

2004 Year-End Report

ASIAN FEDERATION AGAINST INVOLUNTARY DISAPPEARANCES

1. THE PHENOMENON OF ENFORCED OR INVOLUNTARY DISAPPEARANCES IN ASIA

In the 2003 report of the United Nations Working Group on Enforced Disappearances, Asia is the continent having the highest number of enforced or involuntary disappearances. The highest number of cases submitted in 2003 came from Nepal, for which reason, the United Nations Working Group on Enforced or Involuntary Disappearances visited Nepal on the first week of December 2004..

Ironically, in the on-going session of the United Nations Open-Ended Working Group for a Draft Legally Binding Normative Instrument for the Protection of All Persons from Enforced or Involuntary Disappearances, Asian governments are those which have less or no support to the important provisions of the texts, which would facilitate the ferreting out of the truth, the attainment of justice and redress and the recuperation of historical memory. With less or even absence of support from the Asian governments, organizations of families of the disappeared do their work in the midst of many impediments.

A number of developments on the phenomenon of involuntary disappearances transpired in Asia, at least, in the countries where AFAD member-organizations are based. Yet, in general, while AFAD continues to project this regional phenomenon, no significant and concrete improvement has been achieved in as far as individual cases and general situations are concerned.

In China, an estimated number of 3,000-4,000 persons disappeared during the bloody massacre that happened on June 4, 1989. Families of

the victims fear to come out in the open and cannot even publicly mourn for their disappeared. A group of brave mothers formed the Tiananmen Mothers and gathered evidences to sue the government for its responsibility to the killings and disappearances that caused thousands of lives. Fifteen years after the gruesome massacre, justice still remains elusive.

It is disheartening to note that while cases during the June 4, 1989 massacre remain unresolved, insult is being added to injury when the Tiananmen Mothers continue to face repression. As a matter of fact, on March 28, 2004, Tiananmen Mothers spokesperson Ding Zilin and two other mothers were arrested from their house and taken into custody for six days by the Chinese police. This came at a time when the United Nations Commission on Human Rights convened its 60th session wherein all AFAD member-organizations, including the Hong Kong-based Tiananmen Mothers Campaign Group, were represented.

In the Indian State of Jammu and Kashmir, involuntary disappearance has become a phenomenon, with at least 2,000 reported cases for the period 1991-1993. Added to this is the ingrained practice of most police personnel to cremate the bodies of the victims, thus depriving the families of the opportunity to ever see their loved ones again. More often, human rights defenders, in their struggle to end this problem, are themselves victimized.

Poor and hungry families of the disappeared in Jammu and Kashmir continued being hungry by staging a hunger strike on April 17-24, 2003 so that the Indian government, through its Chief Minister Mufti Mohammed Sayeed would finally admit the 3,744 cases that occurred from 2000 up to the present. Such admission is in contrast to his earlier pronouncement stating that there are only 60 persons who disappeared and the rest had crossed the line of actual control.

On October 17-21, 2003, the AFAD Secretary-General visited Kashmir. The visit, which is a breakthrough of AFAD since it never visited the area before, revealed to the Federation the worst sufferings of the families of the disappeared in a state which is wracked by intense repression coupled with gnawing poverty.

On March 20, 2004, 28 members of the Association of Parents of Disappeared Persons were brutally beaten, dragged, arrested and detained for staging a protest against the continuing phenomenon of enforced or involuntary disappearances in Kashmir. Twenty-four of them have been released and four were released on bail and are facing court charges.

On April 20, 2004, members of the Jammu and Kashmir Coalition of Civil Society and volunteers of APDP were victimized by a landmine blast in the north of Kashmir, thus killing Aasiya Jeelani, Editor of the Voices Unheard, quarterly magazine of Kashmiri Women's Initiative for Peace and Disarmament and Ghulam Nabi, a driver and seriously wounding four others. They were on an election monitoring duty in Chandigam, Kupwara, North of Kashmir.

In Indonesia, while enforced disappearances have been an almost daily occurrence during Suharto's "New Order" regime, only a few cases have so far been documented, many of them belonging to the Student Protest Movement. While new cases continue to happen without let-up, proper documentation would still have to be done on the *PKI* supporters and sympathizers who were deliberately liquidated in 1965 and dissident ethnic minorities from Aceh, Irian Jaya and the former province of East Timor.

Even with the assumption of former President Abduhhraman Wahid to power, violence continued. During the previous administration of President Megawati, two of the most controversial cases were the disappearance of *KontraS* activists in Aceh in March 2003, not to mention many other cases going on in the country's militarized areas. Adding insult to injury, the office of the Commission For the Disappeared and Victims of Violence or *KontraS* was raided twice. The first incident happened in 2002 and perpetrated by some 300 armed men believed to be in collusion with the military. The second incident occurred on May 26, 2003 on the occasion of the International Week of the Disappeared and perpetrated by some 150 elements of the Youth of the Veterans in cahoots with the police. The resolution of past cases is far from sight and the stop to the on-going violence is difficult to imagine especially so with the recent result of the presidential election giving Susilo Bambang Yudhoyono, a retired general, the highest position of the country.

A very bad thing that happened to AFAD this year is the death of its Chairperson, Munir. While not an issue of enforced or involuntary disappearance, it is an utter deprivation of the most basic right to life. On September 6, 2004, Munir traveled in a Garuda flight from Jakarta to Amsterdam via Singapore. Two hours before arrival to Amsterdam, Munir, then 38 years of age, was found dead in the plane. Two months and four days after his death, a news broke in the Indonesian and Dutch newspapers revealing the real cause of Munir's death. Autopsy results speak that an excessive, therefore fatal dosage of arsenic was found in his stomach. His was not a natural death, but that he was poisoned. Such an act of cowardice and treachery is indeed, condemnable. AFAD demands from the Indonesian government to ensure an independent, thorough investigation of what happened for the sake of justice and redress for Munir, his family, his colleagues and the Indonesian people.

