

PERUTUSAN TETAP MALAYSIA
KE PEJABAT BANGSA-BANGSA BERSATU
DAN BADAN-BADAN ANTARABANGSA
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MISSION PERMANENTE DE LA MALAISIE

AUPRÈS DE L'OFFICE DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS
INTERNATIONALES À GENÈVE

INTERNATIONAL CENTER COINTRIN (ICC)
1^{ER} ÉTAGE, BLOC H
20, ROUTE DE PRÉ-BOIS
CASE POSTALE 1834
CH-1215 GENEVA 15

27 September 2023

Mr. Thomas Andrews

Special Rapporteur on the situation of human rights in Myanmar

Ms. Aua Baldé

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Ms. Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Dear Sir/Madam,

I refer to the Joint Urgent Appeal reference UA MYS 1/2023 dated 21 July 2023 and the reply letter from the Permanent Mission of Malaysia to the United Nations and other international organizations in Geneva dated 31 July 2023 concerning the alleged disappearance of Madam Thuzar and family in Malaysia, on 4 July 2023.

2. I hereby transmit in the **ANNEX** the response of the Government of Malaysia to the afore-mentioned matter.
3. In thanking you for the understanding and cooperation, I express my sincere hope that the attached response from the Government of Malaysia will be fully taken into consideration.

Please accept, Sir/Madam, the assurances of my highest consideration.

Thank you.

A handwritten signature in black ink, appearing to read 'Rina Hanis Rodzli'.

RINA HANIS RODZLI

Deputy Permanent Representative/Chargé d'affaires

THE GOVERNMENT OF MALAYSIA'S RESPONSE TO THE JOINT URGENT APPEAL CONCERNING THE CASE OF MADAM THUZAR AND FAMILY

Introduction

The Government of Malaysia refers to the Urgent Appeal reference UA MYS 1/2023 dated 21 July 2023 ("**the Communication**") concerning the alleged disappearance of Madam Thuzar and family in Malaysia, on 4 July 2023.

2. This response has been prepared based on official information provided by the relevant Malaysian authorities.

Investigation

3. The Royal Malaysia Police ("**RMP**") received a police report on 5 July 2023 from [REDACTED] who identified herself as a housekeeper for Madam Thuzar's family, and claimed that her employer, Madam Thuzar and family could not be contacted. In response to the report, a team from the Criminal Investigation Department from the Ampang Jaya Police District went to the scene on the same day. Through an observation of the house, the RMP found that all entrances to the house were properly locked and the condition inside the house was neat and tidy. Early investigation suggests that there were no signs of forced entry or struggle.

4. The RMP had also recorded statements from Madam Thuzar's [REDACTED] to assist in the investigation. One [REDACTED] claimed that he saw Madam Thuzar's three children loading bags into a Mazda car belonging to the family, at approximately 7.20 p.m. on 4 July 2023. Adding to his witness statement, he told the police that the children looked normal without any signs of distress.

5. After the investigation was made, two (2) police reports against Madam Thuzar were lodged. The first report was lodged by a local Malaysian man on 30 April 2020, claiming Madam Thuzar rented his house for a period of one (1) year from May 2019 until April 2020. In his report, he also claimed that Madam Thuzar left the house without informing him as the owner. The second report dated 9 August 2022 was lodged by a local Malaysian lady, claiming that she rented her house to Madam Thuzar from May 2020 until Madam Thuzar vanished without paying her dues in August 2022.

6. Based on further information received, Madam Thuzar Maung and her family had later rented a house in Ukay Perdana in Kuala Lumpur from another local Malaysian lady from July 2022 until 5 July 2023, where she once again vanished with her family. The Immigration Department of Malaysia has verified that there are no record of Madam Thuzar and her family leaving the country.

7. Based on evidence gathered, and statements provided by witnesses, the investigation team suggests that this case to be classified as a Missing Person Case.

8. No enforced or involuntary disappearance evidence were found at the crime scene, house area, and no witnesses' evidence could support the theory of Madam Thuzar and her family was abducted. The investigation team did not notice any clues or indications towards the alleged kidnapping or abduction.

Measures

9. The investigation process was conducted through proper procedures under the Criminal Procedure Code. Based on evidences gathered, witness statements and crime scene analysis, the investigation team is not convinced that Madam Thuzar and her family have been the victims of abduction and/or enforced disappearance.

10. The investigation team has recorded 31 witnesses' statements including securities personnel, friends, neighbours, news reporters, school administrator, house owners, house rental agent and vehicles owners. Nevertheless, the investigation team continues to search for more evidence to establish Madam Thuzar and her family's whereabouts.

11. A Missing Person Alert Notice had been circulated in the social media, police stations, and public places. The news on Madam Thuzar and her family went missing were also reported in RMP Facebook page, social media and news portal, both locally and internationally.

12. The investigation team has sought the assistance from NCB INTERPOL to inform the Government of Myanmar regarding Madam Thuzar and her family's disappearance.

13. Assistance from the Embassy of Myanmar in Kuala Lumpur was also sought by the investigation team by issuing a letter requesting information on Madam Thuzar and her family.

14. The Forensics Team or Crime Scene Investigation (CSI) visited Madam Thuzar's house and the location of an abandoned Mazda where DNA sampling and all forensic evidences were collected for further analysis. There were no traces of blood or any other suspicious substances found during the process.

15. The Government of Malaysia upholds and abides by the rights conferred in the Federal Constitution and international law in protecting human rights. The RMP as the enforcement agency in Malaysia is responsible to conduct investigation against any criminal cases without favouritism or prejudice. Every criminal case that has occurred, will be investigated thoroughly and any person or organisation that is found guilty by the court of law shall be punished according to the Malaysian Law.

Conclusion

16. Although not a State Party to the Refugees Convention 1957 and Its Related Protocol 1967, Malaysia continues to extend protection and shelter to refugees on a humanitarian basis. Refugees in Malaysia are not entitled to assert legal rights, and any individuals engaged in civil and criminal offenses are held accountable under Malaysia's domestic legal proceedings.

17. Similarly, Malaysia protects fundamental liberties to all persons as constitutionally guaranteed and continues to uphold equal protection of all persons in its territory from enforced disappearance despite not being a State Party to the International Convention for the Protection of All Persons from Enforced Disappearance.

18. As a responsible State actor in the field of human rights, the Government has maintained a good working relationship with the Human Rights Council's Special Procedures Mandate Holders and is fully committed to the promotion and protection of human rights in the country. Malaysia as a member state of the United Nations remains committed to continue its engagements mandate holders in the exercise of their functions mandated by the United Nations, from time to time as necessary.

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