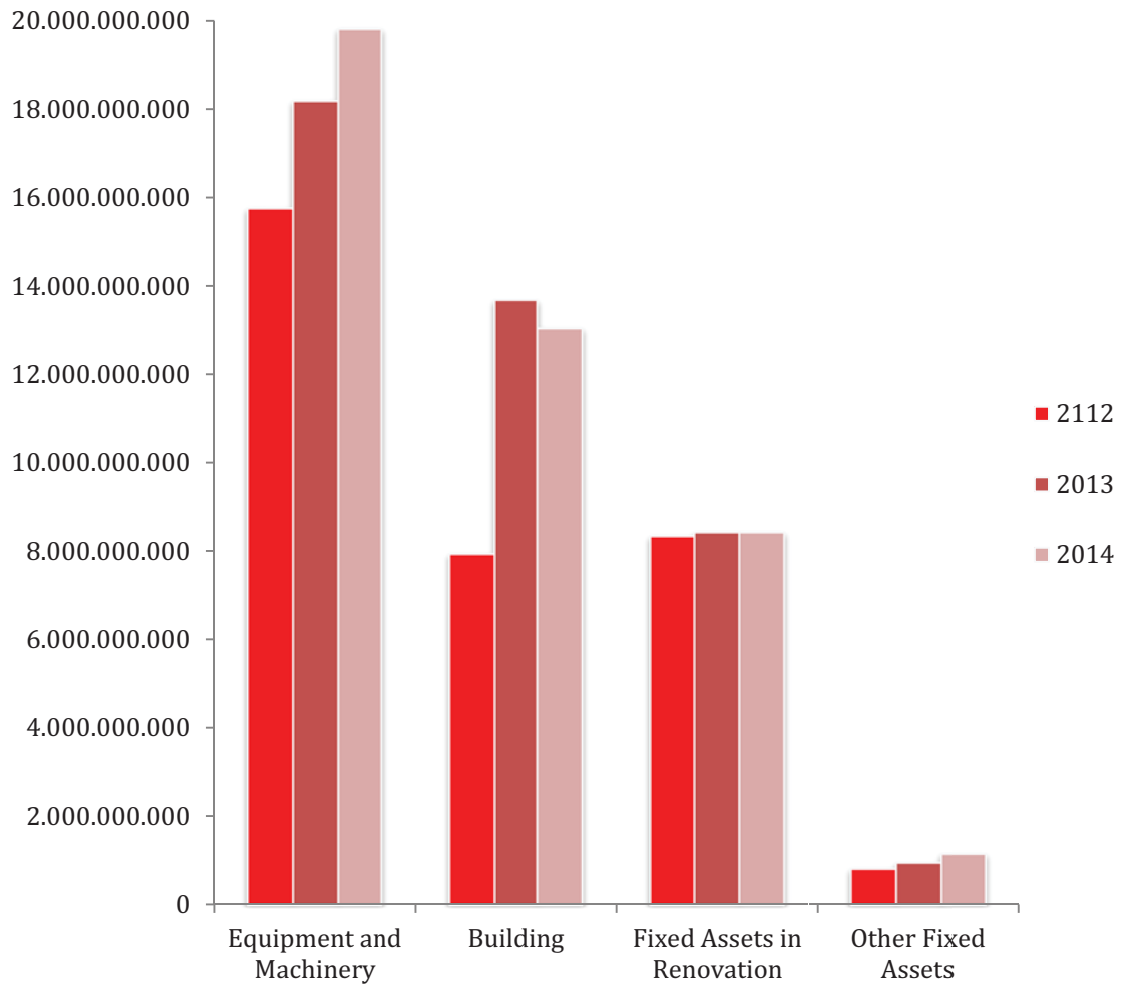
Komnas HAM State Owned Asset Value for 2012, 2013 and 2014 Fiscal Year



Details of Komnas HAM's State Owned Asset for 2012, 2012, 2014

Budget Year	Equipment and Machinery	Building	Fixed Assets in Renovation	Other Fixed Assets
2012	15.755.255.082	7.954.000.000	8.356.120.949	825.462.531
2013	18.190.521.032	13.700.501.450	8.441.723.449	962.057.171
2014	19.817.889.725	13.058.303.193	8.441.723.449	1.163.318.245

Komnas HAM's State Owned Asset Value for 2012, 2013 2014 Fiscal Year



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