

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Cambodia; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on discrimination against women and girls**

Ref.: AL OTH 84/2025  
(Please use this reference in your reply)

22 August 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Cambodia; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 54/14, 51/8, 54/36, 53/4, 52/9, 50/17, 52/4, 52/5, 58/5, 58/14, 52/7 and 50/18.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention relates to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or

H.E. Kao Kim Hourn  
Secretary-General  
Association of Southeast Asian Nations

community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your urgent attention information we have received concerning **a reported surge in human rights violations of a transnational nature in the Greater Mekong Subregion, including Cambodia, Lao Peoples' Democratic Republic, Thailand and Viet Nam, Malaysia and China.**

We emphasize that this letter does contain any allegations of human rights violations attributable to the Association of Southeast Asian Nations.

According to the information received:

Cambodian activists and members of the opposition

*Killing in Thailand*

On 7 January 2025, Mr. **Lim Kim Ya**, a 73-year-old former parliamentarian from the dissolved Cambodian opposition party, the “Cambodia National Rescue Party” (CNRP), which was banned in 2017, and a national of France and Cambodia, was killed by an individual believed to have accomplices linked with the ruling party, the “Cambodian People’s Party” (CPP). According to the Thai police, he was hit in the chest by two bullets. He had just arrived in Bangkok with his wife on a bus from Cambodia. Mr. Lim Kim Ya had been active on his social media criticizing the Government of Cambodia. His last Facebook post was on 3 January 2025.

An investigation was initiated into Mr. Lim Kim Ya’s death. On 8 January 2025, the Thai criminal court approved an arrest warrant for a Thai suspect, who was charged with premeditated murder, carrying a firearm in public without valid reason, and discharging a firearm in a public area. Later in January 2025, the Thai police issued an arrest warrant for two Cambodian nationals, one believed to have acted as a spotter in the killing and the other believed to have hired the gunman. Both suspects are believed to be in Cambodia.

Mr. Lim Kim Ya’s family has not been provided with any updated information on the status of the investigation.

*Forced returns from Thailand and Malaysia*

In November 2024, Thailand reportedly forcibly returned five Cambodian political opposition activists, the adult daughter of one of the activists and a five-year old child, back to Cambodia. The Cambodian political activists were members of the dissolved CNRP and the opposition “Candlelight Party”. They had fled to Thailand in 2022, where the five activists had been recognised by the UN High Commissioner for Refugees (UNHCR) as refugees and the sixth adult was awaiting refugee status determination from UNHCR. They were charged with “plotting” under article 453 of Cambodia’s Criminal Code on 15 August 2024, during widespread public opposition in July and August 2024 to a trade and cooperation agreement between Cambodia, Lao PDR and Viet

Nam, and the subsequent crackdown by Cambodian authorities which led to mass arrests in the country.

On return to Cambodia, the six adults were arrested under these charges and remain in prison on pre-trial detention. Two of them had difficulties accessing legal aid and, as of early 2025, they were still being held without access to a lawyer.

Additionally, on 28 September 2024, Ms. **Nuon Toeun** – a Cambodian domestic worker in Malaysia – was arrested by three Malaysian police officials at her workplace, where she had worked for 15 years. She was reportedly arrested without explanation, spent two nights at a Malaysian police station, and was then deported to Cambodia. The Malaysian police told her that she was arrested for insulting the King on Facebook and for inciting discrimination in Cambodia, and that they had been working on her case for 8 months.

On 30 September 2024, she was brought to a Malaysian airport by three Cambodian men who may have been representatives from the Cambodian Embassy. She was brought to a plane handcuffed and sat next to the three Cambodian men. During the flight, no explanations were given regarding her destination. After her arrival, she was sent to the National Police to be questioned on the videos and Facebook comments found on her personal account. She said she commented on many critical social issues in Cambodia in the past years.

On 2 October 2024, Ms. Nuon Toeun was sent to pre-trial detention in Correctional Centre 2 on two separate charges, including charges of “insulting the King” under article 437 (bis); “incitement to commit a felony” under articles 494 and 495; and “incitement to discrimination” under article 496 of Cambodia’s Criminal code. She was not shown any arrest warrant in Malaysia or Cambodia, nor was she provided with the reasons for her pre-trial detention. In March 2025, she was found guilty on the two separate charges and was sentenced to 24 months in prison.

#### *Harassment and risk of refoulement in Thailand*

In early November 2024, two members of the ruling party CPP reportedly approached Ms. **Chhin Chou**, a Cambodian opposition leader, with an offer to defect and take on a role within the commune administration. After she declined this proposal, police officers reportedly visited her home in Cambodia and informed her father that she needed to publicly apologize and confess to her alleged wrongdoing, namely her alleged association with a known activist and former politician. The police warned that failure to comply could result in her arrest. At the time, she decided not to return home.

On 10 November 2024, Ms. Chhin Chou fled to Thailand after experiencing close surveillance from unidentified individuals monitoring her daily activities and being accused by the Cambodian police of secretly engaging in political activism with Cambodian opposition leaders who were abroad. On 2 December 2024, she received a UNHCR refugee card.

It is reported that Ms. Chhin Chou was recently targeted by the Cambodian authorities for posting a video on Facebook criticizing the Cambodian Ministry of Commerce's recent trade negotiations with the United States of America. On 23 May 2025, Cambodia's National Police issued a press release stating that Ms. Chhin Chou is accused of disseminating a video via three social media accounts that is considered "false" and "inciteful." The authorities further allege that the video is intended to "poison and destroy society" and qualified her conduct as criminal. The police also reported that Ms. Chhin Chou had been previously charged in November 2024 for "conspiring to commit treason through activities with extremists rebel groups to attack the Government" and that she evaded arrest by fleeing to Thailand. They informed that Cambodian and Thai law enforcement agencies are working together to apprehend and extradite her.

Based on the above, there are concerns that Ms. Chhin Chou is at risk of *refoulement*.

#### *Harassment of family members*

Mr. **Sok Sunnareth** is the father of Mr. **Sorn Dara**, a leading supporter of the banned opposition party CNRP with refugee status in France. In 2017, Mr. Sorn Dara fled Cambodia and, since then, he has continued to criticize the Cambodian Government via widely followed broadcasts on Facebook.

In May 2023, the President of the Cambodian Senate reportedly threatened to fire Mr. Sorn Dara's relatives from Government employment due to his activism. On 13 November 2024, Mr. Sok Sunnareth was allegedly summoned to a special meeting at military premises in Kampong Speu Province. Upon arrival, his car was taken over by a member of the military and driven into the compound while he was still inside his vehicle. The compound was reportedly surrounded by military police and the street had been cleared from traffic. As he went into the meeting, he was informed that he was under arrest for drug trafficking. Drugs were reportedly discovered in his car after the meeting.

