



Asian Federation Against Involuntary Disappearances

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AFAD Commemorates the International Day of the Victims of Enforced Disappearances

Today, on the occasion of International Day of the Victims of Enforced Disappearances, the Asian Federation Against Involuntary Disappearances (AFAD) remembers the victims of enforced disappearances and salutes the indomitable spirit of those fighting for truth and justice all across the globe.

AFAD along with its member organizations has been advocating for ending the phenomenon of enforced disappearances in Asia. Unfortunately, there is not much improvement in the situation, with newer cases being reported in countries like Bangladesh and Pakistan. The States continue to be reluctant in making known the fate of the disappeared such as in Indian Administered region of Jammu & Kashmir. In countries where the States have owned up the disappearances and made efforts to ensure truth and justice, such as Sri Lanka and Nepal, the implementation process is subjected to criticism and disapproval from human rights organizations.

In Nepal, the existing Truth and Reconciliation Commission (TRC) and the Commission on Investigation on Enforced Disappeared Persons (CIEDP) faced major criticism for possibilities of providing amnesties and impunity to the perpetrators. International organizations pressed for the Nepal government to make amendments to the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act, 2014 in 2018, after which the proposed draft bill was prepared and the international community including UNOHCHR, NHRC has provided its comments and feedback on the bill.

In Bangladesh, Odhikar is deeply concerned over the persistent denial of the government on enforced disappearances occur and its refusal to locate the whereabouts of the disappeared. The families of the disappeared are unable to seek legal remedies as the criminal law of the country does not recognize disappearance as 'crime'. Filing habeas corpus writs do not bring any fruitful results either as the government stalls or ignores the orders to investigate. A new trend of short-term enforced disappearance has emerged in Bangladesh as a means of creating a general state of anguish, insecurity and fear. This violates the right to personal liberty as well as freedom of expression and opinion, and freedom of peaceful assembly and of association.

In Pakistan, many journalists have reportedly been disappeared in this year itself as a part of censorship on the media. Our member organization, Defence of Human Rights (DHR) is concerned about the old cases of enforced disappearances which are not being resolved. However, the efforts of DHR have led to the surfacing of 950 cases in the last 13 years out of 2550 cases of disappeared persons registered with them, which is a huge achievement. After the recent elections in Pakistan and the coming to power of a Prime Minister who is considered as progressive, there is hope for an improvement in the state of human rights in the country.

In Indonesia, President Joko Widodo failed his commitment to settle the past cases of human rights violations, including cases of enforced disappearances. The situation became worse when Jokowi appointed Wiranto, an alleged perpetrator of several human rights violations including the enforced disappearance cases of 1997/1998, as a Coordinating Minister of Political, Law and Security Affairs in 2016. These actions are indicative of the government's intentions of preserving the culture of impunity in Indonesia. Despite repeated commitments by the successive Indonesian governments and recommendations in the 2nd and 3rd session of Universal Periodic Review (UPR), the governments have failed to ratify the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED).

In Sri Lanka, after the ratification of the ICPPED in 2016, the government setup the Office of Missing Persons which is commemorating the International Day of Disappearances under the theme "No More Disappearances", this year. Some of the conclusions of the meetings of OMP will be presented to the families of the disappeared from several districts one of which is the recommendation to pay a temporary allowance to all the families until the reparation commission becomes active. Despite the government's efforts, the leisurely speed of the government procedures is instilling suspicion in the victim families.

Citizens' Alliance for North Korean Human Rights in South Korea has documented 74 cases which were reported to the UN Working Group on Enforced or Involuntary Disappearances. 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. 516 confirmed post-war cases of abduction remain unresolved today.

In East Timor, 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.

In Jammu and Kashmir, there are over 8000 disappeared persons and over 7000 mass graves across 7 districts in the region. Recently, the Association of Parents of Disappeared Persons (APDP) filed a petition in the State Human Rights Commission (SHRC) asking them to move to the High Court as the government is not following the recommendations made by the SHRC for investigations in the presence of mass graves. The Indian government is in denial about the mass graves and the disappearances. Since 1995, APDP has been pressing the Indian government for setting up a Commission of Enquiry by the government never took any actions.

The Philippines boasts of having the first and only anti-enforced disappearance law in Asia. It was enacted in 2012 after 16 long years of steadfast lobbying by the families of the disappeared. However, the country has yet to ratify the ICPPED. To make matters worse, the law has hardly been implemented. Thus, enforced disappearances persist with impunity, especially as a result of the current government's war on drugs. Fear has gripped the communities, making it extremely difficult to document cases. With 45 reported victims under Duterte's term which began on 30 June 2016, it is suspected that enforced disappearances are extremely underreported.

Enforced disappearance is one of the gravest forms of human rights violations which is emotionally, psychologically and financially devastating for the families. The trauma is constant. In Asia, the situation of enforced disappearances is distressing but the work carried out by the member organizations ensured that the voices of the victims is never silenced, that the governments

are challenged and the struggles are kept alive. This day, AFAD strengthens its resolve to continue its struggle for a world free from *desaparecidos*.

Signed by:



KHURRAM PARVEZ
Chairperson



MARY AILEEN D. BACALSO
Secretary-General