



# Asian Federation Against Involuntary Disappearances (AFAD)

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## **AFAD Commemorates the International Day of the Victims of Enforced Disappearances**

*Manila:* Today, on the occasion of the International Day of the Victims of Enforced Disappearances, the Asian Federation Against Involuntary Disappearances (AFAD) brings attention to the global issue of enforced disappearances that violates the fundamental rights to life, liberty, and security of the disappeared individual and the family.

Enforced disappearance is not a rare phenomenon especially in Asia where individuals continue to be disappeared and families continue to embark on seemingly endless journeys to seek truth and justice. With the rise of populism, especially among states known to champion democracy, the struggle against enforced disappearances become even more challenging. Criminalization of enforced disappearances is still a far-off dream and the road ahead is very tedious.

Except for the Philippines, no country in Asia has criminalized enforced disappearance. Despite the enactment of an anti-enforced disappearance law in the Philippines almost nine years ago, it remains to be largely unimplemented. And because a law is only as good as its implementation, enforced disappearance lamentably remains unabated in the country.

Since 2016, President Rodrigo Duterte's war on drugs campaign continues to worsen an already deplorable human rights crisis in the Philippines. The Philippine National Police reported at least 6,600 dealers or users killed but media and human rights defenders believe that more than 27,000 people were executed during the campaign. Through the efforts of civil society organizations and advocates at national and international levels, the United Nations approved a resolution to investigate Duterte's war on drugs. The resolution also called on the Philippine government to take all necessary measures to prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations, and to hold perpetrators accountable.

In Bangladesh, enforced disappearances were committed by the law enforcement agencies with the direct consent of the government in order to silence dissenting voices. At least 19 cases of disappearances were recorded between January and July 2019. From this period, bodies of two (2) disappeared victims were found, six (6) were showed arrested after a few days/months of disappearance, five (5) resurfaced alive, and the whereabouts of six (6) people remain unknown. Those that have resurfaced refused to share any details of their detention for fear of reprisals.

In Indonesia, with the election of Joko Widodo as President for the period 2019-2024, the struggle for protection of human rights still persists and the resolution of past gross human rights violations continues to be in limbo. Successive Indonesian governments have yet to fulfil their promise to criminalize enforced disappearances. The process of ratification seems to move backwards. Indonesia Government still failed to implement the recommendation issued by the House of Representative 10 years ago. Those recommendations by the House of Representative were supposed to be strong modality to combatting ED in Indonesia yet the government never showed any willingness to actualize it.

In Jammu & Kashmir, in a state of political upheaval where the most basic rights of the people have been suspended with massive communication blackouts and restrictions on movement, the

issue of enforced disappearance seems to have taken a back seat. The government of India has always denied the 8,000 disappearances and existence of 7,000 unmarked and mass graves in the region.

In Nepal, the transitional justice process is in jeopardy. According to the victims of a decade-long conflict in the country, the Truth and Reconciliation Commission (TRC) and the Commission of Investigation of Enforced Disappeared Persons (CIEDP) failed to discharge their mandate in accordance with the principles of transitional justice, spirit of the Comprehensive Peace Accord, and sentiments of the victims and human rights community. The long-delayed transitional justice process is becoming more and more complicated as international human rights community increase scrutiny on human rights violations of the past and the deepening culture of impunity. The United Nations Special Rapporteurs and the WGEID had also expressed serious concern over the selection process of the new leadership in the transitional justice commissions four months ago and demanded for transparency and meaningful participation of the stakeholders. AFAD urged the government of Nepal to amend the TRC law in line with the verdict of Supreme Court in 2015 to observe international standards prior to the appointment of the office bearers in the commissions, and maintain transparency and independence while advancing the TJ process in Nepal.

In Pakistan, enforced disappearance also continue to be reported. Last year, the Human Rights Minister declared that a domestic bill to criminalize enforced disappearances would be drafted and a law would be passed. One year has passed and still no sign of any domestic law. Although this is a welcome step, it remains to be seen how the State will make the process of seeking truth and justice friendly with the people. The CSOs, human rights activists, and families have been in the streets for ages and running pillar to post to address the most burning issue. A Law was proposed in May this year by Defence of Human Rights and its Advocacy Group, the copies of which were provided to all relevant quarters, but even then no positive step from the Government is in sight.

Since 1950, the North Korean government has systematically abducted foreign citizens and South Koreans as a state policy. North Korea abducted 100,000 South Korean civilians during the Korean War alone, and 3,835 more after the War. Five hundred-sixteen confirmed post-war cases of abduction remain unresolved today.

In Sri Lanka, the government appointed five commissioners for the Office of Missing Persons (OMP). The OMP was operationalized in March 2018. The objectives of the office include searching for and tracing missing persons as well as aiding relatives of the missing. The regional offices have been set up in Matara, Mannar, and Jaffna to make the OMP more accessible to victims around the country.

In Timor Leste, the cases of enforced disappearances from the time of Indonesian Military rule have still not been resolved. The plan to establish a Missing Persons Search Commission in East Timor was discussed in 2014 but it has not materialized so far.

AFAD urges the States across Asia to criminalize enforced disappearances and break impunity by enacting laws criminalizing enforced disappearances and ensure full and strict implementation of the same. Families and individuals continue to suffer and this situation must end. Every person has the right to liberty, life and truth. The democratic values that modern

nation states rest on need to be upheld at all times. AFAD hopes and continues to fight for creating a world without enforced disappearance.

Signed by:



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Chairperson



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