

Initial Breakthroughs in India

by Dr. Emilia Aquino

Moving on with new challenges in 2010, the Asian Federation Against Involuntary Disappearances (AFAD) remains positive for the final entry into force of the UN Convention for the Protection of Persons from Enforced Disappearance on the first half of the year. To date, while doing its continuing campaign, it is waiting for two more ratifications. If we look at this in the number's perspective, the entry into force of this treaty is surely not far from being attained considering that eighteen out of twenty states necessary for the entry into force have already ratified. The AFAD has directed its goal to make at least one of its members in South Asia and South East Asia to historically get at least one of the first twenty ratifications. As we vigorously project that involuntary disappearance is an Asian phenomenon, achieving the ultimate entry into force of this particular convention will give us a mechanism where enactment of a domestic law criminalizing enforced disappearance shall be facilitated and that the treaty's provisions be implemented. In this manner, people in states that ratified the treaty will be covered with protection from enforced disappearances, thus reversing the dreaded climate of impunity. The Federation trusts that a state's full compliance to the treaty shall stop enforced disappearances.

To this direction, the AFAD conducted a lobby tour in Indonesia, East Timor, Thailand and India during the last quarter of 2009. In India, lobby efforts were done with members of the Parliament and civil society organizations - the first time since the AFAD was born more than eleven years ago.

On 16 December 2009, activities kicked-off in a 9:00 a.m. meeting with Member of Parliament, Mr. Saifuddin Soz at his office in Akbar Road, New Delhi. Mr. Soz was non-categorical in his statement regarding the Convention. He was, however, concerned enough to refer us to other point persons in the government

whom he believed would be appropriate to approach as far as our agenda on the ratification of the treaty was concerned. He was particularly adept with Kashmir situation but quite reserved when told to comment on "Buried Evidence," a report of the Association of Parents of Disappeared Persons on mass graves of at least more than 2,700 people (See related article on pp 67-69).

Our brief audience with this former heir of the throne in the princely state of Jammu and Kashmir, Dr. Karan Singh, who is a very prominent person in the Indian political history, was made possible via the endorsement of MP Soz. Dr. Singh is also the Chairperson of the Foreign Affairs Cell of the Congress party. According to him, the ratification of the Indian government of the cited UN Convention was worth discussing with the Ministry of Foreign Affairs. We left his office in Jawahar Lal, Nehru Memorial Fund, Teen Murbi, Bhawan, richer with another parliamentary and personal referral.

On the second day, our activity started with a meeting with the Central Chief Information



In colorful saris, Kashmiri women listen to the discussion on The Convention and its relevance to their lives.



The AFAD-FEDEFAM lobby team with MP Soz.

Commissioner, Mr. Wajahat Habibullah in his office at August, Kranti Bhawan, Bhikaji Cama Place. His accommodation to the group was as good as his remarks about the limitations of his office to suitably act on our concerns.

Generally, the first round of visits which the AFAD team conducted in New Delhi was encouraging enough in the sense that everyone demonstrated openness to India's becoming a party to this treaty. However, the team did not obtain clear ground of concrete support given the powerful positions of the persons the team met in obtaining the Indian government's ratification. To note, the Indian government signed the Convention on 6 February 2007 when the treaty was first opened for signatures in Paris, France. Furthermore, the civil society organizations in New Delhi expressed pessimism on their country's ratification for varied reasons. Some members of civil society stated that even a strong persuasion of human rights organizations, both local and international, will be futile. They felt that their government cannot let itself be fried by its own oil vis-a-vis the enormity of its accountability to the grave and systematic human rights violations, particularly politically-motivated disappearances and the mass graves in Kashmir. For a country known to be the world's largest democracy, this overt negligence is indeed, revolting.

The last leg of the lobby in the capital brought us in Masjid Road, Jangpura, New Delhi, in a meeting with Atty. Colin Gonsalves of the Human Rights Law Network.

