

Indonesia must urgently ratify the Convention against Enforced Disappearances

A Joint Statement by the Commission for the Disappeared and Victims of Violence (KontraS) in Indonesia and the Asian Human Rights Commission, Hong Kong: AHRC-STM-023-2011, 1 February 2011

On 23 December 2010, the International Convention for the Protection of All Persons from Enforced Disappearance entered into force with Iraq becoming the 20th state to ratify the convention on 23 November 2010. According to article 39, paragraph 2 the convention will enter into force one month after the 20th state has ratified it.

We believe that the convention will bring a positive impact for the United Nations Working Group on Involuntary Disappearances (UNWGEID), particularly in countries that have ratified the convention.

While Indonesia has signed the convention it has not yet ratified it, and due to the long history of forced disappearances it is vitally important that the country ratifies the convention immediately. Cases of forced disappearances date back as far as the 1965-1966 massacre, the mysterious shootings in 1981 to 1983, the Tanjung Priok case on 12 September 1984, the Talangsari case in 1989, the enforced disappearance of students activists between 1997–1998, the case of May 1998 and the Military Operation (DOM) in Aceh from 1989–1998, as well as others.

It is necessary for Indonesia to ratify the convention in order to afford protection to the people and to prevent the repetition of enforced disappearances. It is also necessary as it will ensure that the government acknowledges that forced disappearances are a most serious crime.

On 27 September 2010, the Indonesian government, through the foreign minister, Mr. Marty Natalegawa, signed the International Convention for the Protection of All Persons from Enforced Disappearance. It is believed that this achievement is the result of a lobbying process carried out during the course of the last three years with the Ministry of law and Human Rights, the Ministry of Foreign Affairs, Commission III of Indonesia's Parliament and the National Commission on Human Rights. Furthermore, the signing is also a manifestation of the commitment that has been made by the former Foreign Minister, Mr. Hamid Awaluddin. On 12 March 2007 in a speech at the High Level Segment of the UN Human Rights Council, Mr. Hamid said that the Indonesian government will ratify the convention.

The signing has relevance to the four recommendations that were issued by the Parliament on 28 September 2009. In particular the fourth point, that the government would ratify the International Convention for the Protection of All Persons from Enforced Disappearance as a form of commitment and support to stop the practice of enforced disappearances in Indonesia.

However, the necessity to ratify the convention has not been interpreted by the Indonesian Parliament as a priority because the parliament has not put the matter on the list of priorities of the National Legislation Program (Prolegnas) in 2011. This is contrary to the fourth point of the parliament's recommendation and the National Action Plan on Human Rights (RANHAM) in 2010 to 2015, which has scheduled that the convention will be ratified. In response to this situation we urge President Susilo Bambang Yudhoyono to give priority to the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances. The Indonesian President must urge the Law

and Human Rights Minister to prepare a study paper regarding the ratification. Furthermore, the National Commission on Human Rights (Komnas HAM) must take the initiative in efforts to ratify the convention and not deny public participation.

Appendix

No	Case	Victim's Number of Enforce Disappeared	Reference
1	1965-1966 Massacre	500,000-1,000,000 victims	Several references from victim's organization and researcher
		78,000 victims - 2,000,000 victims	
2	The mysterious shooting in 1981 to 1983	5000 victims but only 67 victims who able to identified	The report of monitoring and research from Komnas HAM
3	Case of Tanjung Priok in 1984	14 victims	The Inquiry report of Komnas HAM
4	The Talangsari Lampung case in 1989	88 victims	KontraS' investigation Report
5	Military operation in Aceh between 1989-1998	1,958 victims	The report of several NGO's in Aceh
		75 victims (37 men, 37 women and 1 child)	The report of monitoring and research from Komnas HAM
6	Case of 27 Juli 1996	23 victims	The report of monitoring and research from Komnas HAM
7	Kasus Penghilangan Paksa aktivis 1997-1998	13 victims	The report of monitoring and research from Komnas HAM and KontraS' investigation report
8	Case of 13-15 May 1998	1,190 victims	Report of joint investigation team on May tragedy in 1998
9	Several human rights violations in Papua		
	Case of Teminabun between 1966-1967	several prisoners of 500 prisoners who detained disappeared after release	The report of monitoring and research from Komnas HAM
	Case of Sentani in 1970	20 victims	The report of monitoring and research from Komnas HAM
	Case of Jaya Wijaya and Wamena Baret	2000 victims disappeared and dead	The report of monitoring and research from Komnas HAM and KontraS' investigation report