



# General Assembly

Distr.: General  
18 September 2020

English only

---

## Human Rights Council

### Forty-fifth session

14 September–2 October 2020

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Asian Legal Resource Centre, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

---

\* Issued as received, in the language(s) of submission only.

GE.20-12123(E)



\* 2 0 1 2 1 2 3 \*

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



## **Indonesia: twenty two years of unresolved enforced disappearances while the offender enjoys impunity**

The Asian Legal Resource Center (ALRC) wishes to draw the attention of the United Nations Human Rights Council to the problem of enforced disappearances in Indonesia. After twenty-two years in office, the former President Suharto stepped down in 1998. The cases of enforced disappearances against student activists occurred in 1997-1998. They remain unresolved. Ironically, the person who allegedly became the most responsible person remains free and enjoys impunity. Mr. Prabowo Subianto, former commander of the Special Armed Forces and former Presidential Candidate in the last election, currently becomes the Minister of Defense. He is the son-in-law of Soeharto. Allegedly, Subianto is the person of accountability behind the cases of enforced disappearances.

Under Soeharto's administration, between 1966 and 1998, countless people became victims of enforced vanishings. They were conducted by the Military, Police, Intelligence Agencies and other State apparatus. The families of these victims are still suffering to this day. It is over twenty-two years since Soeharto stepped down, yet their beloved family members remain missing. It is sad to say that most of the victims were the breadwinners or expected breadwinners of their families. Their loss has left their families in poverty. Family members are getting older and sicker, with many of them already dead, due to the lack of access to health care.

The current President, Mr. Joko Widodo, appeared reluctant to issue a Presidential Decree for the establishment of an ad hoc, Human Rights Court for enforced disappearances cases against student activists in 1997-1998. Note bene--it was recommended by Parliament. Moreover, President Widodo supports reconciliation without factoring in justice and accountability. He has ignored his promises to deal with past abuses. They are written in his nine election promises (Nawacita), further elaborated in the National, Medium-Term Development Plan (RPJMN).

The House of Representatives (DPR RI) issued a written recommendation to the Government on 28 September 2009 and it is still in operation today. There has been no committed effort and no progress made by the Government to resolve the cases of enforced disappearances of student activists. The recommendations are that a Presidential Decree be issued to establish an ad hoc, Human Rights Court for the 1997-1998 disappearances. This would establish a Commission on Disappeared Persons which would ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and provide compensation and rehabilitation to the families of the victims of enforced disappearances.

In light of the above, the Human Rights Council should urge the Indonesian Government to:

- a) Immediately ratify the International Convention for the Protection of All Persons from Enforced Disappearance to protect citizens from the risk of involuntary disappearances;
- b) Follow up the four recommendations of the House of Representatives to ensure that families of victims receive adequate remuneration
- c) Fully support the National Commission on Human Rights, to document, investigate, and report all cases of enforced disappearances occurring prior to Soeharto's administration to the present. The Government must also ensure, that all of its bodies, such as the Attorney General Parliament and others, cooperate and support the effort to resolve Disappearance cases.

---