

## ***Indonesian Government Will Sign the United Nations Convention Protecting Persons from Enforced Disappearances***

October 29, 2007 - A delegation of representatives from *KontraS* and the Association of Family Members of the Disappeared in Indonesia (*IKOHI*) are accompanied by representatives of the Asian Federation Against Involuntary Disappearances (AFAD) and the Latin American Federation of Associations of Relatives of Disappeared – Detainees in visiting government agencies to remind the Indonesian government of its official promise to sign the United Nations Convention for the Protection of All Persons from Enforced Disappearance.

In a meeting with the Ministry of Justice, the Minister of Law and Human Rights, Andi Mattalatta assured the delegation of Indonesia's commitment to human rights, which, as he said, has still to be fully implemented. When brought to his attention the still unresolved cases of enforced disappearances and the imperative for an international instrument protecting people from this heinous crime and reminded of the Indonesian's government's pronouncement during the High Level Segment session of the UN Human Rights Council, Minister Mattalatta said that he would follow the matter up with the Ministry of Foreign Affairs.

Mr. Patricio Rice of the Latin American Federation of Associations of Relatives of Disappeared – Detainees shared the Argentinian experience on the issue of enforced disappearances, particularly the continuing legal actions being done on the cases that happened in the past and which continue to be one of the priority concerns of the organizations of families of the disappeared in his own country. While a form of pension cannot compensate for lives lost due to enforced disappearance, it is a symbol of the government's admission of its debt and responsibility to those who disappeared and to their families, Mr. Rice stated.

The representatives of the Asian Federation Against Involuntary Disappearances (AFAD), whose federation was formerly chaired by Munir until the time of his death, also expressed concern over the still unresolved murder of its former Chairperson. The visiting delegates were assured that the judiciary is taking action on this case in order to ensure that a fair judgment can be attained to the satisfaction of everybody.

In a separate meeting with the Ministry of Foreign Affairs, the same delegation met with Director General Rezlan Ishhar and Professor Harkristuti Harkrisnowo who both confirm of Indonesia's intention to sign the United Nations Convention for the Protection of All Persons from Enforced or Involuntary Disappearances. The Foreign Affairs Ministry accordingly is in the process of consulting other government agencies on the issue.

AFAD and *FEDEFAM* expressed hope that Indonesia would be the fifth Asian country to sign the Convention especially so that the phenomenon of enforced disappearance is a continuing reality in many Asian countries which recently submitted the highest number of cases to the United Nations Working Group on Enforced or

Involuntary Disappearances. To note, in the Asian region, there are no existing regional human rights mechanisms and no national laws criminalizing enforced disappearances. Thus, this new treaty adopted by the United Nations General Assembly on December 20, 2006 and signed by 71 governments would be relevant to Indonesia and the rest of Asia. It provides two new rights, e.g. the right to truth and the right not to be subjected to enforced disappearances.

It is significant to note that Indonesia is a member of the United Nations Human Rights Council. The United Nations Working Group on Enforced Disappearances confirmed to have sent a request for an official invitation from the government. Moreover, Indonesia is one of the first members of the United Nations Human Rights Council to be subjected to a Universal Periodic Review – a mechanism wherein the human rights performance of the government will be evaluated. The said process is scheduled to be done in April 2008.

Mr. Rice ended with a note that in Argentina, thirty years ago, disappeared people were thrown from the infamous “death flights” out of the ocean. Thirty years later, some of the remains of these people have been positively identified through the expertise of the Argentine Forensic Anthropology Team. Such a message of hope is a challenge for governments and civil society in Asia to combat enforced disappearances and end impunity in the region.

The delegation is scheduled to meet with Indonesia’s National Commission on Human Rights tomorrow; to give lectures to the academe and to share experiences with families of the disappeared in the country. It is also seeking an audience with President Susilo Bambang Yudhoyono.

### **The Time for Human Rights is Now!**

Asia and Latin America may be oceans apart in terms of geography, but we are united in the shared experience of a long and painful struggle to achieve dignity and justice for the majority of our population.

Peoples from both continents sadly know what military dictatorships have meant in the past – brutal repression in the universities, trade unions and peasant movements with a long sequel of tortured, killed, disappeared and exiled leaders. However, during the last years, under the banner of human rights, we have begun to walk along the “long road to freedom,” as Nelson Mandela called the struggle of oppressed people for justice.

That roadway has clear signposts for truth, justice, reparation and memory. If we ignore those signals, we will continue in societies where corruption, injustice, untruth and impunity govern all. This is where human rights come in. The respect for social, economic and cultural rights shows itself in the reduction of poverty as is happening in the cases of Brazil, Argentina and Venezuela. The clear benchmark for civil and political rights is how we address the drama of the victims of enforced disappearances and arbitrary killings. Argentina, Chile, Colombia, Guatemala, Indonesia, Philippines and Sri

Lanka are among those countries where thousands of people have fallen victims to the practice of enforced disappearances under the argument of defending the country against terrorism or communist conspiracy. The majority of families still do not know the destiny of their loved ones and are searching for truth. Perpetrators involved in those crimes have not been prosecuted and the official message is “forgive and forget.”

Modern history shows that this is not possible. The past haunts the present and indeed, will continue to repeat itself as we can see with new cases occurring all the time. Hard facts must be squarely faced. Truth must be uncovered by official inquiries. Perpetrators who have clandestinely killed their defenseless fellow citizens must face the court of justice no matter their rank or status. Remains must be found and exhumed for dignified burial and reparation made to the families.

Less than a year ago, the United Nations adopted the Convention for the Protection of All Persons from Enforced Disappearance. This instrument gives states a blueprint of how to address the phenomenon of disappearances and to guarantee full protection for its citizens. Seventy-one countries have already committed themselves by signing their approval. We make an urgent appeal for Indonesia to do so. Not only would that step demonstrate its national will to address a tragic and pending issue that affects thousands and thousands of its citizens who are victims. It would also be a tribute to Munir, founder of KontraS and Chairperson of AFAD who was assassinated precisely because of his struggle in the cause of the disappeared. A historical parallel with Martin Luther King is possible. After the tragic death of Rev. King, the US Congress voted in its milestone law to end racial discrimination. We are certain that the most lasting memorial to Munir, after punishing those responsible for his death, would be Indonesia’s signing and ratifying the Convention for the Disappeared, a cause to which he dedicated his life.

The time for the signing of the Convention is NOW!

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