The phenomenon of enforced disappearance in Pakistan is to be viewed in accordance with the political and cultural ethos of the country. Pakistan was created in 1947 through the voluntary withdrawal of British colonial rule. Its creation was not an outcome of a revolution, but by a historical convulsion. Army and civil bureaucracy blocked the path to democracy and rule of law. Time and again, its constitutional structure was unlawfully shattered, altered and abrogated to meet the requirements of incumbents to the chief executive office. Constitutional transformation was legalized by the judicial branch of state.

The initial derailment from the constitutional path made Pakistan into a nearly failed state. A caucus of army, civil bureaucracy and judiciary usurped the rights of the people. The theory of social contract has been replaced by the theory of might is right. The state is not governed by the will of the people but by the might of garrison. As one consequence of such a situation, involuntary disappearances happened and still continue. So far, the Truth and Justice Commission has documented only 254

cases, but it is certain that there are many more undocumented others. Of these cases, only twenty-two victims' families have been organized, so far.

After almost a couple of decades of struggle of victims of human rights violations during the Marcos regime, the Supreme Court declared that the enormous wealth of the Marcoses kept in Swiss banks are ill-gotten. Therefore, such wealth has to be turned over to the Philippine government, which has the responsibility to allocate the money for compensation to some 10,000 victims of human rights violations during the Marcos regime. Among the victims of these various forms of human rights violations such as involuntary disappearances, political detention, torture, the families of the disappeared will get the lion's share of the compensation that they fully deserve.

For the process to be completed though, a bill for the compensation of human rights victims during the last Congress was filed, but unfortunately, before the term of the said Congress ended very recently, the proposed law did not see the light of day. It still has to be refiled during this present Congress. A number of elderly parents of the victims of disappearances have already died without knowing the truth of what happened to their loved ones, without experiencing justice for their disappeared loved ones and without receiving the well-deserved redress.

The demise of the Marcos dictatorship and the subsequent restoration of democratic rule during the succeeding administrations have not yet brought justice to the victims of involuntary disappearances and their families. More than 1,750 cases reported to and documented by the Families of Victims of Involuntary Disappearance (FIND) are still pending with no single perpetrator being punished. The fourteen cases being filed in court remain unsolved due to the absence of witnesses or their difficulty to testify due to fear of reprisal and harassment, not to mention the slow pace of local courts in handling human rights cases.

A law penalizing enforced or involuntary disappearances still has yet to see the light of day despite years of lobbying at both at the Lower and Upper Houses. After 8 years of lobbying by families of the disappeared, the bill has never been enacted into law before the term of the previous Congress ended on the 30th of June 2004. It has very recently been re-

filed in the Lower House when the new Congress assumed its term.

In the southern part of Sri Lanka for example, there are about 60,000 cases of enforced disappearance, one of, if not the largest so far in the entire world. Of this number, only 16,742 cases have been established and verified while a mere 3,500 to 5,000 families and victims have been granted minimal compensation. While the three visits of the UNWGEID to the country were able to confirm this wanton transgression of human rights, the Sri Lankan government has yet to implement the Working Group's recommendations. With the current apparent impasse in the peace talks between the Sri Lankan government and the members of the Liberation Tigers of Tamil Eelam (LTTE), it is most probable that disappearances will recur without even first resolving the cases of the past.

In Thailand, there are 293 cases of disappearances, which occurred during the brutal suppression of the May 1992 demonstration against Army General-turned-Prime Minister Suchinda Kraprayoon. Families continue to press the Thai government to disclose the more than 600-paged report about the massacre and reveal the whereabouts of the victims. Yet, despite such persevering efforts, the Thai government just opened some sketchy reports of what happened. While some of the families of the victims have received relief assistance, still, they are demanding for the return of at least, their loved ones' remains for proper cremation. The government, on the other hand, is giving the burden of finding the possible location of graves of missing persons to the families of the victims.

To note, very recently in Thailand, human rights lawyer Somchai Neelaphaijit disappeared on March 12, 2004. His disappearance has been linked to police action against him for his defense of two alleged Thai members of Jemaah Islamiyah and in defending individuals alleged to be involved in recent violence in the southern provinces of the country. Until now, despite actions of the family of the victim and concerned national and international non-government organizations, the said lawyer continues to remain missing up to this day.

While the above data are worse enough, these data do not yet include thousands of other cases in many other Asian countries, especially in

countries with intense repression, e.g. Iraq, Myanmar, Nepal.

The last week of the year 2005 brought untold sufferings to the Asian people. A number of countries where AFAD member-organizations are based have been severely affected by the huge disaster, the Tsunami that hit 11 countries. The said countries include Indonesia, Sri Lanka, Thailand and India.

The militarized area of Aceh is worst hit with about 100,000 persons killed and scores of others injured and disappeared. As of this writing, *KontraS* and *IKOHI* are still in the process of accounting those families of the disappeared victimized.

Sri Lanka, the second country worst hit by the disaster, has, as of this writing, more than 30,000 persons dead, about 200 of whom are family members of the disappeared from the southern part of the country. The OPFMD continues to document the casualties while trying to give emergency assistance to the victims.

India also has about 6 thousand people killed. The Association of Parents of Disappeared Persons of Kashmir-India is giving blood donation to victims in other parts of India.

About 10 thousand people were killed in Thailand, most of whom but there is no information as to whether there are families of the disappeared victimized there.

Thus, to the Asian people, not only to the families of the disappeared, but most especially to the families of the disappeared victimized by the Tsunami disaster, the year 2005 brought untold destruction and sufferings. It will certainly take a very long time to reconstruct, rehabilitate and rebuilt.

II. ORGANIZATIONAL SITUATION OF AFAD

Since the AFAD Congress, the Council has been regularly meeting both during regular meetings as well as special meetings, which were held during regional activities. Thus, it is the AFAD Council, composed of its officers and member-organizations' representatives. that ensured the particularization of the Three-Year General Plan of Action.