Since then, Mr. Sok Sunnareth has been held in pre-trial detention with deteriorating health status, including concerns with a knee operation he had shortly before his arrest and other pre-existing lung and back problems. It is believed that he has been targeted to silence his son, Mr. Sorn Dara.

#### Thai activists

##### *Killings and enforced disappearances in Cambodia, Lao PDR and Viet Nam*

At least nine Thai political activists disappeared from Cambodia, Lao PDR and Viet Nam between 2016 and 2021. While all of them were politically active and critical of the authorities, six had or may have faced charges for *lèse-majesté*/sedition or Strategic Lawsuits against Public Participation lawsuits; eight were also online journalists. Among them, two were found dead; two are suspected to be dead; four were presumably handed over to Thai authorities; and

no information is available regarding the fate of the ninth person. None of them have ever been seen again, and the perpetrators remain unknown.

On 4 June 2020, Mr. **Wanchalearm Satsaksit**, a Thai pro-democracy activist who had lived in exile in Cambodia since 2014, was abducted by armed men outside his apartment building in Phnom Penh. Shortly after the abduction of Mr. Wanchalearm Satsaksit, his sister, Ms. Sitanun Satsaksit submitted the complaint to the Phnom Penh Municipal Court in Cambodia. Later, she was summoned to provide testimony and submit additional evidence regarding her brother's whereabouts and the circumstances of his disappearance. On 27 February 2024 – nearly four years after the incident – the Cambodian Government stated that it had concluded its investigation and submitted a report to the Phnom Penh Municipal Court. However, the contents of the report have not been disclosed to the family or their legal representatives, and no official findings have been communicated.

In January 2019, Mr. **Siam Theerawut**, Mr. **Chuchep Chewasut** and another Thai political activist affiliated with the United Front for Democracy against Dictatorship in exile in Lao PDR, disappeared while attempting to cross from Lao PDR into Viet Nam. In February 2019, unconfirmed reports were received that they had been arrested and detained on charges of illegal entry into Viet Nam. All three men were reportedly handed over to Thai authorities on 8 May 2019, although the Thai authorities denied these claims. Their whereabouts remain unknown.

On 12 December 2018, Mr. **Surachai Darnwatthananusorn**, Mr. **Chatchan Bubphawan**, and Mr. **Kraidej Luelert**, Thai political activists affiliated with the UDD in exile in Lao PDR, went missing from their house in Vientiane. On 27 and 29 December 2018, the bodies of two unidentified men were found on the banks of the Mekong River in Nakhon Phanom Province, in Northeast Thailand. The bodies were wrapped in sacks and nets, tied up with nylon ropes. They appeared to have been handcuffed, disembowelled and filled with concrete. On 22 January 2019, the official report of a DNA test identified the two bodies as that of Mr. Chatchan Bubphawan and Mr. Kraidej Luelert. On 24 January 2019, the Thai police announced the launch of an investigation into the killing of the two activists. No progress has been reported since, and the fate and whereabouts of Mr. Surachai Danwattananusorn remain unknown.

On 14 December 2018, it was reported that the Governments of the Lao PDR and Thailand released a joint statement signed by their respective foreign ministries indicating that both countries would strengthen their collaboration and “stand firm on the policy to not allow any person or group of people plan for disorder or anti-government activities in another country on their land.” Under this agreement, Lao committed to locating members of the “Thai Federation” group, which included the three Thai dissidents who had disappeared in Lao just three days before the pledge. The Thai Government had reportedly made several requests, since 2016, for the extradition of Thai political activists from the Lao PDR.

*The Office of the Attorney General and the National Human Rights Commission of Thailand*

On 25 October 2022, Thailand adopted the first domestic law on the “Prevention and Suppression of Torture and Enforced Disappearance”, Act (B.E.2565, 2022). The law came into effect on 22 February 2023. Sections 14 and 19 of the Act allows the establishment of the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance to monitor and suggest the amendment of laws and policies to prevent and end torture and enforced disappearance.

Despite the new law, several complaints submitted by the families of disappeared victims were dismissed by the Centre for the Prevention and Suppression of Torture and Enforced Disappearance established under the Office of the Attorney General of Thailand.

On 8 January 2024, the Centre informed Mr. Chatchan Bupphawan’s and Mr. Wanchalearm Satsaksit’s families that the complaints that they had submitted on 1 June 2023 were not accepted, and that the cases were closed. Regarding Mr. Chatchan Bupphawan, the decision was based on the reasoning that his enforced disappearance occurred prior to the entry into force of the Act and, therefore, the case fell outside the scope of their prosecutorial authority. As a result, the Public Prosecutor was not deemed to be an authorized investigator under the Criminal Code, in accordance with section 31, paragraph 1, of the Prevention and Suppression of Torture and Enforced Disappearance Act. The Centre also informed Mr. Wanchalearm Satsaksit’s family that the case could only proceed under the Act if the perpetrator was confirmed to be a State official – an element that remains unverified to date. As a result, the fate and whereabouts of Mr. Wanchalearm Satsaksit and Mr. Chatchan Bupphawan remain unknown, and no effective remedy has been provided for the family.

On 26 June 2024, the Centre also informed Mr. Siam Theerawut’s family that his case did not meet the criteria for an offense under the Prevention and Suppression of Torture and Enforced Disappearance Act, stating that there was insufficient proof to confirm the involvement of a State official. As a result, the Centre considered that the case did not fall under the jurisdiction of the Public Prosecutor pursuant to section 10 of the Act or section 20 of the Criminal Code for offenses committed outside of Thailand. The Attorney General therefore issued an order to terminate the case accordingly.

On 23 December 2024, the Centre informed Mr. Surachai Danwattananusorn’s family that their complaint requesting an official investigation to be launched over his disappearance was dismissed due to insufficient evidence.

On 24 March 2025, the Centre also informed Mr. Kraidej Luelert’s family that there was insufficient evidence to support the belief that his death was an act of enforced disappearance, according to section 7 of the Prevention and Suppression of Torture and Enforced Disappearances Act. Therefore, an order has been issued to terminate the case.

Additionally, it was also reported that the Thai authorities denied several requests for registration of disappeared individuals due to outstanding arrest warrants. For example, on 20 December 2024, Mr. Siam Theerawut's mother was informed by the Samut Sakorn Provincial Court that her request to have him declared a missing person under Thailand's Civil and Commercial Code had been dismissed. The Court held that since he had an outstanding arrest warrant (under section 112 of Thailand's Criminal Code), he was likely to still be in hiding.

On 10 June 2024, the National Human Rights Commission of Thailand (NHRCT) presented its investigation report on the nine cases of enforced disappearances of Thai refugees residing in neighbouring countries (Cambodia, Lao PDR and Viet Nam) between 2016 and 2021. The NHRCT concluded that the nine individuals are "believed to be cases of enforced disappearance" under the International Convention on the Protection of All Persons from Enforced Disappearance and related laws and that the officials may have been involved in the disappearances and deaths. The NHRCT also stated that "ineffective actions" of Thai Government authorities in the investigations and the lack of progress in prosecuting the perpetrators are considered negligent and a violation of human rights.

