



Asian Federation Against Involuntary Disappearances (AFAD)

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Official Statement on the International Day of Enforced Disappearance

It Is Time for Enforced Disappearances to Disappear

It has been 69 years since the Universal Declaration of Human Rights (UDHR), a milestone document in the history of humankind, was put in place on 10 December 1948 at the Palais de Chaillot, Paris, France. And yet, the world has not rid itself of one of the worst forms of human rights violation - enforced disappearance (ED). As of 2016, the UN has been considering 43,250 outstanding cases of ED in countries, a figure which is below the actual number of cases, many of which have been underreported due to various reasons.

The phenomenon is reaching crisis proportions because of the intensified global fight against terrorism, war on drugs and military responses against struggles for human rights. Based on regional trends, AFAD has established two categories of countries where the phenomenon of enforced disappearances exists: high risk countries, where forced disappearances are continuing or most likely to happen again (Bangladesh, Pakistan, Indian-administered Jammu and Kashmir and the Philippines) and low to medium risk countries, where cases were prevalent in the recent past and are mostly undergoing transitional justice (Sri Lanka, Nepal, Indonesia, Timor –Leste, Laos, South Korea). It is important to note that in the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED), the continuing character of the crime of enforced disappearance is recognized.

Among the Asian Federation against Enforced Disappearances (AFAD) member-organizations, South Asia has the biggest number of cases of enforced disappearances. Pakistan's Defence of Human Rights (DHR) has documented 2,445 cases as of June 2017 out of which 1,276 victims are still disappeared, 316 found and released, 152 traced, and 51 dead. Odhikar Bangladesh has reported from January to June 2017 that there were 57 persons forcibly disappeared. In Indian-administered Jammu & Kashmir, there are 8,000 cases as a result of massive military response of the Indian State on the pretext of armed insurgency, which started in 1989. There are no investigations, no prosecutions of perpetrators of ED and the impunity continues despite persistent struggle by the families of disappeared.

Sri Lanka has suffered the most with at least 60,000 cases because of the 30-year civil war and families continue to cry for truth and justice. Nepal which rose from an internal conflict, like Sri Lanka, is in a long process of transitional justice and has reported 1,360 cases. The victims continue to cry for the elusive truth and justice.

The Philippines has more than 2,000 cases from the time of the 70s during the Marcos dictatorship and under the succeeding administrations. Indonesia under Suharto in 1965-1966 forcibly disappeared 32,774 and 18,600 from 1975-1999 during the Indonesian occupation of Aceh. Again,

from 1989-1998, military operations in Aceh province resulted to some 1,935 forced disappearances. From 1984- 2013, KontraS of Indonesia has documented 154 cases. South Korea has documented 64 cases which were reported to the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID). Since 1950, the North Korean government has systematically abducted foreign citizens, claiming the practice as a state policy. North Korea abducted 100,000 civilians during the Korean War alone, and 3,835 more after the War. 516 confirmed cases of abduction remain today in relation to North Korea's actions. It is reported that the government abducted not only Koreans living in the south, but also several hundreds of Europeans, Middle Easterner and Asians more broadly. Moreover, the whereabouts of several thousands of North Korean refugees repatriated from China, and an additional 20,000 North Korean political prisoners, have not been confirmed. The North Korean government claims that these individuals are not abductees but rather defectors, and deny any abductions. Laos has 5 new cases including that of the internationally-acclaimed development worker, Sombath Somphone whose disappearance in December 2012 was recorded in the police CCTV.

We trace this heinous practice from Hitler's era during World War II under the Nacht und Nebel (Night and Fog) Decree declared by the Nazi regime in 1941. During the war, those who were considered threats to the Nazi regime were abducted, brought to Germany and tried in military courts. They were either brought to concentration camps to die or sentenced to death. Realizing that this strategy failed to sow enough fear, Hitler intensified his crackdown on the resistance movement by abducting the victims from their countries to Germany secretly during the night and amidst the fog, their whereabouts intentionally hidden from their families and were forever vanished.

In 2006, the UN adopted a binding treaty, the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED). ICPED declared enforced disappearance as a crime against humanity when committed in a massive and systematic manner and defines it as deprivation of liberty against the will of the person, committed by states agents or with states' acquiescence, and with the refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person. To date, the Convention is still far from achieving universal ratification, much less implementation, with 96 signatories and 57 parties to it.

The ICPED is a relatively new instrument against an old and methodical practice which results in multiple human rights violations that extend to the family, the community and the greater society. ICPED promises to be a deterrent against this practice as it binds States parties to employ mechanisms to criminalize enforced disappearance. Part of the provision is the codification of offense in domestic laws and therefore, mandates States Parties to investigate cases of reported and documented enforced disappearances, find the truth about the circumstances of the disappearance and the whereabouts of the victims, put to justice the perpetrators and ensure that victims are given reparation. The ICPED also provides for a clear mandatory universal jurisdiction.

On this International Day of the Disappeared, we once again call on all Asian States to ratify the Convention. We urgently call on Bangladesh, India, Indonesia, Laos, Nepal, Pakistan, Philippines, Thailand, Timor-Leste and all other Asian and other states which have yet to ratify if not, accede to the ICPED, to ratify this important treaty without further delay. The move to sign, ratify, accede and implement the ICPED is a major international commitment to eradicate ED from the face of the

earth. The ratification of the ICPED must be followed by the enactment of local mechanisms to criminalize the practice of ED and punish the perpetrators.

To give tribute to all the disappeared persons of the world, AFAD and all its member-organizations shall continue knocking at doors of Asian and other states so that the ICPED, whose provisions stem from real life stories of families of the disappeared, will achieve universal ratification and implementation. This will be our most fitting tribute to the disappeared who shall never ever be forgotten. Never Again!

Signed by,



KHURRAM PARVEZ
Chairperson



MARY AILEEN D. BACALSO
Secretary-General