It is important to note that at the middle of 2004, during AFAD's Gender Sensitivity Conference, the Plan of Action, as strongly proposed by HIVOS (the main partner of AFAD), the result of the conference would be incorporated in AFAD's Three-Year Plan of Action, considering that most of the survivors of disappearances are women. In general, the men were the ones who disappeared. Thus, some points to be considered for the three-year plan of action were suggested during the meeting and will have to be decided upon during the AFAD Council's next regular meeting in April 2005.

The status of operation of AFAD's structure can be seen in the following dynamics:

THE AFAD COUNCIL

The AFAD Council, as earlier stated, had met as scheduled during its regular meeting in April this year in Geneva, Switzerland. Also, it had two special meetings, both during the Gender Sensitivity Conference and during the most recent First Asian Sharing of Experiences of Families of the Disappeared entitled: "*Healing Wounds, Mending Scars.*"

In terms of composition, there have been some changes. The organization in Pakistan is supposed to have two Council members – one as the Treasurer of the organization and the other as the representative of the Truth and Justice Commission. But for some reasons, the representative is not able to do it. Thus, the elected treasurer serves as the representative of the Truth and Justice Commission to AFAD.

It is very sad to note that Munir, the AFAD Chairperson, died of arsenic poisoning on September 7, 2004. While he was not able to attend the Council meetings due to security, health and other problems, he was such a loss to AFAD considering that he played a role in the lobbying at the United Nations for the Draft Convention on the Protection of All Persons from Enforced or Involuntary Disappearances. He also coordinated regularly with the AFAD Secretary-General both by phone and emails.

The representative of the Tiananmen Mothers' Campaign Group based in Hong Kong resigned because of security reasons. This matter has still to be discussed further especially so that the Tiananmen Mothers Campaign Group from Hong Kong, which used to receive funding from the Human Rights in China, withdrew its role as intermediary between AFAD and the Tiananmen Mothers in Beijing due to communication problem of the Tiananmen Mothers. The intermediary role stemmed from the reality that the Tiananmen Mothers cannot directly work with AFAD because they are not allowed by their government to go out of their country. (Note: Further explanation can be found below, under the paragraph on AFAD membership.)

AFAD is flexible in the sense that if the regular member of the Council could not attend meetings, other persons in the organization, who were given proper briefing, were authorized to speak on behalf of the member-organization. However, while this practice is part of the practical need of the federation to be flexible, it is important also to ensure that the alternate person has the grasp of the work of both the AFAD member and of the Federation, otherwise, the participation will be very limited.

With the death of the AFAD Chairperson and the difficulty of the Treasurer to function according to his tasks and responsibilities, the AFAD Secretary-General is faced with the multiple tasks of leading the organization, representing it in functions at home and abroad, raising funds for the organization and leading the AFAD Secretariat. This has been a perennial problem, which should really be decisively solved.

THE AFAD SECRETARIAT

During the first three quarters of the year, the AFAD Secretariat remained with two full time workers – the AFAD Secretary-General and the Publication and Administrative Assistant.

During the first quarter of the year, the part-time AFAD Bookkeeper resigned because she had to work abroad. Thus, a new part-time bookkeeper was hired. Turn-over of work from the former bookkeeper to the new bookkeeper was done, however, because an audit of the *Evangelischer Entwinklungsdienst (EED)* funds was also on-going

during that time, a thorough turn-over could not be made possible due to time limitations. Files, however, are intact, thus making it possible for the new person to refer to previous records.

In September 2004, as per decision of the AFAD Council in its April 2004 regular meeting, AFAD hired a writer in order to focus the work on AFAD's book project. The person hired already worked with AFAD for more than a year in 2000 – 2001, thus, he already has a good grasp of the issue of disappearances and of the organization. He also helps the AFAD Secretary-General with other writing tasks.

Thus, towards the end of the year, the AFAD Secretariat, although not fully staffed, is better off in terms of the number of people to do office work.

To help the work of the Secretariat, particularly in special projects, e.g. Gender Sensitivity Conference, video project, AFAD also hired services of professionals both for the purpose of requesting them to serve as resource persons and for technical expertise.

THE AFAD MEMBERSHIP

The AFAD membership contributes to the work of the Federation especially during meetings and other joint activities. They are very active in the national level in carrying out the tasks.

As experienced since the beginning of the federation, communication in between meetings still needs much improvement. There are two levels of communication: Communication between the AFAD members and the Secretariat and inter-member bilateral communication. While the Secretary-General regularly sends official communications and reports to the AFAD member-organizations, despite the agreement that official communications be responded to at least once a year for official updates, a number of members do not reply. Communication by email could have saved a lot of money being used for communication by phone. Email communication is, in varying degrees, being done, but still needs much improvement.

Moreover, it is important that implementation of the work in between meetings be consciously monitored. There are aspects of work, e.g. international lobbying and campaign and public information work which necessitates complementation of international, regional and national levels of work implementation to ensure maximum impact.

General Description:

In general, the organization is dynamic. But still, it has to strike a correct balance between the work of the AFAD Secretariat and the work of the AFAD member-organizations especially in between meetings and joint activities. Also, the levels of contribution among member- organizations have to be balanced as some organizations are contributing much while the rest give minimal contribution. There are several factors that cause this. It is important to note that minimal though the contribution may be, there should be a sincere commitment to implement to the best of the organization's capacity, considering strengths and limitations, the work of the federation both for national as well as regional/international interests.

AFAD was able to implement most of its plan for the year 2004, but then, if full cooperation is given by member-organizations, for certain, much more could have been possibly done to ensure maximum implementation of the work, thus, gaining maximum impact.

111. ACTIVITIES

A. International Lobby

- 1. January 12-23, 2004, Geneva, Switzerland** - The AFAD Chairperson, the late Mr. Munir and AFAD Secretary-General, Mary Aileen D. Bacalso participated in the session of the United Nations Open-Ended Working Group to Elaborate a Draft Legally-Binding Normative Instrument for the Protection of All Persons from Enforced or Involuntary Disappearances.