The NHRCT also pointed out that the "Damages for the Injured Person and Compensation and Expenses for the Accused in Criminal Case" Act (BE 2544, 2001) does not lay down criteria for compensation by the Government in cases of enforced disappearances and recommended to the Committee under the Prevention and Suppression of Torture and Enforced Disappearance Act to investigate these cases of enforced disappearances till the truth is established and take remedial measures for the families of the victims, including developing strategies and measures for physical and psychological rehabilitation and financial and psychological compensation for the victims. It also recommended that the Committee develop a guideline to investigate cases of enforced disappearances of Thai persons living abroad.

On 30 August 2024, the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance established a sub-committee to investigate the case of the nine Thai individuals disappeared abroad. However, no significant progress has reportedly been made so far.

On 21 March 2025, the "Regulation of the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance regarding Assistance, Remedies, and Rehabilitation for Victims" (B.E.2568) was published in the Royal Gazette and came into effect on the following day. The Regulation, which took almost two years to be completed, lays down instructions on the criteria and procedures for victims to request for both non-monetary and monetary compensation. A lump sum compensation will be granted to victims of enforced disappearance and torture, while those allegedly subjected to ill-treatment will be granted financial remedies in varying ranges.

Prior to the endorsement of the Regulation, none of the victims' families received compensation from the State, either by the Damages for the Injured

Person and Compensation and Expenses for the Accused in Criminal Case Act (B.E. 2544, 2001) or the “Justice Fund” Act (B.E.2558, 2015). For instance, the complaint submitted by Mr. Siam Theerawut’s family in 2022 under the Damages for the Injured Person and Compensation and Expenses for the Accused in Criminal Case Act was dismissed by the Committee, on the grounds that he was not considered a victim under the Act, as it has not been clearly established that he died or suffered physical or mental harm.

#### *Forced return from Malaysia*

In May 2019, at Thailand’s request, Malaysia returned Ms. **Praphan Pipattanamporn**, a UNHCR-recognized refugee, to Thailand, where she faced arrest for anti-monarchy activities, under section 116 of Thailand’s Criminal Code. The Malaysian Prime Minister defended this as an act of “good neighbourhood”.

#### Lao activists and human rights defenders

##### *Killings and enforced disappearances in Thailand*

On 17 May 2023, Mr. **Bounsuan Kitiyano**, a Lao national, former member of the group “Free Laos” and affiliated to the Germany-based organization “Alliance for Democracy in Laos”, was found dead in Ubon Ratchathani province, in north-eastern Thailand. Mr. Kitiyano was a UNHCR-recognized refugee in Thailand and was about to be resettled to a third country. Between 2020 and 2025, three additional ADL affiliates, namely Mr. **Maythong Sanbounkhounxay**, Mr. **Phouvong Xayaseng**, and Mr. **Leokham Losavath**, were found dead in unclear circumstances in Lao PDR, while another member, Mr. **Saysomphone Chilikham**, has been missing since February 2024.

On 26 August 2019, Mr. **Od Sayavong**, a Lao pro-democracy activist and human rights defender, member of “Free Laos” and one of the founders of the “Lao United Labour Federation in Thailand”, disappeared Thailand. At the time of his enforced disappearance, he was resident in Thailand as a UNHCR-recognized refugee.

On 14 November 2019, Mr. **Phetphouthone Philachanh**, also a member of “Free Laos” and refugee in Thailand, disappeared in unclear circumstances, reportedly after returning to Lao PDR. His whereabouts remain unknown. Mr. Philachanh was one of the founders and former Vice- President, of the Lao United Labour Federation in Thailand, and the housemate of Mr. Od Sayavong at the time of Mr. Sayavong’s disappearance. He was the last person to see Mr. Sayavong before he disappeared.

#### Vietnamese activists and human rights defenders

##### *Enforced disappearances in Thailand*

On 13 April 2023, Mr. **Duong Van Thai**, a Vietnamese independent journalist and UNHCR-recognize refugee, was allegedly abducted by Vietnamese security

forces while driving his motorbike in the northern outskirts of Bangkok, along Lamphu road, Thanyaburi district, Pathum Thani province, in Thailand. Prior to his enforced disappearance, Mr. Thai reportedly revealed his security concerns to an acquaintance right after posting videos of political infighting in Viet Nam. Mr. Thai also reportedly added that, on 6 April 2023, one of his neighbours spotted a man riding a motorbike with a Chiang Rai provincial number plate approaching his home to film and take photos. The man reportedly spoke Thai, although with a strange accent. Persons connected to Mr. Thai were able to put together a chronology of his movements on the day of his enforced disappearance through different CCTV camera footage, audio recordings and testimonies which purportedly confirm his abduction.

A few days later, it was reported that on 14 April 2023 Mr. Thai had allegedly been arrested by Vietnamese officials for entering Viet Nam without proper identification documents. No further information about his fate and whereabouts was reportedly shared with his family until 13 July 2023, when the family was notified that Mr. Thai was detained in Hanoi on charges of “Propaganda against the state”, under article 117 of the 2015 Criminal Code. On 30 October 2024, the Hanoi People’s Court sentenced Mr. Thai to 12 years in prison and three years on probation in a closed trial and without defense counsel.

On 26 January 2019, Mr. **Truong Duy Nhat**, a refugee blogger and journalist in Thailand, was abducted in Bangkok after having been apprehended by the Thai police. On 20 March 2019, his family was notified that he was arrested on 28 January 2019, shortly after seeking refugee status with UNHCR, and imprisoned at T16 temporary detention facility in Hanoi. In June 2019, Mr. Nhat’s family was informed that the Ministry of Public Security (MPS) had opened a case against him for illegally purchasing a plot of land a decade prior. On 9 March 2020, the People’s Court of Hanoi tried Mr. Truong Duy Nhat for the crime of “abusing his position and authority”, under article 356(3) of the 2015 Criminal Code, and sentenced him 10 years in prison. On 14 August 2020, the Appeal Court upheld the 10-year sentence.

#### *Detention of opposition member and risk of refoulement from Thailand*

There are concerns that the Government of Viet Nam may be exchanging information with the Government of Thailand to identify Vietnamese Montagnard refugees in Thailand for their possible forced repatriation to Viet Nam, including those recognized as refugees by the UNHCR and being considered for resettlement in third countries.

There is particular concern about Mr. **Y Quynh Bdap**, the co-founder of the organization “**Montagnards Stand for Justice**” (MSFJ), a non-violent organization advocating for the rights and freedoms of the Montagnard people in the Central Highlands of Viet Nam (VNM 4/2024 and THA 6/2024). Mr. Y Quynh Bdap is a UNHCR-recognized refugee residing in Thailand since 2018, and in the process of resettlement to a third country.

