



INTERNATIONAL COALITION
AGAINST ENFORCED DISAPPEARANCES

To:
President of the Republic of Indonesia
H.E. Dr. Susilo Bambang Yudhoyono

Date
November 12, 2008

Subject
Ratify convention on disappearances

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Members of the ICAED

Aim for human rights – Netherlands,
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Against Involuntary Disappearances
(AFAD), Civil Initiative We Remember
Foundation – Belarus, Collectif des
Familles de Disparus en Algérie (CFDA)
– Algeria, Euro-Med Federation Against
Enforced Disappearances (FEMED),
Fédération Internationale des Droits de
l'Homme (FIDH), Fédération
Internationale de l'ACAT (FIACAT),
Federación Latinoamericana de
Asociaciones de Familiares de
Detenidos-Desaparecidos (FEDEFAM),
Human Rights Watch (HRW),
International Commission of Jurists (ICJ),
Russian Justice Initiative – Russia, Liga
Guatemalteca de Higiene Mental –
Guatemala, TRIAL (Track Impunity
Always – association suisse contre
l'impunité) – Switzerland, Breaking the
Walls of Silence – Namibia,
AFAPREDESA - Western Sahara,
Asociación Derechos Humanos
Económicos, Sociales y Culturales en
Guatemala (DESCGUA) – Guatemala,
Disarmament and Non-Violence –
Georgia, Lawyers for Human Rights-
South Africa, National Society for Human
Rights (NSHR) – Namibia, Colegio de
Abogados - Peru, Association of Family
Members of Disappeared - Sri Lanka,
Asociación Pro-Búsqueda de Niñas y
Niños Desaparecidos de El Salvador - El
Salvador, Coordinadora Nacional de
Derechos Humanos – Peru, Asociación
de Detenidos-Desaparecidos,
Ejecuciones Extrajudiciales y Torturados
de Huancayo-Junin-Peru – Peru,
Families of Victims of Involuntary
Disappearance (FIND) – Philippines,
Organisation Marocaine Des Droits
HUMAINS – Morocco, Al-Ata'a for
Human Rights Support – Iraq, Qatari
Panituri – Peru, Social Justice for
Equality-Nepal, TRUTH NOW – Cyprus,
COMISEDH – Peru, CSMM- Ecuador

Your Excellency,

The International Coalition Against Enforced Disappearances (ICAED) would like to draw your attention to the International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter the Convention). With this letter we want to stress that the prompt signing, ratification and implementation of this Convention should become a priority matter for the Indonesian government.

Family member organizations, human rights NGOs, experts and a number of States labored since 1981 to reach the adoption by the UN General Assembly of the Convention on December 20, 2006. They united in the ICAED to campaign for the rapid ratification and effective implementation of the Convention. Today, the ICAED already consists of almost 40 organizations from all over the world, including the Indonesian organizations KontraS and IKOHI and the Asian Federation against Involuntary Disappearances.

We would like to stress that the Convention provides for the right not to be subjected to enforced disappearance as well as the right for the relatives of the disappeared to know the truth. This Convention will not only become an effective tool for the international community in its struggle against enforced disappearances, but it also represents a political message that this practice will no longer be tolerated. So far, 5 countries have ratified and 79 countries have signed the Convention.

We would like to recall the positive position that the Indonesian government has taken up on several occasions:

- During the first session of the Human Rights Council on June 27 2006 Indonesia was part of the consensus and expressed in its statement: "As such, it is fully in line with the Government of Indonesia's policy to protect human rights. Indeed, Indonesia considers it essential that the Human Rights Council put the highest priority on non-derogable rights. As our Minister underlined in his inaugural speech before this august body last week, we must do away with extra-judicial killings and enforced disappearances. Nobody should be subjected to enforced disappearance and Indonesia fully subscribes to the principle of zero tolerance for the act. Thus, the Convention should be an important standard-setting document which provides for protection from enforced disappearance."
- Indonesia subsequently was one of the 103 UN member States

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to co-sponsor the resolution at the Third Committee of the UN General Assembly prior to the adoption of the Convention by the plenary of the General Assembly.

- In March 2007, Minister of Law and Human Rights, H.E. Andi Matalatta stated at the 4th Session of the Human Rights Council that Indonesia is committed and going to sign the Convention.

We would like to herald these positive signs and are eager to witness the fulfilment of the promises they hold.

We therefore sincerely request Your Excellency and the Indonesian Government to protect all persons from enforced disappearances and:

- Condemn the crime of enforced disappearances
- Sign and ratify the Convention without delay and as a priority matter;
- Refrain from all reservations that may result incompatible with the object and purpose of the Convention;
- Recognize the competence of the new Committee on disappearances to receive and consider individual complaints;
- Enact without delay the domestic legislation which is necessary to fully implement the Convention. It is this domestic legislation that guarantees the benefit of the rights incorporated in the Convention.

The Convention will enter into force after 20 ratifications. By taking action without hesitation, Indonesia would be distinguished among the first countries to ratify the Convention and would therefore be instrumental to its entry into force.

In relation to these requests regarding the Convention and to further improve protection against enforced disappearances we would like call on the Indonesian Government to invite the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID) for a country visit on short notice. The latest report of the UNWGEID (A/HRC/7/2, 10 January 2008) indicates that unfortunately a recent request for such a visit in 2008 was denied.

The ICAED and its members in Indonesia, Asia and the rest of the world look forward to the acts that prove the dedication of the Indonesian government to eradicate enforced disappearances. In the meantime we remain available for a constructive dialogue.

Sincerely,

Dave Hardy
Coordinator
ICAED

Mugiyanto
Chairperson
Asian Federation Against Involuntary Disappearances (AFAD)

Mary Aileen Diez-Bacalso
Secretary-General
Asian Federation Against Involuntary Disappearances (AFAD)

CC:

Minister of Law and Human Rights, H.E. Andi Matalatta
Minister of Foreign Affairs, H.E. Dr. Hassan Wirajuda
Speaker of the House of Representatives, H.E. Agung Laksono.