The said participation echoed the voice of the families of the disappeared in Asia on the imperative of an international treaty protecting persons from enforced or involuntary disappearances. It was the first and only time when AFAD was represented to the United Nations by both its Chairperson and the AFAD Secretary-General who also took the opportunity to discuss matters related to the federation. (See detailed report on pages 50-52 of the April 2004 issue of *The Voice*, AFAD's official publication).

AFAD, *FEDEFAM* and Linking Solidarity, which were all present during the activity, had made the voice of the disappeared and their families loud enough to be heard by government delegations who are drafting this important human rights treaty.

2. **February 26-27 2004, Manila, Philippines** – In cooperation with the Asian Forum for Human Rights and Development (Forum Asia) and the Committee for the International Criminal Court, AFAD co-sponsored The First Asian Victims' Forum on the International Criminal Court. It was locally hosted by the Philippine Coalition for the International Criminal Court. The seminar was aimed to introduce the Court to its stakeholders – victims of human rights violations and breach of international humanitarian law.

The event was participated in by twenty-six participants from Afghanistan, Bangladesh, Burma, East Timor, India, Indonesia, Pakistan, Philippines, Nepal, Thailand and Sri Lanka as well as international legal experts from Amnesty International, Redress and the International Committee of the Red Cross. The main resource person was Honorable ICC Judge Erkki Kourula in discussing with the protection, assistance and participation of victims and witnesses.

It ended with the formulation of a plan of action, which included harnessing the standards created by the ICC into legal reform in domestic contexts.

Other plans were the following:

- Putting up a data base and documentation of cases
- Capacity building in experts development, trainings, exchange programs
- Broadening and pursuing the ratification campaign
- Introducing ICC standards in local remedies, measures
- Establishing and strengthening linkages and networks
- Continued education and awareness-raising.

3. **March 30–April 10, 2004, Participation of AFAD during the 60th Session of the United Nations Commission on Human Rights, Geneva, Switzerland** – The whole AFAD Council, once again, made its annual participation to the session of the United Nations Commission on Human Rights. Some of the AFAD members, e.g. FIND, *KontraS* and the AFAD Secretary-General delivered oral interventions and spoke to Asian governments about disappearances in Asia and lobbied for their governments’ support to the United Nations Draft Convention on the Protection of All Persons from Enforced or Involuntary Disappearances.

Together with like-minded organizations from other parts of the world, AFAD met with Mr. Diego Garcia-Sayan, then Chairperson of the United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID). It was a venue for reviewing the mandate of the Working Group and presenting general situations and specific cases on enforced or involuntary disappearances. One celebrated case presented was the case of the disappearance of Thai human rights lawyer, Somchai Neelaphajit.

AFAD also spoke to each individual Asian governments, e.g. India, Indonesia, Philippines, Sri Lanka. The discussion dealt on the particular situation vis-à-vis disappearances of and each government’s position regarding the draft convention on the protection of all persons from enforced or involuntary disappearances.

The meeting was also a venue to coordinate efforts with other Asian organizations, however, much remains to be improved in this regard considering the AFAD is too focused on its own issue. There was a tendency of being isolated from the rest of the Asian organizations. This matter is important in order to situate AFAD's work to the over-all work of the UN Commission on Human Rights.

4. **April 3-5 2004 – Lobby Training and Planning, Geneva, Switzerland** - A three-day AFAD lobby training and planning was facilitated by Linking Solidarity, which sought funding for the activity. International human rights lawyer, Atty. Cecilia Jimenez, served as the main resource person. The training provided insights for AFAD members, thus raising their lobbying experience to the theoretical plane and furthermore, ensuring more effectiveness and efficiency in this important aspect of the work.

During the three-day workshop organized by AFAD and Linking Solidarity, members of the AFAD delegation and other organizations of families discovered more about the advocacy process at the United Nations, about lobbying skills and techniques and about the political relevance of coffee-drinking at the Serpentine Bar.

5. **Diplomatic briefings** - While efforts in the international level were made to lobby governments for moral, material and political support, continuing efforts were exerted on the local level to disseminate information to the different foreign embassies based in Manila and in other cities as well. As AFAD is based in The Philippines, the AFAD Secretariat continues to relate with these embassies by inviting them to attend AFAD activities in the Philippines and providing them with copies of AFAD publications. AFAD, on the other hand, was invited to attend functions of a number of embassies.

These meetings also served as venue for lobbying for

governments' support to the United Nations Draft Convention on the Protection of All Persons from Enforced or Involuntary Disappearances.

As a result, AFAD was able to garner financial support from the following:

1. French embassy – budget for AFAD's participation to the open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced or involuntary disappearances in January 2004.
2. Swiss embassy – budget for the production of AFAD's book project, entitled: "The Phenomenon of Involuntary Disappearances in Asia and the Work of AFAD."
3. Royal Netherlands Embassy – budget for AFAD's video production entitled, "The Phenomenon of Involuntary Disappearances in Asia and the Work of AFAD."
6. **Visits to the Department of Foreign Affairs, June 3, 2004, Manila, Philippines and in June 2004 in Colombo, Sri Lanka** – One very important lobby activity is the AFAD Council's meeting with the United Nations Office of the Department of Foreign Affairs in Manila. This was done on June 3, 2004 when AFAD representatives from different countries were in the Philippines to attend the 6th AFAD anniversary, the 15th anniversary of the Tiananmen Massacre and the Gender Sensitivity Conference held by AFAD. It was a venue to press the Philippine Government's position on the Draft Convention on the Protection of All Persons from Enforced or Involuntary Disappearances and the Rome Statute of the International Criminal Court. AFAD also brought to the attention of the said office the number of cases submitted to the United Nations Working Group on Enforced or Involuntary Disappearances and the need for an official response from the Philippine government.

A follow up was recently done on December 20, 2004. Because they are new people assigned in the UNIO (United Nations and International Organizations) office of the Foreign Office, it is not known why the Philippine government was not able to send a delegate to the United Nations. The person in-charge, however promised that she would look into the matter and ask for materials, e.g. copy of the draft convention and the official report of the results of the previous sessions.