On 11 June 2023, a violent assault on the Police stations and Government headquarters situated in Ea Tieu and Ea Ktur communes, in Dak Lak Province

in Viet Nam, reportedly claimed the lives of nine individuals, including police officers and civilians, while also leaving numerous others injured.

On 16 January 2024, 100 defendants – of whom, 99 ethnic Montagnards – were brought to trial in connection with this violent attack. On 20 January 2024, all defendants were tried by a ‘mobile court’ of five judges. The trial proceedings took place over a period of five days, with one day of deliberations. Nineteen lawyers were present at the trial to represent the 94 defendants, who were present at the trial. Six defendants, including Mr. Y Quynh Bdap, were tried and sentenced *in absentia*, and did not receive legal representation. Mr. Y Quynh Bdap received a 10-year prison sentence for “terrorism”, for his alleged involvement in the Dak Lak events.

On 4 June 2024, the Thai police visited Mr. Y Quynh Bdap’s former residence in Bangkok and questioned neighbours about his whereabouts. On 6 June 2024, the Thai police located the residence where he was staying and stationed themselves out the front, waiting to arrest him, pursuant to an extradition request from Viet Nam. The National Human Rights Commission of Thailand intervened to prevent the arrest and remind the Thai Police of its *non-refoulement* obligations under international and domestic law.

On 11 June 2024, the Thai Immigration Police arrested Mr. Y Quynh Bdap under the Thai Immigration Act (1979) and placed him in judicial custody at the Bangkok Remand Prison. The arrest was made in connection with an extradition request from Viet Nam regarding his 10-year prison “sentence for terrorism”. On 13 June 2024, a Thai prosecutor filed an extradition case with Bangkok Criminal Court. On 30 September 2024, the Criminal Court of Bangkok delivered its verdict on the extradition request for Mr. Y Quynh Bdap. The Court found that there were sufficient grounds to proceed with extradition under section 19(1), (2), and (3) of the Thailand Extradition Act (2008) and ordered that Mr. Y Quynh Bdap be detained pending the execution of the extradition request. On 15 February 2025, his lawyer deposited an appeal. The Appeal Court is currently reviewing the case.

Mr. Y Quynh Bdap has denied involvement in terrorism. He and other MSFJ members, who are UNHCR-refugees in Thailand, have expressed fears that Vietnamese security forces may abduct them in Thailand and forcibly return them to Viet Nam, in light of previous cases where this has occurred to critics of the Vietnamese Government.

#### *Terrorist designation of diaspora civil society organizations*

On 6 March 2024, in connection with the Dak Lak assault, the Vietnamese MPS listed MSFJ as a “terrorist organization”. As a result of the listing, the authorities warned that “anyone who engaged in, propagated, enticed, incited others to participate, sponsored or receive sponsorship, or participated in training courses organised by’ MSFJ, or followed its direction, would be charged with ‘terrorism’ or ‘supporting terrorism’”.

On 14 February 2025, MPS listed the US-based organization “**Boat People SOS**” (**BPSOS**) as a “terrorist organization”. Furthermore, at least 43 individuals affiliated with BPSOS or MSFJ have reportedly been designated or are believed to have been designated, including the President of BPSOS and human rights defender, Mr. **Thang Dinh Nguyen**. According to MPS, BPSOS “works closely with MSFJ, the organization that carried out the terrorist attack on 11 June 2023 in Dak Lak Province and has been included in the list of terrorist organizations and individuals by the Ministry of Public Security”.

MSFJ and BPSOS deny involvement in terrorism and view the designation as a pretext for further suppressing Montagnard in Viet Nam and Vietnamese groups in exile, particularly those that document and expose human rights violations against ethnic and religious minorities and Indigenous Peoples.

#### *Intimidation and harassment of Montagnards and Hmong refugees in Thailand*

On 14 March 2024, a delegation of several Vietnamese public security police officials went to neighbourhoods with large concentrations of Montagnards refugees in Nonthaburi Province, north of Bangkok, and in the Bang Len district of Nakhon Pathom Province. The delegation was accompanied by the Thai police. The Vietnamese delegation included the director of the Public Security Department in Gia Lai Province, an investigative police officer from Dak Lak Province, two interrogators and official from the Vietnamese embassy. The Thai police pressured Montagnards to present themselves outside their residences for interviews with the Vietnamese delegation, who pressured them to return to Viet Nam and recorded videos of them on phones and cameras. The delegation accused them of having “illegally” left Viet Nam, promised leniency and support for returning, and threatened them with arrest and other repercussions if they refused to return.

The Vietnamese delegation asked about the location of the six Montagnards who were convicted *in absentia* on 20 January 2024. They were part of 100 defendants that were convicted in Viet Nam by a ‘mobile court’ trial in relation to a violent attack on Vietnamese police stations that took place on 11 June 2023 in Dak Lak Province, in the Central Highlands of Viet Nam. They also showed arrest warrants and photographs of the six individuals and declared that they would also arrest 100 other Montagnard activists. Just prior to the visit to Thailand, on 13 March 2024, Viet Nam’s Minister for Public Security met with the Thai Government to propose a bilateral extradition agreement.

On 23 February 2025, Bang Yai District authorities in Nonthaburi Province, detained 65 Montagnards, five of whom are UNHCR-recognized refugees, on charges of “illegal entry and stay” under the Thai Immigration Act (1979). On 25 February 2025, Nonthaburi Kwaeng Court sentenced 43 of them to 6 months in prison. The group was subsequently placed in two Immigration Detention Centres: women with children were moved to the Mothers and Children Immigration Centre in Bang Khen, while the remaining women and men were transferred to the Suan Phlu Immigration Detention Centre.

Bail requests have been filed for 40 out of 43 individuals. However, the bail request for three members of the Montagnard group, namely Mr. **Y Phuong Enuol**, Mr. **Y Duong Bkrong**, and Ms. **H Leo Nie**, were denied, reportedly due to existing arrest warrants against them in Viet Nam. On 13 March 2025, Vietnamese officials reportedly visited them in the detention centres. All three individuals are refugees registered with UNHCR and have expressed a fear of persecution by the Vietnamese authorities.

