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Impunity for enforced disappearances in Asia Pacific Region must end

Thousands of people remain victims of enforced disappearance in the Asia Pacific region. Marking today's annual commemoration of the Day of the Disappeared, Amnesty International calls urgently for an end to this atrocious practise, which constitutes a grave human rights violation and a crime under international law.

The suffering of victims and their families continues unabated. In the vast majority of cases that have taken place over decades in the region, investigations have not been conducted and the whereabouts of victims remain unknown. Amnesty International believes that the continuing failure of states to investigate enforced disappearances and abductions could pave the way for an increase of these human rights violations in the future.

Amnesty International calls on governments in the Asia Pacific region to investigate all cases of enforced disappearance in their country, and to ensure that perpetrators are brought to justice. Victims or the families of victims of enforced disappearance must be assured full reparation for their suffering in each case.

To this end, the organization today puts a spotlight on enforced disappearances and abductions in a selection of Asia Pacific states including India (Jammu and Kashmir), Pakistan, the Philippines, Nepal, North Korea, Sri Lanka and Thailand.

India (Jammu and Kashmir)

According to the Government of Jammu and Kashmir, almost 4,000 people have disappeared since the onset of armed conflict across the state in 1989. However, the Association of Parents of Disappeared Persons believes the true figure to be between 8,000 - 10,000. The majority of those who have disappeared are young men, but people of all ages, professions and backgrounds have been victims, many of whom have no connection with armed opposition groups operating in Jammu and Kashmir. Despite promises from the newly elected state authorities in 2002 that perpetrators of human rights abuses would be prosecuted, and from the central government in June 2006 that there would be zero tolerance of human rights violations committed by security forces in Jammu and Kashmir, only a fraction of enforced disappearance cases have been investigated.

Amnesty International notes a pledge by the state government that the State Human Rights Commission (SHRC) would investigate all enforced disappearances. However the SHRC remains unable to order prosecutions against members of the security forces without prior sanction from the Home Ministry of the Indian Government. In August 2006, outstanding concerns over the existing powers of the SHRC and its ability to effectively investigate enforced disappearances were further heightened when its chairperson resigned over the "non-serious" attitude of the state government towards addressing human rights violations.

Unresolved enforced disappearances are not restricted to Jammu and Kashmir. In India, disappearances were regularly reported in Punjab during the period of violent political opposition between the mid-1980s to mid-1990s, and have also been reported from the North East region of India.

Nepal

Amnesty International is concerned by hundreds of enforced disappearances that took place during the ten year conflict between the government of Nepal and the Communist Party of Nepal-Maoist (CPN-M) which ended in 2006. Earlier this year the International Committee of the Red Cross in Nepal listed more than 800 people whose whereabouts remain unknown at the hands of both the government and the CPN-

M.

While Amnesty International recognises that the government of Nepal is seeking input from civil society on a draft bill for the establishment of a Truth and Reconciliation Commission to address past abuses, Amnesty International has highlighted grave concerns with the bill. These include provisions that may allow amnesties to be granted to perpetrators of crimes under international law, including hundreds of cases of enforced disappearance. The Peace Agreement signed by the government and CPN-M in November 2006 included a pledge to publicize the whereabouts of victims of enforced disappearances within 60 days, however this has not yet been fulfilled.

North Korea (Democratic People's Republic of Korea)

Thousands of men and women have been arrested, detained or abducted by, or with the authorization, support or acquiescence of, the North Korean government. Those subjected to enforced disappearance include at least 400 nationals from South Korea, several nationals from Japan, individuals from at least ten other countries, and possibly thousands of North Koreans. Within North Korea, enforced disappearances include hundreds of undocumented North Koreans who were forcibly returned from China following famine in the mid-1990s.

Cases date back as early as 1953, and while some cases have been investigated in South Korea and Japan, there has been limited response from the North Korean government. Countless North Koreans subjected to enforced disappearance include those who have been punished for association with individuals deemed hostile to government ('guilt by association'). The North Korean government has refused to acknowledge or give information on the fate or whereabouts of these missing people.

Pakistan

Several hundred enforced disappearances have taken place in Pakistan in the context of the 'war on terror' since 2002. An apparent indifference shown by the state authorities to the enforced disappearance of alleged terror suspects has also been displayed in relation to disappearances of alleged 'political dissidents', especially in Balochistan and Sindh provinces.