This same effort was duplicated during the very recent visit of AFAD's Secretary-General to Sri Lanka wherein, among many other objectives, she, together with the OPFMD, also visited the Office of the Ministry of Foreign Affairs. However, the representative of the Sri Lankan Foreign Office mentioned that the matter on the draft convention on disappearances and the International Criminal Court were not part of the government's priorities considering the latter's limited resources. He, however, invited the OPFMD to participate in the then newly established government body dealing with human rights.

7. **Synchronized Efforts of AFAD member-organizations to discuss the United Nations Draft Convention on the Protection of All Persons from Enforced or Involuntary Disappearances** - In Sri Lanka, a continuing series of discussions among lawyers, human rights defenders, NGO workers and families of the disappeared is on-going through the support of Asia Foundation. The results of the discussions of AFAD's member-organizations will serve as the official position of AFAD on the different provisions of the text, which will be used for lobbying at the United Nations in Geneva. The same process was also done by *KontraS* and *Ikohi* of Indonesia, FIND – Philippines and the Tiananmen Mothers Campaign Group in Hong Kong.

Based on these discussions, the AFAD Council, in its Special Council Meeting held on June 8, 2004 in Baguio City, Philippines, had a collective discussion. However, time was not sufficient to come up with a collective position, aside from the fact that the other AFAD member-

organizations had not yet submitted their position.

During its Special Meeting also held in Jakarta, Indonesia on December 11, 2004, the AFAD Council decided to once and for all, send all the positions of the remaining members who had not sent their official positions on the first week of January 2005. These different positions will be synthesized by the AFAD Secretary-General before her trip to Geneva on the last week of January. While it might be quite late because the final text of the Convention will be submitted to the United Nations Commission on Human Rights in April 2004 in Geneva, Switzerland, the AFAD Council still decided to allot at least, one day to come up with a unified position on the Convention.

10. Lobbying tour

Through the sponsorship of HOM and Linking Solidarity, AFAD, in cooperation with *FEDEFAM* and *RADIF*, conducted a lobbying tour to eight European countries to seek support the European governments' support to the United Nations Draft Convention on the Protection of All Persons from Enforced or Involuntary Disappearances.

AFAD, *FEDEFAM* and *RADIF* were able to visit the following countries: Germany, Ireland, The United Kingdom, Rome, France, Switzerland, Finland and The Netherlands.

The group was able to lobby government authorities in the said countries, e.g. Ministries of Foreign Affairs, Houses of Parliament, offices of the Commission on Human Rights, Ministry of Justice, etc. Other efforts were interviews with the media for the projection of the issue of disappearances and projecting the need for an international treaty protecting persons from enforced or involuntary disappearances.

The value of the tour could be seen in the following:

1. The need to give information on the phenomenon of enforced or involuntary disappearances in the world to European governments which do not have much information direct from representatives of federations of victims of enforced or involuntary disappearances.
2. The need to answer questions and doubts of European governments regarding the need for the convention as opposed to their position to use existing mechanisms of the United Nations or establish a new protocol to the International Covenant on Civil and Political Rights.
3. The manifestation of the strength of the cooperation of the different federations as seen in their unity during the tour;
4. The need to project the phenomenon of enforced or involuntary disappearances in the international media and the need to project the existence of the three federations and Linking Solidarity/HOM.

As a result, immediately after the tour, the governments of Germany and Finland expressed their commitment to support the convention.

See Annex ____: Attached summarized report of HOM/Linking Solidarity on the tour to Europe.

11. **Visit to the office of the National Commission on Human Rights (Komnas Ham) on December 7, 2004 in Jakarta, Indonesia** - One representative from each federation, AFAD, FEDEFAM and RADIF; a representative from HOM/Linking Solidarity and three representatives from KontraS and IKOHI visited the office of the Indonesian Commission on Human Rights while AFAD was holding the First Sharing of Experiences of Asian Families of the Disappeared.

The agenda of the meeting with the National Commission on Human Rights are the following:

1. Cases of enforced or involuntary disappearances in Indonesia;
2. The case of the murder of AFAD Chairperson, Munir and the need for a thorough investigation about the case with the composition of the team not just coming from the Indonesian police but also from lawyers and the NGO community;
3. The need for the Indonesian government, especially that it will chair the United Nations Commission on Human Rights in 2005, to support the United Nations Draft Convention on the Protection of All Persons from Enforced or Involuntary Disappearances;
4. The need for a visit of the United Nations Working Group on Enforced or Involuntary Disappearances to visit Indonesia – a follow-up to the promise of former President Wahid to invite the said body.
5. The need to establish a domestic law criminalizing enforced or involuntary disappearances.

The Vice Chairperson of *Komnas Ham* and another member of the Commission met the delegation. They promised to look into our concerns. An immediate concrete response is the possibility to send a representative to the next session of the open-ended working group for a draft legally binding normative instrument for the protection of all persons from enforced or involuntary disappearances to be held in Geneva, Switzerland in January 2005.

B. International Solidarity

1. **Gender Sensitivity Conference held on June 5-7, 2004 in Baguio City, Philippines** - To ensure that AFAD's General Plan of Action will respond to the problems and needs of women, who compose the majority of the survivors of the disappeared, AFAD came up with a Gender Sensitivity Conference. It was held in time of the 6th

anniversary of AFAD on June 4, 2004, for which reason, the opening event was held during AFAD's 6th anniversary.

Representatives of member-organizations from Hong-Kong, Kashmir – India,

Indonesia, Pakistan, Philippines, Sri Lanka attended the event. It was facilitated

by two Filipina gender and development (GAD) advocates La Rainne Abad-

Sarmiento and professor of the University of the Philippines, Thelma Magcuro.

The objectives of the conference are as follows:

1. To be able to understand key GAD concepts and issues at home, at work and the society in general.
2. To gain knowledge and skills specifically on gender analysis and gender planning as important tools in planning gender-responsive programs and activities for the organization. In particular, to be able to identify gender issues related to the phenomenon of involuntary disappearance.
3. Apply and incorporate gender concepts and tools in reviewing the present AFAD programs, formulating new and additional ones.