Similarly, between 28 March and 22 April 2025, 13 Hmong individuals, all registered as refugees with UNHCR in Thailand, were arrested by the Thai Immigration Police. Since their arrests, all have been sentenced for “illegal entry and stay” under the Thai Immigration Act (1979) and moved to the Suan Phlu Immigration Detention Centre. Reportedly, the individuals are affiliated with the “Hmong Human Rights Coalition”, a Hmong a non-violent organization monitoring and reporting on human rights violations against the Hmong community in Viet Nam. On 27 April and 7 May 2025, Vietnamese officials undertook two visits to the Suan Phlu Immigration Detention Centre and met with the Hmong individuals. Reportedly, the group was invited to voluntarily return to Viet Nam, and they were asked to sign repatriation forms. All of them refused to sign the document. On 1 May 2025, one of the Hmong individuals was physically assaulted by another detainee of Vietnamese nationality. Although the victim reported some injuries, he was refused medical care after reporting the incident.

The abovementioned Montagnard and Hmong individuals in Thailand are UNHCR-refugees in Thailand. They fear persecution by the Vietnamese authorities, and they are entitled to protection from *refoulement* under international human rights law. In such circumstances, visits to immigration detention facilities by the Vietnamese authorities pose serious protection concerns. These individuals may be at risk of *refoulement*. Their forced return may expose them to serious human rights violations, including torture, arbitrary detention and enforced disappearance, on account of their activities defending the human rights of ethnic minorities and Indigenous Peoples in Viet Nam, as well as the freedom to practice minority Christian religions, which are not officially recognized by Vietnamese law.

#### Chinese human rights defenders and ethnic and religious minorities

##### *Forced return from Thailand*

On 27 February 2025, the Government of Thailand proceeded with the deportation to the People’s Republic of China of Messrs. **Abdulla Abdukerim**, **Muttelip Awut**, **Kewser Osman**, **Aishan Maimaiti**, **Aimaier Awuti**, **Abdurazak Abdulla**, **Abduwali Idris**, **Abudirezhake Yasen**, **Abudureheman Maitiruzi**, **Abudurexiti Tuersun**, **Abudurezhake Halike**, **Abudurusuli Wusiman**, **Abulaiti Kasimu**, **Aimaier Aizezi**, **Aimaierjiang MaimaitiAisa**, **Anwar Tilek**, **Imin Tohti Meydinahun**, **Keyimu Huojiaabudulla**, **Kurbanniyaz Toheti**, **Maimaiti Aihaiti**, **Maimaiti Aili Sulitan**, **Maimaiti Aili Niyazi Maimaiti**, **Maimaitiniyazi Maimaituoheti**, **MaimaitiTuersun Sawuti**, **Memet Karimu**, **Maimutimin Abula**, **Memet**

**Tursun Eysa, Reheman Tuersun, Rejipuniyazi Ahongniyazi, SaidiMaimaiti Maiti Tuersun, Siyitiwumaier Kawuzi, Sulaiman Maimaiti, Tuerdi Maimait Balati, Tuerdi Tuoheti, Yasen Maimaiti, Yasen Keyoumu, Yasin Yusup Palta, Yusufu Aihemaiti, Naibijang Mamut and MaimaitiNiyazi Tuersun.** Prior to their forced return, the 40 Uyghurs were detained for over a decade in various detention facilities, including at the Suan Phlu Immigration Detention Centre, Bangkok. Several Uyghurs remain in Thai custody, including five individuals currently serving sentences of up to twelve years related to their alleged attempt to escape immigration detention and related to theft. Five other Uyghur individuals died in detention in Thailand since 2014.

The forced return of the 40 Uyghurs was reportedly carried out without transparency and in a secretive manner in the early morning hours, despite numerous calls from the United Nations and other actors to suspend the deportation and have access to the Uyghurs, and the expressed refusal by the Uyghurs themselves to return, out of fear of potential imprisonment and ill-treatment in China. Their fate and whereabouts remained unknown until the confirmation of the deportation by the Thai Government, which came later in the afternoon. At the same time, the Chinese Embassy to Thailand posted the information on their Facebook page.

The Thai Government reportedly defended the deportation, including through public statements by the Prime Minister, Ms. Paetongtarn Shinawatra, Deputy Prime Minister and Minister of Defence, Phumtham Wechayachai, the Minister of Justice, Pol. Col. Tawee Sodsong, the Secretary General of the National Security Council, Mr. Chatchai Bangchud, and the Vice Minister for Foreign Affairs, Mr. Russ Jalichandra, who referred to the assurances provided by the Government of the People's Republic of China for the safety of the Uyghurs and guarantees of non-prosecution.

Furthermore, according to the Deputy Prime Minister and Minister of Defence, Mr. Phumtham Wechayachai, the Government's decision to proceed with the deportations was also due to the absence of third-country resettlement options, as no formal requests had been reportedly received from other countries. However, at the same time, it is reported that for more than a decade UNHCR had repeatedly expressed concerns over the detention of this group and called on the Thai Government to provide alternatives to detention and "seek a viable and safe solution", but these options never materialized. The detained Uyghurs had also reportedly expressed their willingness to contact UNHCR to apply for refugee status but were not permitted to do so. Moreover, it is reported that several Member States repeatedly offered resettlement options to the Thai authorities, to no avail.

It is reported that family members of the deported Uyghurs living in third countries did not have any contact with them, and they were not informed about their whereabouts.

On 27 February 2025, following the deportation of the Uyghurs, the National Human Rights Commission of Thailand issued an urgent letter of concern to the

Prime Minister and issued a press release emphasizing the non-refoulement principle.

On 12 March 2025, the Standing Committee on Justice and Human Rights met to review the deportation. The session focused on due process and compliance with Thailand's domestic law and international human rights obligations. During this meeting the Committee asked the Immigration Bureau and other relevant authorities to share the legal notice of the expulsion order signed by the group of detained Uyghurs, the diplomatic assurance documents of the Chinese Government, and records of the monitoring trip to China.

On 18 March 2025, Thailand's Deputy Prime Minister and Minister of Defense, Mr. Phumtham Wechayachai, the Minister of Justice, Pol. Col. Tawee Sodsong, the Secretary General of the National Security Council, Mr. Chatchai Bangchud, the Deputy Commander of the Royal Thai Police, Pol. Gen. Kraibun Suadsong, the Government's Spokesperson, Mr. Jirayu Houngsub, as well as a group of media representative travelled to China, and visited Xinjiang, upon invitation of the Chinese Government.

According to the Thai Government's spokesperson, the visit had been organized "following the repatriation of 45 Uyghur Chinese" and "in response to the concern of the global community on safety and wellbeing of the deported Uyghurs". The visit was expected to "create better understanding on Thailand's straightforward and transparent decision based on mutual agreement between Thailand and China that the returned Uyghurs be allowed to reunite with their families, reintegrate back into the society, and be given fair treatment, safety, and freedom."

On 27 March 2025, the Bangkok South Criminal Court dismissed a motion submitted on behalf of the detained Uyghurs, challenging their unlawful detention under section 90 of the Criminal Procedure Code. The Court ruled that as the detainees had already been sent back to China, it had no jurisdiction over the case.

