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ON THE ROAD TO RATIFICATION



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Editorial

Welcoming the Entry into Force of the Convention by Mugiyanto

Eighteen States have ratified the UN Convention for the Protection of All Persons from Enforced Disappearance (hereinafter referred to as The Convention). Of these eighteen States, only 5 have recognized the competence of the Committee on Enforced Disappearances (CED). Of the parties, only two are Asian, namely Japan and Kazakhstan. It signifies more work for the Asian Federation Against Involuntary Disappearances (AFAD) and the rest of the international movement against enforced disappearances not only to achieve the minimum number of 20 ratifications for the entry into force, but also to have more States recognize the competence of the CED and to put more Asian States on board. The ratification by Asian States is important because it is in their region where the highest number of cases of enforced disappearances has been submitted to the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID) in the last few years.

The AFAD, which conducted a lobby tour to some Asian countries such as the Philippines, Indonesia, Timor Leste, Thailand, India and Nepal during the last six months, received initial positive feedbacks. All government authorities that the Federation met, except for those in India, have been supportive and already undergoing initial processes of ratification. Indonesia and Thailand are formulating academic papers toward ratification. The Philippines and Nepal are in the process of adopting national legislation on disappearances to serve as enabling mechanisms for the treaty's implementation. In the Philippines, President Gloria Macapagal-Arroyo, whom leaders and members of the Families of Victims of Involuntary Disappearances (FIND) and AFAD met, promised to sign the Convention before her term would end in June 2010. Timor Leste, through President Jose Ramos-Horta whom the AFAD lobby team met in Dili in November 2009, said that had he been informed about the Convention earlier, Timor Leste would have been a party.

Although until now, Timor Leste has not yet ratified the Convention, some processes are being done toward ratification. Worth mentioning here is that Timor Leste is one of the few Asian countries which is a party to the Rome Statute of the International Criminal Court. The governments of Timor Leste and Indonesia are also in the process of negotiating the establishment of a follow-up institution as recommended by the joint Truth and Friendship Commission (TFC). It has been recommended that both governments establish a commission on missing persons to identify the missing and disappeared persons in Timor Leste during the Indonesian occupation. Moreover, on 28 September 2009, the Indonesian Parliament recommended the government to ratify the Convention.

If the situation develops accordingly, the Convention would enter into force within the first half of the year 2010. This, of course, requires the broad and active participation of civil society all over the world in promoting the Convention to States. When the entry into force of the Convention is achieved, the struggle against one of the worst human rights violations ever practiced, which "turns humans into non-humans" (as Jeremy Sarkin, chair of the UN Working Group on Enforced or Involuntary Disappearances said on the 30th Anniversary of the body's creation), will be entering a new stage. There will be a new source of hope for the *desaparecidos*, their families and the greater society.

The entry into force of the Convention also signifies that the long-drawn struggle against uncertainty and despair of millions of family members of disappeared persons in the whole world are getting closer to its direction. The world free from enforced disappearances shall be realized in the not-so-distant future.

More power to the families of victims!

Ratify the Convention NOW!

Greetings and Best Wishes for the New Year!

Many thanks for your August '09 edition of "The Voice." So full of the protest and struggle for a "world free from disappearances." The articles by Kopila Adhikari and Edith Burgos express the desperate situation of family members, especially the wives of forced disappeared. How cruel when society blames the victimized families.

You are tireless in pursuit of legislation to back up the justice of your and our cause and to preserve the memory.

Peace and love,

*Peter C. Hinde, O'Carm, Betty A. Campbell, RSM and
Emelia Requenes, CT*