Concepts such as sex vis-à-vis gender, gender and development, forms of gender bias and gender-mainstreaming were discussed through lecture-discussions, small group workshops and film showing. There was also a comprehensive sharing of the women's situation in the Asian countries the participants represented.

In summary, the following is a synthesis to the common issues and struggles and AFAD's response to the situation:

Poverty and lack of economic opportunities, various forms of violence against women and children, unresponsive governments and various forms of discrimination are the common threads in women's lives in countries where AFAD operates.

Thus, the following proposals were made:

1. Revisit AFAD's Vision-Mission statement and identify portions for revision to transform it to more gender-responsive character.
2. To examine organization's program/activity plans:
 - a. Review the kinds of training that we conduct to determine the need for more women empowering components, i.e. capabilities, methodology or approaches.
 - b. Assess projects and activities to determine how specific needs and interests AFAD takes a look at gender issues and how do these impact on AFAD's work with families of the disappeared in Asia of women and men members are addressed (capabilities, time, venue resources, partnering networks or concerned government agencies if necessary, etc.)
 - c. Review organizational structure of AFAD members to promote gender balance and affirmative action for women in the decision-making bodies and workforce.

Note: See Annex: 2 - Summary of the Results of the Gender Sensitivity Conference could be found in pages 31-35 of the October 2004 issue of *The Voice*. Proceedings of the conference will soon be published in January 2004.

3. Direct Assistance Program for Families of the Disappeared in the Philippines, Kashmir-India, Sri Lanka and Pakistan

To continue to ensure direct assistance to families of the victims, rehabilitation work was implemented through the kind support of *Evangelischer Entwinklunngsdienst (EED)* in the countries above-mentioned.

The Families of Victims of Involuntary Disappearance (FIND) in the Philippines culminated its therapy sessions for the elderly parents of the disappeared. Such event was very well-appreciated by the beneficiaries who said that it has strengthened further the camaraderie among families of the disappeared.

The Association of Parents of Disappeared Persons (APDP) – Kashmir, India continued with the second half of implementation

of its scholarship program for 60 children of the disappeared. In actual situation, more children of the disappeared benefited from the amount because it was divided among more than 60 children of the disappeared.

The Truth and Justice Commission – Pakistan implemented the beekeeping livelihood program of the families of the disappeared. It has helped augment the income of the families of the disappeared in Pakistan, thus, empowering them and encouraging more participation to the work of the organization.

The Organization of Parents and Family Members of the Disappeared has very successfully implemented the livelihood program for the families of the disappeared. The amount from *EED* allotted to the OPFMD was used by the first set of families to increase their capital to the livelihood program. The amount was repaid, after which, another set of families is now benefiting from the funds of *EED*.

The synchronized rehabilitation activity has, in no small measure, contributed to the immediate as well as long-term needs of the families of the victims. Immediate in the sense that it has given them the necessary relief from the economic problems they face. Long-term in the sense that the projects being done was used not only for immediate needs, but also for their sustainable livelihood projects. In so doing, gradual empowerment, however slow, is being done.

4. Country visitations

- a. **Thailand, February 2004** – The AFAD Secretary-General visited the Relatives Committee of the May 1992 Heroes in order to update them on the results of the AFAD Congress, the status of the federation and the important role of the Relatives Committee of the May 1992 Heroes. It was also during this time that the possibility of a rehabilitation program was presented, but it was concluded that the organization was not yet ready for such a program.

The Chairperson of the organization also mentioned that repression resurged in Thailand resulting in the resurgence of violence and human rights violations. Moreover, it was mentioned that Prime Minister Thaksin had imposed a law that prohibits Thai NGOs from receiving funding from abroad.

The activity also served as a venue to get individual stories of families of the disappeared.

- b. Sri Lanka, June 2004** - After the Gender Sensitivity Conference, the AFAD Secretary-General visited the Organization of Parents and Family Members of the Disappeared (OPFMD).

It was a significant visit in the sense that the organization has not been visited for two years already and considering that it had faced a major internal organizational problem in 2002–2003.

The objectives of the visit are as follows:

1. To implement the rehabilitation project, i.e. livelihood program for the families of the disappeared;
2. To discuss with the OPFMD officers the immediate projects to be done by AFAD, e.g. book, video.
3. To discuss with the OPFMD officers and district coordinators the work of AFAD, its structure vis-à-vis OPFMD.
4. To discuss with the district coordinators the United Nations Draft Convention on the Protection of All Persons from Enforced or Involuntary Disappearances;
5. To meet with important government agencies in Sri Lanka, e.g. Commission on Human Rights, Ministry of Foreign Affairs....

It was, indeed, a very fruitful multiple-purpose visit to OPFMD. To note, OPFMD reported during AFAD's Special Council meeting on December 11, 2004 held in Jakarta, Indonesia that the result of the livelihood project has so far, been very good. It has helped increase the capital for livelihood projects of the families of the disappeared and recently, the money has been recently repaid by the families and are now shared to another set of families of the victims. Thus, the results have been multiplied.

c. Indonesia, September 10-11, 2004

A very unexpected and sad visit, the AFAD Secretary-General attended the burial of AFAD Chairperson, Munir. Munir was laid to his final resting place in Sisir Village Cemetery, Batu, Malang. An estimated number of two thousand people from different parts of Indonesia attended the funeral done in the Muslim rites.

Munir's remains, brought from The Netherlands to Indonesia and upon arrival at the Jakarta International Airport, were met by hundreds of friends and relatives, most of whom were from the human rights community. The remains were further brought to Malang for proper burial.