#### *Forced return from Lao PDR*

On 28 July 2023, Mr. **Lu Siwei**, a Chinese human rights lawyer, was detained and questioned by the Lao police while preparing to board a train for Thailand at Thanaleng railway station in Vientiane, where he arrived with the aim of flying from Thailand to the United States to reunite with his family. He forcibly disappeared from July to September 2023, without any access to the outside world, including his lawyer. In October 2023, the Government of Lao PDR confirmed that Mr. Lu Siwei was deported back to China around mid-September.

According to the Chinese Government, the deportation was done based on the mechanism for bilateral cooperation between the countries. Upon deportation to China, Mr. Lu Siwei was released on bail, pending an investigation into the crime of "illegally crossing the national border". On 15 October 2024, Mr. Lu Siwei was arrested again on the basis of "sufficient evidence". On 18 April

2025, the Chenghua District People’s Court sentenced Mr. Lu Siwei to 11 months in prison and a fine of Yuan 10,000 for “illegally crossing the national border”.

Without prejudging the veracity of the allegations, we wish to express our profound concern regarding the reported rise in transnational repression, including acts conducted or directed by a State, or its proxy, to deter, silence or punish dissent, criticism or human rights advocacy towards it, expressed from outside its territory. This includes serious claims of extrajudicial executions, enforced disappearances, and the arbitrary detention of activists, dissidents, human rights defenders, and members of ethnic and religious minorities, for the purpose of rendition. We are deeply troubled by reports that many individuals are currently deprived of their liberty – frequently held incommunicado and denied contact with the outside world – simply for exercising their fundamental rights, such as freedom of opinion and expression, freedom of religion or belief, or for engaging in legitimate human rights advocacy. In some instances, these actions appear to be driven by discriminatory motives related to migratory status or minority identity. Such practices have a profound chilling effect, deterring individuals from freely expressing their views or pursuing their work as journalists, lawyers, or social activists.

We are alarmed that the reported incidents of reprisals and intimidation against Indigenous Peoples and ethnic minorities, including Montagnard and Hmong activists and human rights defenders in Thailand and the undue restrictions imposed on Montagnard diaspora organizations could be designed to further discourage cooperation with the United Nations, and to prevent individuals from seeking access or provide information to United Nations mechanisms, including the Special Procedures.

We are concerned by reports of forced returns and extraditions involving individuals at risk of serious human rights violations, including refugees and members of minority and Indigenous communities. We recall that all States must uphold the absolute principle of non-refoulement under international law, ensuring that no person is returned to a country where they face persecution, torture, or other grave harm. Returns must be voluntary and free from coercion, and any removal must follow fair, individualized procedures with access to legal safeguards and the right to appeal. Without these protections, such actions risk violating international obligations and facilitating transnational repression.

We reiterate our concern regarding the use of overly broad and vague national security and counter-terrorism legislation across the region, which may be incompatible with the principle of legal certainty under international human rights law. Criminal laws must be sufficiently precise to ensure individuals understand what conduct constitutes an offence and the legal consequences thereof. We are particularly concerned about the designation of Indigenous-led or civil society organizations as terrorist entities without credible evidence of their involvement in terrorist acts. These designations must fully comply with international standards, including the principles of legality, necessity, proportionality, and non-discrimination, and must be based on clear and credible evidence. Failure to do so risks violating fundamental rights – such as freedoms of expression, association, and religion – and may further undermine the right to self-determination and cultural participation.

Given that ASEAN maintains regional instruments facilitating criminal cooperation, it is imperative that such frameworks incorporate non-refoulement as a mandatory ground for refusal, in line with international human rights law, particularly where there is a real risk of torture, arbitrary detention, enforced disappearance, persecution, or other serious violations (A/79/324, para. 24). Denial of refugee status or asylum on terrorism grounds must be strictly circumscribed by international legal standards, with robust safeguards to prevent abuse. Moreover, transnational data sharing- whether through formal proceedings, informal cooperation, or watchlists- must be subject to stringent data protection standards to prevent misuse (*idem*, para. 26). Absent these protections, regional cooperation risks enabling transnational repression and undermining the rights of refugees, dissidents, and civil society actors.

We reiterate that, under international law, the failure or refusal to acknowledge a deprivation of liberty by State agents or persons acting with their authorization, support, or acquiescence constitutes enforced disappearance, regardless of the duration or type of concealment involved. State authorities are thus obliged to take all necessary measures to effectively protect the rights of persons deprived of their liberty, as they automatically assume responsibility for their lives, physical integrity, and wellbeing. State authorities are also obliged to promptly provide accurate information on the detention of persons deprived of liberty and their place or places of detention, including transfers, to their family members, counsel, or any other persons with a legitimate interest. The State should also fully recognize the legal personality of disappeared persons and their families, thus protecting them, bearing in mind their special vulnerability. It should also respect their rights to reparation, including adequate compensation for any damage (physical or mental injury, lost opportunities, material damage and loss of income, damage to reputation, and costs incurred in obtaining legal or expert assistance) resulting from an enforced disappearance as well as satisfaction, rehabilitation and guarantees of non-repetition.

Moreover, we emphasize the profound and devastating impact that enforced disappearances have on the families of the disappeared individuals and their communities, with women often bearing the brunt of the impact of such disappearances, especially when the disappeared person was the head of household. Enforced disappearances not only cause immense personal suffering but also disrupt the social fabric and cohesion of communities. The enforced disappearances of religious believers and minorities and human rights defenders, in particular, violate the economic, social, and cultural rights of those involved in related activities, they produce an environment of fear, exacerbate existing inequalities, and they often create unique gendered vulnerabilities and challenges; as well as harming larger community that depended on the disappeared individuals to advocate for and defend their rights.

We further emphasize that the right to life gives rise to an obligation to investigate all cases of unlawful killings. Such investigations should comply with international standards including the [Minnesota Protocol on the Investigation of Potentially Unlawful Death](#) and must be independent, impartial, prompt, thorough, effective, credible and transparent. The failure of the State promptly to investigate does not relieve it of its duty to investigate at a later time: the duty does not cease even with the passing of significant time. States also have a duty to cooperate internationally in investigations of potentially unlawful death, in particular when it concerns an alleged international crime such as extrajudicial execution.