As a result of repeated protests and petitions in courts by families of the disappeared, and action by the Supreme Court, the government has acknowledged the custody of dozens of alleged terror suspects, but the whereabouts of the majority of those missing remains unknown. The authorities, particularly the intelligence agencies, continue to flout judicial orders issued to produce the detainees before the courts.

Press reports indicate some 100 missing persons out of more than 250 cases submitted to the Supreme Court have either been traced or released. However most of those released have been intimidated into silence about their ordeal, while those found in custody have had criminal charges filed against them. Many detainees in Pakistan have reported being tortured and otherwise ill-treated while subject to enforced disappearance. Amnesty International believes that all officials – including police and intelligence agencies – responsible for illegal confinement, enforced disappearances and torture, must be held to account.

Philippines

In the Philippines more than 1,600 people have been victims of enforced disappearance since the 1970s. At least 17 disappearances of political activists have been reported since January 2007. Disappearances have mostly taken place in the context of counter-insurgency operations against the communist New People's Army (NPA), and the Moro Islamic Liberation Front (MILF) and other Muslim secessionist groups. Victims of enforced disappearance include those seen to be political sympathisers of such groups, and Amnesty International is concerned that in the context of increased numbers of killings of political activists in recent years, patterns of disappearances have also risen.

The UN Special Rapporteur for extrajudicial executions reported a number of causes behind the pattern of political killings following a visit to the Philippines in February 2007. Local activists have linked a number of these causes - including a perceived climate of impunity protecting perpetrators linked to security forces - as contributing to renewed patterns of disappearances.

In April 2007 the abduction of Jonas Burgos, the son of a prominent journalist from the era of former President Marcos, highlighted these concerns both nationally and internationally. Jonas Burgos, an agriculturalist involved in training farmers linked to a local leftist political organisation, was reported to have been abducted by assailants linked to the military. As with many other cases of alleged disappearances, the military denied involvement and failed to attend court hearings, exacerbating fears of military impunity. Amnesty International recognises that in Congress efforts continue to introduce legislation making enforced disappearance a specific criminal offence.

Sri Lanka

Amnesty International has documented a worrying increase in enforced disappearances in Sri Lanka in recent months, with at least 21 people reportedly disappeared in August in Jaffna district alone. The increase reflects a worsening pattern, with the National Human Rights Commission of Sri Lanka reporting that hundreds of people have disappeared nationwide since January 2007, in addition to at least 1,000 in 2006. Unlawful killings, abductions and enforced disappearance of civilians are now daily occurrences. An extremely small proportion of these human rights violations have preceded to trial or conviction of perpetrators.

More than 5,700 outstanding cases of enforced disappearances in Sri Lanka are being reviewed by the United Nations Working Group on Enforced and Involuntary Disappearances (WGEID). Many cases of enforced disappearances in Sri Lanka implicate security forces, while others implicate armed groups including the Liberation Tigers of Tamil Eelam (LTTE) and the Karuna group. Amnesty International urges the government of Sri Lanka to urgently ratify the UN Convention to Prevent Enforced Disappearances, and to invite WGEID to visit the country and to implement its previous recommendations.

Thailand

Scores of enforced disappearances have marked recent Thai history in the context of an entrenched culture of impunity for the country's security forces. The enforced disappearance of more than 20 people since the escalation of political violence in southern Thailand in 2004 have not been fully investigated. Further, perpetrators have not been brought to justice for killings and enforced disappearances during a military crackdown on pro-democracy demonstrators in Bangkok in May 1992.

Human rights defenders attempting to conduct investigations and document individual cases of enforced disappearance face serious obstacles, including death and other threats. In addition, the lack of an effective witness protection programme compounds difficulties in ensuring justice for the victims of enforced disappearance and their families.

Amnesty International calls on the Thai authorities to repeal laws, orders or decrees that can facilitate torture, ill-treatment and enforced disappearances. In particular, the 2005 Emergency Decree should not be renewed when it expires on 19 October 2007. The Decree grants security forces immunity from persecution for human rights violations, and allows arbitrary detention in unofficial locations where people are held without access to legal counsel and family, or the right to challenge the lawfulness of their detention.

Amnesty International calls on the Thai government to sign and ratify the UN Convention to Prevent Enforced Disappearances, and to make enforced disappearances a criminal offence. While the organization recognises that some form of official compensation has been made to the families of some victims of enforced disappearance in the violence in the south, this is not substitute for full investigations and prosecution of suspected perpetrators.

Public Document

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