The brief visit was also an opportunity to discuss with *KontraS* and *IKOHI* leaders the preparations for the First Sharing of Experiences of Asian Families of the Disappeared which was then tentatively expected to be held on the first week of December, if funding would permit.

d. Manila, Philippines

The AFAD Secretariat, being based in the Philippines, has been regularly attending the activities of the Families of Victims of Involuntary Disappearance (FIND). These activities include commemorative activities, e.g. FIND anniversary, international day of the disappeared, international week of the disappeared,

drawing exhibit of the children of the disappeared, unveiling of the newly renovated monument for the disappeared, etc.

AFAD is also part of a coalition initiated by FIND in order to lobby for the enactment of a law criminalizing enforced or involuntary disappearances. Thus, AFAD participates in meetings initiated by FIND in the House of Representatives. It is important to note that the bill, if enacted into law, will be the first anti-enforced or involuntary disappearance law in Asia.

4. First Sharing of Experiences of Asian Families of the Disappeared – December 6-10, 2004, Jakarta, Indonesia

The biggest and final event of AFAD for the year 2004 was the first sharing of experiences of Asian families of the disappeared. It was attended by forty representatives of families of the disappeared and human rights advocates from Kashmir-India, Indonesia, Pakistan, Philippines, Sri Lanka, Thailand, Bolivia, Guatemala Western Sahara and The Netherlands.

The activity was aimed to:

1. facilitate the sharing of experiences among families of the disappeared from seven Asian countries with the participation of one (1) or two (2) organizations concerned with the problem of enforced or involuntary disappearances in Latin America;
2. make the families of the disappeared from different parts of the Asian region realize the regional and global problem of enforced or involuntary disappearances and that they are one in the same pain, in the same hope, in the same struggle for truth, justice and reparation;
3. enable the families of the disappeared to discuss their problems and needs and draw up possible joint actions for the purpose of concretizing further AFAD's general and specific plans of action.
4. serve as a venue for eventual empowerment of the participants in terms of their commitment to the work of the organization – thus making them realize that the work for the disappeared necessitates both their individual commitment as well as support of their respective organizations.

5. echo the results of the meeting to other families of the disappeared in the countries concerned, thus multiplying the results of the meeting to other families.
6. be an integral part of the rehabilitation of the families of the disappeared which is now being done both by each of the member-organizations of AFAD and as a Federation;
7. further strengthen the Federation's basis for existence by making the families of the disappeared appreciate the value of the Federation's importance to their lives as families of the victims.
8. serve as a venue for documenting testimonies of families of the victims for the purpose of producing a video presentation and the publication of the book.

The activity began by listening to the stories of each and every participant. The event sought to establish personal security and draw them out from the emotional and psychological cocoons that the victims wove around them as a natural reaction to the trauma. By sharing each other's narratives, personal tragedies are transformed from isolated acts of abuse into an important if not necessary scene in the broad tapestry of struggle and collective liberation, hence, reconnection is achieved and the soul of wounded humanity is healed and forever renewed.

The event was a truly international gathering, reflecting the universality of human rights and the global extent of this modern-day scourge. This reconfirmed the reality that the families of the disappeared suffer the same pain, struggle for a common cause and dream for a common victory – for the attainment of truth, justice, redress and the recuperation of historical memory and for a world without disappeared persons.

The activity was culminated with the commemoration of the 64th anniversary of the Universal Declaration of Human Rights.

C. Campaign and Public Information

1. Production of AFAD's Publication, *The Voice*

In the midst of its many other activities, AFAD was able to regularly and timely produce its bi-yearly publication, *The Voice*. The April and October issues were produced in time – both for the 60th session of the United Nations Commission on Human Rights and the October informal session of the open-ended working group for a draft legally-binding normative instrument for the protection of all persons from enforced or involuntary disappearances.

1,000 copies of the magazine were produced every issue with the contents ranging from editorial, cover story, country situations, report on international lobbying, photo essay, news features, reflections, news briefs and year-end as well as mid-year reports.

These were distributed to the AFAD member-organizations, the diplomatic community, the government delegations at the United Nations, other non-government organizations, government agencies, families of the disappeared, etc.

The Voice carries the voice of the member-organizations of the federation and the voice of the families of the disappeared in Asia. It has contributed to the projection of the phenomenon of enforced or involuntary disappearances in Asia and the work of AFAD.

- 2. Commemoration of the International Week of the Disappeared – last week of May 2004** - AFAD came up with a central statement during this year's commemoration of the International Week of the Disappeared. Member-organizations used the statement for media projection as well as for their own internal commemoration in their respective countries.

- 3. Commemoration of AFAD 6th Anniversary held on June 4, 2004 in Quezon City, Philippines**

The Asian Federation Against Involuntary Disappearances commemorated its 6th anniversary through a Public Forum held in Balay Kalinaw, University of the Philippines. The anniversary coincided with the 15th anniversary of the Tiananmen Massacre.

Representatives of AFAD member-organizations from China, Kashmir-India, Pakistan, Philippines and Sri Lanka and Thailand attended the activity, which was also the opening activity of AFAD's Gender Sensitivity Conference. More than 200 participants from different sectors of society, many of whom were family members of the disappeared, joined.

The event was highlighted by an inspiring keynote speech from the Chairperson of the Philippine Commission on Good Government, Haydee Yorac who advised families of the disappeared on possible legal remedies. Moreover, AFAD came up with a power-point presentation on disappearances in Asia and AFAD's response. To mark the 15th Anniversary of the Tiananmen massacre, a photo-exhibit was displayed complemented with distribution of T-shirts and CDs.

The anniversary was also an apt occasion for AFAD member-organizations to collectively renew their commitment to its mission, vision and goals. As the issue of disappearances belongs to society, the event was culminated with a press conference.

- 4. Commemoration of the International Day of the Disappeared – August 30, 2004 -** In cooperation with the rest of the federations of families of the disappeared from other continents, AFAD commemorated the International Day of the Disappeared through a central statement used by different member-organizations both for media purposes and for their internal commemorative activities.

The AFAD Secretariat joined the Families of Victims of Involuntary Disappearance in its commemoration of the occasion held in Redemptorist Church in Baclaran, Manila.

It was a world-wide commemoration of organizations of families of the disappeared.