The Special Rapporteur on Extrajudicial Summary or Arbitrary Executions would like to convey his willingness to provide technical assistance to ASEAN Member States in relation to the investigation of potentially unlawful deaths in line with international standards including the Minnesota Protocol. Other mandate-holders remain available to offer technical assistance on matters falling within the scope of their respective mandates.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law and standards** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the legal and institutional framework governing cooperation between ASEAN Member States and other States in relation to immigration enforcement, deportations, extraditions, and transfers of foreign nationals, including migrants, refugees and human rights defenders. Please provide information on any extradition, mutual legal assistance, security cooperation, or migration-related agreements that may facilitate transfers of individuals across borders, including in the Greater Mekong Subregion. Please also provide information as to whether any independent mechanism exists to oversee that the decision of transfers of individuals across borders does not risk or violate human rights principles and domestic legislation.
3. Please indicate the measures in place to ensure compliance with the absolute and non-derogable principle of *non-refoulement* under international human rights law, particularly with respect to individuals who may face a risk of torture, ill-treatment, enforced disappearance, arbitrary detention, or persecution upon return. In this regard, please clarify how the principle of *non-refoulement* is recognized and applied as a mandatory ground for refusing requests for extradition and mutual legal assistance under regional instruments, and how regional norms requiring the denial of refugee status or asylum on terrorism-related grounds are framed and implemented in strict accordance with international refugee and human rights law.
4. Please indicate the measures in place to ensure that regional terrorist travel watch lists, blacklists, and related information-sharing procedures are fully consistent with international legal obligations, including the principles of legality, due process, and non-discrimination. In particular, please clarify how Member States guarantee the screening out of abusive

or unsubstantiated listing proposals and ensure access to a fair, transparent, and independent delisting procedure.

5. Please describe the safeguards and procedures in place to ensure the protection of personal data in the context of regional counter-terrorism cooperation, and how these measures comply with international legal standards, including the principles of legality, necessity, proportionality, data minimization, non-discrimination, and the right to privacy.
6. Please provide information on any systems of cooperation between ASEAN Member States in relation to investigating unlawful killings with transnational elements.

This communication and any response received, it will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please note that similar letters were transmitted to Cambodia, Lao PDR, Thailand, Viet Nam, Malaysia and China. Relevant copies were also transmitted to Australia, France, Germany, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the ASEAN Intergovernmental Commission on Human Rights.

Please accept, Excellency, the assurances of our highest consideration.

Gabriella Citroni

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

Matthew Gillett

Vice-Chair on Communications of the Working Group on Arbitrary Detention

Vitit Muntarbhorn

Special Rapporteur on the situation of human rights in Cambodia

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Nicolas Levrat  
Special Rapporteur on minority issues

Nazila Ghanea  
Special Rapporteur on freedom of religion or belief

Ben Saul  
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Alice Jill Edwards  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Laura Nyirinkindi  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## Annex

### Reference to international human rights law and standards

In connection with the alleged facts and concerns, and without implying, in advance, a conclusion on the facts, we would like to refer to the international standards and norms international law and customary international law, which are applicable in the Member States of ASEAN, irrespective of State accession or ratification to a human rights treaty.

We would like to point out that if confirmed, the allegations noted above could amount to violations of articles 3, 5, 7, 9, 10, 11, 19 and 20 of the Universal Declaration on Human Rights (UDHR). These articles guarantee the right to life, the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, the right to the State's protection without discrimination, freedom from arbitrary arrest and detention, inherent dignity of the human persons, right to liberty and security of person, the right to recognition as a person before the law, the right to a fair and public hearing, the right to be presumed innocent until proved otherwise, the right to freedom of opinion and expression and the rights to peaceful assembly and association. Furthermore, article 8 states that "everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law".

#### Right to life

Articles 3 and 9 of the UDHR, in particular, provide that everyone has the right to life, liberty and the security of person and no one shall be subjected to arbitrary detention. Article 9 further provides that anyone who is arrested shall be informed, at the time of arrest, of the reasons for their arrest and promptly informed of any charges against them. Article 9 also states that those arrested or detained should be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. Incommunicado detention that prevents prompt presentation before a judge inherently violates paragraph 3 of article 9. In this regard, an arrest will be arbitrary if it includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality ([CCPR/C/GC/35](#) para. 12). Arresting or detaining an individual as punishment for the legitimate exercise of the rights as guaranteed by the Covenant constitutes a violation of article 9 (para. 17).

#### The prohibition of enforced disappearance

We also note the absolute prohibition of enforced disappearances, arbitrary detention and torture, which are *jus cogens* rules and applicable *erga omnes* in accordance with conventional and customary international law and therefore binding upon all States, irrespective of their treaty obligations. Enforced disappearance is a particularly aggravated form of arbitrary detention. It may amount to torture or other cruel, inhuman or degrading treatment or punishment both with regard to the disappeared and their family members, due to the anguish and uncertainty concerning the fate and whereabouts of loved ones.

In this regard, the 1992 [United Nations Declaration on the Protection of All Persons from Enforced Disappearances](#) establishes that “all acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness” (article 4); and that “no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance” (article 6). Furthermore, “no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances” (article 7); “the right to a prompt and effective judicial remedy must be guaranteed as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances” (article 9).

In this regard, the Working Group on Enforced or Involuntary Disappearances has noted the increasing practice of forced returns by States in violation of article 8 of the Declaration. It further underlined the importance of preventing human rights violations by ensuring procedural safeguards upon detention and during the first hours of deprivation of liberty, including immediate registration, judicial oversight of the detention, prompt notification of family members, and the availability of a defence lawyer of one’s choice. The Working Group observes that transnational transfers embody a denial of justice insofar as individuals are deprived of liberty in the form of secret detention and are removed from the protection of the law. They are, as such, deprived of the rights to an effective remedy and fair trial, in denial of the presumption of innocence. In addition, the individuals concerned are unable to challenge the lawfulness of their detention, denied access to legal representation, and often induced to forced confession of guilt under duress. The Working Group recalls that such practices can also facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment under certain circumstances ([A/HRC/48/57](#)).

The Declaration further sets out the necessary protection relating to the rights to “be held in an officially recognized place of detention”, and to “be brought before a judicial authority promptly after detention”; to “accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest”; and to “the maintenance in every place of detention of official up-to-date registers of all detained persons” (articles 10 and 12). The Declaration further stipulates that “any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority” (article 13), that “States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance” (article 14), and that “the persons responsible for these acts shall be tried only by ordinary courts and not by other special tribunal, notably military courts” (article 16); “not benefit from any amnesty law” (article 18); and that “the victims or family relatives have the right to obtain redress, including adequate compensation” (article 19).

The [Guiding Principles for the Search for the Disappeared](#) of the United Nations Committee on Enforced Disappearances establish that the search for the disappeared should be undertaken without delay (principle 2); respect the right to participation of

the family of the disappeared (principle 5); be considered a continuing obligation (principle 7); and be interrelated with the criminal investigation (principle 13).

In its study on enforced disappearances and economic, social and cultural rights, the Working Group on Enforced or Involuntary Disappearances highlighted the chilling effect of the disappearance of activists, dissidents, members of the opposition, journalists and human rights defenders and called States to “ensur[e] the existence of and respect for cultural diversity and the existence of space where multiple opinions, positions and interpretations of history can find their expression in the public sphere diminishes the level of vulnerability of those questioning in one way or another mainstream ideas and positions, and so prevents against targeting of human rights defenders” ([A/HRC/30/38/Add.5](#)). Similarly, in its General Comment on women and enforced Disappearances, the Working Group also noted that States have an obligation to recognize the particular types of harm women suffer based on their gender and the resulting psychological damage and social stigma as well as the disruption of family structures ([A/HRC/WGEID/98/2](#)).

