

10th Session of the UN Human Rights Council (2-27 March 2009)
General Segment

Wednesday, 4 March 2009

Oral Statement delivered by a civil society representative, Mr. Mugiyanto

Your Excellency Mr President, Distinguished Delegates and NGO colleagues,

First, let me thank you Mr President for allowing me to speak before this Council as a human rights defender and add my perspective to your work.

My name is Mugiyanto. I have been working for the victims of enforced disappearances in Indonesia¹ for the last 11 years. Since 2003, I have been working as the chairperson of the Asian Federation Against Involuntary Disappearances (AFAD)², based in the Philippines. My activities as a human rights defender are based on my own experience as a victim of enforced disappearance 11 years ago – I was fortunate enough to surface again. Because of my work as a student activist, in March 1998, I was held incommunicado, interrogated and tortured.

Mr President,

I would like to take this opportunity to call for your sincere support for the International Convention for the Protection of All Persons from Enforced Disappearances, which was adopted by this Human Rights Council at its first session in June 2006. It should be an urgent task for this Council to work towards the effective implementation of the Convention as an instrument for protecting people from enforced disappearances, revealing the truth, delivering justice and providing reparation for the victims and their relatives.

However, we regret that to date, the Convention has been ratified by only nine states, and unfortunately, none of them is from my region. I would like to express our appreciation to Albania, Argentina, Bolivia, Cuba, France, Honduras, Mexico, Senegal and Kazakhstan for already ratifying the Convention.

The General Assembly adopted the Convention on December 20, 2006, “by consensus”, and this means that all member states of the United Nations are committed to the objectives and the spirit of the Convention and to give due regard to the Convention as one of the core human rights treaties. I appreciate that my country has pledged to sign and ratify³ the Convention; however it has not lived up to this pledge yet.

¹ Indonesian Association of Families of the Disappeared (IKOHI), <http://www.ikohi.blogspot.com>

² <http://www.afad-online.org>

³ During the High Level Segment of the 4th session of the UN Human Rights Council, the Indonesian government has announced its will to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances.

Mr. President,

As the latest report of the Working Group on Enforced or Involuntary Disappearances (WGEID) indicates, enforced disappearances are still widely committed in many states with over 40,000 outstanding cases, of which 29,000 cases in Asia⁴. It is in this context that human rights defenders again call on the Human Rights Council to urge its members and other states to speed up the process of signing and ratifying the Convention.

The importance and relevance of the Convention goes beyond the human rights violations that occur when someone is disappeared. The Convention is also an important tool to protect human rights defenders working on the issue of disappearances since they themselves have been the target of harassment, murder and disappearance as well.

From the Asian region, we have a case of a very committed human rights lawyer from South East Asia⁵ who disappeared in March 2004 for his activity in defending the victims of human rights violations. We also had another case of an internationally well-known lawyer and human rights defender⁶ who died of poisoning on the plane in September 2004. In the same year, a 15-year old girl was kidnapped by the members of the army force.⁷ Recently in January, five tribesmen⁸ have been disappeared who had been working to protect the rights of communities and their ancestral domain from exploitative mining. In brief, in all other regions of the world, many human rights defenders have also been subject to disappearances without any accountability.

The entry into force of the Convention has been so long awaited by thousands of mothers, fathers, wives and husbands, grandparents and all family members of the victims. The crime of enforced disappearances has caused severe sufferings not only to the direct victims themselves, but also to the relatives and the friends of the disappeared. The eternal waiting for his or her return and the constant uncertainty about the fate and whereabouts of the loved ones can amount to torture.

On behalf of all the victims of disappearances and their families, I strongly urge the member states of the United Nations, especially the members of this Council to ratify the Convention without any delay.

I thank you, Mr. President.

⁴ The precise figure according to the WGEID report is that disappearances reported to happen in 79 states with 42,393 outstanding cases. 16,526 cases reported happened in Iraq and 12,297 cases in Sri Lanka.

⁵ Mr. Somchai Neelaphaijit from Thailand was disappeared on 12 March 2004. For further information: http://www.afad-online.org/voice/aug_07/sarosi.htm

⁶ Mr. Munir Said bin Thalib from Indonesia was poisoned in the plane from Jakarta to Amsterdam in September 2009. For further information: <http://www.kontras.org>; "Regional NGOs question latest court decision on Munir's death", http://www.forum-asia.org/index.php?option=com_content&task=view&id=2054&Itemid=32

⁷ Ms. Maina Sunuwar was only 15 years old when on 17 February 2004 she was taken from her home by members of the Nepal Army. For further information: <http://www.advocacyforum.org>

⁸ Five Mamanwa indigenous men have been missing since 29 January 2009 in Mindanao, the Philippines. They disappeared on the day when they built barricade to block roads to their communities, in order to stop mining. For further information: <http://www.lrcksk.org>