5. 64th Anniversary of the United Nations Universal Declaration of Human Rights - Jakarta, Indonesia, December 10, 2004

AFAD commemorated the 64th anniversary of the Universal Declaration of Human Rights in Jakarta, Indonesia. The whole participants to the First Sharing of Experiences of Asian Families of the Disappeared attended the December 10 rally sponsored by human rights organizations of Indonesia.

AFAD and *FEDEFAM* representatives spoke in front of the House of the Indonesian president demanding for a thorough investigation on the killing of Munir and asking the Indonesian government, who will chair the United Nations Commission on Human Rights in 2005, to support the Draft Convention on the Protection of All Persons from Enforced or Involuntary Disappearances.

- 6. Issuance of Statements** – AFAD issued official statements both for the purpose of responding to urgent cases and to commemorate traditional events. These were sent both to concerned government authorities, to the media and to the AFAD member-organizations which also use it for the internal education and consolidation of its members.

The following statements were issued:

1. Statement of Condemnation on the brutal dispersal of a peaceful demonstration of the families of the disappeared in Srinagar, Kashmir
2. Statement of Condemnation on the arrest of the Tiananmen Mothers in Beijing, China
3. Letter of Concern on the brutal death of Aasia Jeelani, Ghulam Nabi the wounding of four others.
4. Condolence letter to the family of Aasia Jeelani and Ghulam Nabi
5. Statements and letters on the disappearance of Thai lawyer, Ghulam Nabi
6. Statement for the International Week of the Disappeared

7. Statement for the International Day of the Disappeared
8. Prayer for the anniversary of the disappearance of Fr. Rudy Romano, CSsR
9. Several letters and statements on the death and killing of AFAD Chairperson, Munir
10. AFAD Statement for the 64th anniversary of the Universal Declaration of Human Rights

7. **GRP –NDF Peace Process** – The AFAD Secretary-General is actively participating, in her capacity as independent observer for the Monitoring Committee of the Government of the Philippines, in the peace process between the Philippine Government and the National Democratic Front.

The Joint Monitoring Committee for the Peace Process, which was set up by the conflicting parties in Oslo, Norway on February 14, 2004, is composed of four independent observers from civil society, one of whom is AFAD Secretary-General, Mary Aileen D. Bacalso.

8. AFAD's response to the death of its Chairperson, Munir's

To give light and justice to Munir, his family and his colleagues, AFAD came up with the following efforts:

1. Information dissemination drive to all contacts of AFAD;
2. Memorabilia of AFAD's memories of Munir, including a compilation of condolence messages from AFAD contacts from different parts of the world;
3. Personal presentation of AFAD's concern on the news that Munir was poisoned before the Human Rights Ambassador in The Hague, The Netherlands.
4. Letter to Indonesian authorities, e.g. President of Indonesian, Embassy of Indonesia in the Philippines, Permanent Missions of Indonesia to Geneva and New York
5. Letter to the United Nations Working Group on Enforced or Involuntary Disappearances
6. Letter to the United Nations Working Group for Human Rights Defenders

7. Posthumous tribute to Munir, given to Suciwati, on the occasion of Munir's 39th birthday on December 8, 2004.
8. Meeting with the National Commission on Human Rights in Indonesia (Komnas Ham) discussing, among other issues, AFAD's concern on the murder of Munir.
9. Request for appointment with the Indonesian embassies in the different Asia countries (appointment to be sought for the first half of January 2005)

9. Book Project – The Phenomenon of Involuntary Disappearances in Asia and the Work of AFAD

AFAD is now working on the book project entitled, “ The Phenomenon of Involuntary Disappearances in Asia and the Work of AFAD. Articles depicting testimonies of families of the disappeared in many Asian countries have already been written. Actual interviews with the families of the victims were done in Jakarta, Indonesia during the First Sharing of Experiences of Asian Families of the Disappeared.

The AFAD Secretary-General and Mr. Francis Isaac, the main writer of the book, had a meeting with the Mr. Bienz on December 16, 2004 for reporting on the status of the project and for the release of the second installment of the grant.

10. Video Project

AFAD has hired the services of Mr. Christian Encabo for the video project being funded by the Royal Netherlands Embassy in Manila. Shooting has been done in Manila, Philippines; Jakarta, Indonesia; Colombo, Sri Lanka and Bangkok, Thailand.

An initial script has been written for this purpose, but this still has to be finalized into a technical script.

11. AFAD Website

The AFAD Secretariat has facilitated the uploading, although not regularly the AFAD website. There had been a lot of technical

problems in this regard. AFAD has still to find a person who can regularly update its website because the present person is still not regularly doing the uploading.

D. Administration and Finance

The AFAD Secretariat conducted its bi-annual assessment and planning. Staff development activities, e.g. retreat, computer training for the publication assistant, writers' training and on-the-job training

The AFAD Secretary-General wrote project proposals, most of which were approved, e.g. HIVOS, French Embassy, Swiss Embassy, Royal Netherlands Embassy, United Nations Voluntary Funds for Victims of Torture.

The proposals which were not approved were sent to SIDA in Bangkok and the Finnish Embassy in Manila. SIDA said that it is only funding big organizations and thinks that AFAD is not big enough to merit its support. The embassy of Finland, on the other hand, assured AFAD that it would support financially for the rehabilitation of families of the disappeared.

1. Regular Assessment/Planning/Staff Meetings
2. Staff Development Activities
3. Project Proposal Writing and Fund-Raising
4. Report Writing

D. CONCLUSION

Amidst the harsh repression the federation underwent during the year, AFAD was able to implement to the full its plan for the year 2004. The limited resources of the federation has been augmented through the support of foreign embassies in Manila. Moreover, its human resources in the secretariat level has been beefed up making it possible to do the tasks as planned.

A thorough evaluation of the quantitative and qualitative impact of the work will be done at the beginning of 2005 in order to improve further the work of the Federation in the coming years.

So far, AFAD can proudly say that despite its difficulties, it has continued to fulfill its avowed mission, vision and goals.