It was a very fruitful exchange surrounding human rights issues all over India as the network's main existence deals with lawyers and social activists dedicated to the use of the legal system to advance human rights, struggle against violations and ensure access to justice of everyone. The same pessimism on ratification was observed, but Atty. Gonsalves floated the idea of engaging lawyers and judges in a training-workshop dissecting the substance of the UN Convention for the Protection of Persons from Enforced Disappearance. In this way, the AFAD can possibly achieve organizing a small group of human rights defenders who will particularly assist the public in protecting people from the unimaginable harm of enforced

disappearance, taking into consideration that India has the moral obligation to abide by the treaty because it is a signatory. Well-taken, Mr. Colin: The AFAD will surely consider this in mapping out its future strategies.

Next to lobbying, our agenda was to draw insights from the people involved in coming out with the report, "Buried Evidence." Preparing this kind of documentation could have taken a lot of toll to the whole research team especially when all closely knew how tremendous the moral weight connected with it was. "Buried Evidence" is a preliminary report of the International People's Tribunal on Human Rights and Justice in Indian-Administered Kashmir (IPTK) released in public on 2 December 2009 in Srinagar. To reiterate, this report documents 2,700 unknown, unmarked, and mass graves, containing more than 2,943 bodies, across 55 villages in Bandipora, Baramulla, and Kupwara districts of Kashmir, based on applied research conducted between November 2006-November 2009.

Grossly, "Buried Evidence" unmasks faces of cruelties degenerating into barbaric acts from a repressive yet self-proclaimed civilized state. This reality is perhaps, unbelievable if one would try looking only at this beautiful valley from a narrow viewpoint. Kashmir is indeed a gem for the Republic of India. It has rich cultural practices and works of art, intricate handicrafts, numerous scenic places and warm-hearted people staying cool even at highly negative temperatures.

But this paradise evolves in countless struggles for universal enjoyment of human rights.

The Association of Parents of Disappeared Persons, an organization of families of victims of enforced disappearance based in Srinagar, Kashmir, one of the founding members of the AFAD, facilitated the whole lobby tour.

Award-winning human rights defenders Adv. Parvez Imroz and Khurram Parvez were the ones who kept the line burning at the top level from Srinagar to the AFAD Secretariat in Manila in order to perfect the lobby activities in New Delhi and Kashmir. The hard work of the APDP staff members was also translated into the well-attended forum held at the hotel in The Bund, Amirakadal, Srinagar. In the forum, at least a hundred family members of the disappeared were appreciated for their unwavering pursuit for justice. The panelist from the AFAD and the FEDEFAM took their turns in conveying to the audience what the federation has been doing to attain truth, redress and the reconstruction of the memory of their beloved disappeared. Particular of which was the campaign towards the ratification of this relevant UN treaty and its meaning to the lives of the families of the victims. In the same event, discussions among Executive Committee members of the APDP were done and the need to augment logistical support in the area of educational assistance was strongly forwarded. At the outset, I was impressed with the brave fronts of the women as they arrived in the assembly hall. These women are the mothers, half widows and daughters of the disappeared. Behind their bright smiles, I can imagine silhouettes of pain, of emptiness cascading into energies of continued collective battle until justice is served.

The five-day tour was a rich ground to derive profound insights. The appointments accepted by the members of the Parliament were good starting points for commitments. Abandoning this opportunity will block chances of success. Regardless of how resolute a government is in its position with international human rights treaty, it will not hurt if we cast even a glimpse of chance. The civil society organizations must not only be steadfast in their human rights agenda but also more attentive to the imminent public apathy towards



Atty. Parvez Imroz and the APDP members reflect on the importance of the International Treaty to Kashmir.

advocacies related to government's compliance and adherence to international human rights instruments. Moreover, solidarity with the suffering families of victims has always been a source of deep strength to go on and be continuously involved in keeping peoples' rights protected.

At this point, I would like to acknowledge the composition of the lobby team, Mugiyanto, AFAD Chairperson, Ms. Mary Aileen D. Bacalso, AFAD Secretary-General, Ms. Gimena Gomez, FEDEFAM representative, Mr. Ted Borrero, AFAD evaluator and yours truly. Our persistence and patience in sharing with the people in New Delhi and the Kashmiris are admirable. To APDP, sail on and keep the fire burning for justice and peace.



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