



AFAD

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Members of ASEAN Intergovernmental Commission on Human Rights, ACT NOW Against Increasing Human Rights Violations in the Region!

The Asian Federation Against Involuntary Disappearances (AFAD) calls on the ASEAN Intergovernmental Commission on Human Rights (AICHR) to ACT NOW against increasing human rights violations in the region.

In Lao, the government remains calloused to calls from the international community to surface Sombath Somphone, a 2005 Ramon Magsaysay awardee for Community Leadership who disappeared on 15 December 2012, exactly 18 months today. The Lao People's Democratic Republic signed the Convention Against Enforced Disappearance (CED) on 29 September 2008. It also ratified the International Covenant on Civil and Political Rights (ICCPR) on 25 September 2009.

Human rights in Thailand are increasingly at risk under the recently-imposed military junta. In just three weeks after the seizure of political power through a military coup and the establishment of the National Council for Peace and Order (NCPO), there are already cases of secret military detentions of arrested political activists and enforced disappearances. These, aside from other human rights violations such as the trial by military courts of those arrested under the NCPO 37th order which grants the military court wide-ranging authority to try cases under the Thai penal code including those considered insulting to the monarchy, queen and heir-apparent, as stipulated in articles 107 to 112, as well as crimes of national security and sedition (113 to 118), according to reports released by Human Rights Watch. (<http://www.hrw.org/news/2014/05/28/thailand-halt-military-trials-end-arbitrary-arrests>).

AFAD reminds AICHR and the NCPO that Thailand signed CED on 9 July 2012. Article 6.2 of the Convention states that "No order or instruction from any public authority, civilian, military or other, may be invoked to justify an offence of enforced disappearance." Thus, the actions undertaken by the military junta violates its obligations as Thailand signed the CED. Yet, AICHR up to this day has not issued its position on the matter. A number of enforced disappearance cases remain unresolved in Thailand up to today, too. Among these are the disappearances of human rights lawyer Somchai Neelapaijit ten years ago and recently of Mr. Porlagee Rakchongcharoen, also known as 'Billy', a prominent ethnic Karen community leader and environmental rights defender who was last seen on 17 April 2014 and detained at Kaengkrachan National Park. Thailand is also State Party to the ICCPR, having acceded to the treaty on 29 October 1996.

In Brunei, the government recently enacted a penal law that provided stiffer punishments for women and gays in three phases. Phase one imposes fines and imprisonment for women who become pregnant outside of marriage; phase two, corporal punishment such as amputations and flogging for women who have abortions, and phase three, stoning to death of gays and lesbians convicted of adultery. (<http://www.msmagazine.com/news/uswirestory.asp?ID=15021>). Death penalty is also allowed for other crimes such as robbery and defamation of the Prophet Mohammed. It is important to note that the government of Brunei had suspended the death penalty since 1957.

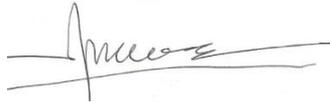
AFAD reiterates the concern expressed by the Office of the High Commissioner for Human Rights (<http://www.un.org/apps/news/story.asp?NewsID=47552#.U5vIWXK1bYc>) that the revised penal code, according to studies, will only further the violence and discrimination experienced by women and people with varied sexual orientations in the country due to its deep seated culture of discrimination and stereotyping among its law enforcement agencies and even officers of the judiciary.

"This revised penal law must be opposed by States parties to international human rights treaties and we challenge AICHR to speak out and do something within its mandate to persuade ASEAN member-states to address these urgent human rights issues in Lao, Thailand and Brunei as well as other parts of the region", Mary Aileen Diez- Bacalso, AFAD Secretary General said.

The AICHR in its Terms of Reference (TOR), 1.1. is tasked to "Promote and protect human rights and fundamental freedoms of the peoples of ASEAN ". It also vowed to " respect international human rights principles including universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, as well as impartiality, objectivity, non-selectivity, non-discrimination, and avoidance of double standards and politicization" (TOR, 2.2).

"We also ask other civil society organizations engaging with the AICHR to register their voices on these important concerns", Mugiyanto, AFAD Chairperson added.

Signed and authenticated by:



MUGIYANTO
Chairperson



MARY AILEEN DIEZ-BACALSO
Secretary-General