



Joint Statement on the International Day of the Victims of Enforced Disappearances: The Paradox in Eliminating the Enforced Disappearance in Asia

Asia Alliance against Torture and Ill-Treatment

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The Asia Alliance Against Torture (A3T) condemns the practice of enforced disappearances that continues to occur in Asia. It is a cruel practice that perpetuates impunity, where the government shows no political will to investigate and solve cases of enforced disappearance. Marking today's annual commemoration of the International Day of the Disappeared, the A3T would like to highlight the paradoxical process in eliminating the enforced disappearance in Asia.

The enforced disappearance is not a new phenomenon in Asia. It has become a scourge that haunted civilians' rights, safety, and dignity, significantly the protection of human rights defenders. The practice of enforced disappearance has been systematically used by the state to suppress opposition and terrorize society. In some armed conflicts, the militant organizations also adopted this practice to deal with their opponents. In the past, the political condition often forced the state to oppress any disturbance, without fulfilling its responsibility afterward. In most Asian countries, it is experienced that families of enforced disappearances are waiting for justice from 1960 until today, which is shameful, and at the same time, painful for the families of the disappeared.

According to the International Convention for the Protection of All Persons from Enforced Disappearance, the state shall take appropriate measures to investigate the enforced disappearance promptly, impartially, and without delay and bring those responsible to justice. The state also shall take the necessary steps to ensure that enforced disappearance constitutes an offense under its criminal law. This international instrument should have been a comprehensive and solid foundation to eliminate enforced disappearance in every country in Asia. But, in reality, the enforcement process is ambiguous. The paradox in eliminating the enforced disappearance in Asia is shown by some countries in Asia that ratified the Convention but still violating it at the same time. It is also a regular affair of the judiciary, which is reluctant to hear the matters of enforced disappearances. There are examples where vital documents are missing from the police and the courts. Indonesia, Sri Lanka, India,



Bangladesh, Pakistan, Philippine, China are heading the list. Widji Thukul, Wanchalearm Satsaksit, and others as human rights defenders have been missing, and their fate and whereabouts are still unknown.

By ratifying the Convention, the state binds to the commitment to protect all persons from enforced disappearance and investigate enforced disappearance cases. Also, the state binds to the victims' responsibility, such as restitution, rehabilitation, satisfaction, and guarantees of non-repetition. Unfortunately, thousands of people remain victims in Asia. Investigations have not been conducted, and the victims' whereabouts remain unknown. The victims and their families still suffer from past wounds, and no full reparation is guaranteed. While many human rights defenders criticize the lack of political will in investigating the enforced disappearance cases, they are also vulnerable to the enforced disappearance itself. While they fight for the victims and their families' rights, they are subjected to enforced disappearance. This situation is the paradox where the state is already committed to upholding human rights and simultaneously failing its commitments. It also evolves into a cycle where the state could not investigate the past and recent enforced disappearance; then, civilians urged the state to resolve the cases; the state oppresses the critics by practicing the enforced disappearance. In the end, no cases were resolved. No victims were found and returned to their families. No victims' families obtained the reparation that they deserve, and the cycle goes back to the start and going on like that for years.

This paradox needs to end immediately. Any state in Asia shall comply with the convention in the right manner without adding another enforced disappearance case. Hence, A3T urges the states in Asia to:

1. Fully respect the rule of law regarding human rights and the enforced disappearance;
2. Impartially investigate the past and recent cases of enforced disappearance, and bring those responsible to justice with appropriate penalties which take into account the offense's extreme seriousness;
3. Effectively provide fair, accessible protection for the rights of the victims and their families;
4. Adequately protect human rights defenders, activists, and academics seeking accountability and responsibility for enforced disappearance.



5. Immediately ratify International Convention on Enforced Disappearances by those nations that have not ratified it yet.