

## **Governments should put an end to enforced disappearances**

(Jakarta, 29 August 2020) – Asian Governments must investigate all cases of enforced disappearances and take genuine steps toward ending a practice perpetrated by state apparatus, the Asian Forum for Human Rights and Development (FORUM-ASIA) said today in conjunction with the International Day of the Victim of Enforced Disappearance on 30 August.

Enforced disappearances have become disturbingly common in Asia, and tens of thousands of cases remain unresolved. Many of these cases involve human rights defenders, journalists and activists targeted for their work in advocating for human rights or democracy.

‘All across the region, human rights defenders and activists are being forcefully disappeared to silence them. Governments have a duty to investigate all these cases, and ensure that justice is provided towards all victims and their families,’ said Shamini Darshni Kaliemuthu, Executive Director of FORUM-ASIA.

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) defines an enforced disappearance as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

As of 2018, the UN Working Group on Enforced or Involuntary Disappearances has transmitted more than 50,000 cases to the UN system. Thousands of cases however, remain unreported.<sup>1</sup>

A notable case of a human rights defender who had been disappeared is civil society leader Laotian Sombath Somphone who was taken in 2012 by unknown individuals in the presence of police officers. In Pakistan, activist Idris Khattak was grabbed from his car in 2019 and held incommunicado by his government for months.<sup>2</sup>

Activists have been disappeared even after having left the country to escape from reprisals. In June, Thai political activist Wanchalerm Satsaksith, who had left Thailand in 2014, was dragged into a car by unknown individuals in Cambodia. His whereabouts remain unknown.

Governments have been accused of colluding with one another to evade accountability. Claims of ‘card-swapping’ or exchanging activists who have crossed borders, have been raised in the Mekong region. Thai activists, Chucheep Chiwasut, Siam Theerawut and Kritsana Thapthai were allegedly handed by Vietnamese authorities to the Thai Government and have since disappeared.<sup>3</sup>

<sup>1</sup> <https://www.hrw.org/news/2018/08/27/families-beg-answers-international-day-victims-enforced-disappearances>

<sup>2</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26010>

<sup>3</sup> <https://southeastasiaglobe.com/thai-dissident-disappearance-issue/>

These cases are often met with denials of involvement and silence from the governments involved.

In a region populated by authoritarian leaders, enforced disappearances have become a tool to perpetuate a culture of silence and impunity. An activist's disappearance deepens the fear within human rights communities, stifling criticism and dissent.

With most States in the region having failed to ratify the ICPPED, families of victims often find themselves unheard by their own governments. When national-level prosecutions do occur, these cases are often filed under crimes such as kidnapping or abduction, failing to recognise the gravity of the nature of enforced disappearances. The cycle of impunity only continues.

Families of victims wait for justice for years and decades, often with little resolution.

'States should take a strong stand against enforced disappearances, beginning with acknowledging them as crimes and resolving them by conducting prompt, effective and impartial investigations on all cases. States should ratify the ICPPED, incorporate its provisions into the country's legislation, and ensure effective implementation. Anything less than that is complicity towards this horrible crime,' said Shamini.

'Enforced disappearances have no place in any functional democratic society,' she concluded.

#### **About FORUM-ASIA:**

*The Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. [www.forum-asia.org](http://www.forum-asia.org)*

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