In its General Comment on the right to recognition as a person before the law in the context of enforced disappearance, the Working Group noted that when a person deprived of liberty is not acknowledged by the State, the legal rights of this person are placed in a legal limbo, a situation of total defencelessness. The crime of enforced disappearance puts the detainee outside of the protection of the law, denies the person of legal existence and prevents the enjoyment of their rights, including due process rights and judicial safeguards, and other fundamental rights and freedoms ([A/HRC/19/58/Rev.1](#)).

In its report on standards and public policies for an effective investigation of enforced disappearances, the Working Group on Enforced or Involuntary Disappearances recommended that States define enforced disappearance as an autonomous crime in national legislation and establish different modes of criminal liability, including abetting, instigating, acquiescing and actively covering up an enforced disappearance, as well as criminal liability for command or superior responsibility; and create mechanisms that can promptly receive and process complaints of enforced disappearances, under the responsibility of authorities who are independent of the institutions to which the alleged perpetrators belong or may be linked. These mechanisms should be empowered to trigger prompt investigations of the complaints received ([A/HRC/45/13/Add.3](#)).

### Freedom of expression

Article 19 of the UDHR and article 19 of the ICCPR guarantee the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. Any restriction of the right to freedom of expression must be “provided by law” and meet the criteria established by international human rights law. Limitations must conform to the strict tests of necessity and proportionality, must be applied only for those purposes for which they were prescribed and must be directly related to those purposes. The State has the burden of proof to demonstrate that any such restrictions

are compatible with the Covenant. An attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19 (general comment No. 34 paragraph 23).

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee further asserts that States Parties to the ICCPR “shall put in place effective measures to protect against attacks aimed at silencing those who exercise their right to freedom of expression” (para. 23). Resolution 12/16 of the Human Rights Council, which called on States to refrain from imposing restrictions that are not consistent with article 19(3) of the ICCPR, including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups (A/HRC/RES/12/26).

#### Human rights defenders

We would also like to refer to the fundamental principles set forth in the [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#), also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, we would also like to make explicit reference to article 9 of the Declaration, which states that everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of their rights, and that “everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person’s rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay”. Finally, we would like to reference article 11 of the Declaration, which states that everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession.

#### Discrimination against women and girls

The Working Group on discrimination against women and girls, in one of its reports to the Human Rights Council ([A/HRC/23/50](#)), stated that stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians.

Women human rights defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group on discrimination against women and girls, recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life.

We would also like to refer to General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

#### Counter-terrorism and human rights

In relation to the use of counter-terrorism and national security grounds to restrict the legitimate exercise of freedom of expression, we underline that any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (general comment No. 34). We stress that counter-terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of association and of peaceful assembly. These rights are protected under the ICCPR, and non-violent exercise of these rights must not be a criminal offence. Counter-terrorism legislation should not be used as an excuse to suppress peaceful minority groups and their members (general comment No. 34).

The definition of terrorism must be appropriate and precise, based on relevant provisions of international counter-terrorism instruments, and strictly guided by the principles of legality, necessity, and proportionality. State action should be guided by the acts of terrorism defined in sectoral treaties on terrorism, Security Council resolution 1566 (2004) ("criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury or to take hostages with the purpose of provoking a state of terror in the general public, in a group of persons or in particular persons, intimidate a population or compel a government or an international organization to do or abstain from doing any act, which constitute offenses as defined in the conventions, covenants, and protocols relating to terrorism and covered by their scope") and "the model definition of terrorism developed by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51).

We draw attention to the "principle of legal certainty" according to international law (article 15(1) of the ICCPR) which requires that criminal laws be sufficiently precise so that it is clear what types of behavior and conduct constitute a criminal offense and what the consequence of committing such an offense would be. This

principle recognizes that poorly defined and/or overly broad laws are open to arbitrary application and abuse, including stifling legitimate activities protected by international law (A/73/361, para. 34). Moreover, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism "[e]xhorts States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, to prevent its possible use against civil society for political or other unjustified reasons" (A/70/371, para. 46(b)). In this regard, we recall that Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security comply with their obligations under international law and do not impede the work and safety of individuals, groups, and organs of society engaged in promoting and defending human rights (Human Rights Council Resolution, Protection of Human Rights Defenders; A/HRC/RES/22/6).

The listing of an organization as terrorism must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (A/HRC/16/51, para. 35). Specifically, a listed organization must be promptly informed of the listing and its factual grounds, the consequences of such listing and the applicable procedural rights; there must be a right to apply for de-listing and to judicial review of any resulting decision; listings must lapse automatically after 12 months unless renewed afresh; and compensation must be available for wrongful listing. The underlying definitions of terrorism must also be consistent with those in the international terrorism suppression conventions, United Nations Security Council resolution 1566, the UN General Assembly's Declaration on Measures to Eliminate International Terrorism 1994, and the model definition of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and be consistent with international law.

In its report A/79/324, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism emphasized that all regional instruments requiring criminal cooperation should include non-refoulement as a mandatory ground for refusal, consistent with its full scope under international human rights law, particularly where there is a real risk of arbitrary deprivation of life, including the death penalty where inconsistent with international law, enforced disappearance, arbitrary detention, torture or cruel, inhuman or degrading treatment or punishment, persecution, flagrant denial of justice, sexual and gender-based violence, or other serious violations. It is also considered good practice to permit double criminality as a basis for refusal. The Special Rapporteur further noted that various regional instruments require the denial of refugee status or asylum to suspected terrorist offenders, and that the risks of excessive or abusive denial in this context make it essential to include explicit and stringent safeguards aligned with international refugee and human rights law. While there is a global trend toward limiting the political offence exception in extradition, the broad range of conduct covered under regional instruments warrants a cautious approach to its exclusion, especially where the alleged acts do not involve violence against civilians. Additionally, many cooperation provisions involve the collection and transnational sharing of personal data – whether through formal legal proceedings, informal law enforcement cooperation, or terrorist watch lists – yet regional instruments often lack adequate data protection safeguards. As regional bodies increasingly handle data directly, it is good practice to embed explicit protections in

line with the right to privacy, including principles such as lawfulness, fairness, necessity, proportionality, non-discrimination, transparency, purpose limitation, data minimization, accuracy, storage limitation, data security, accountability, and access to remedies. The mandate has also identified good practices in intelligence-sharing, as outlined in report A/HRC/14/46.

### The principle of *non-refoulement*

Interconnected with the issues raised above, *non-refoulement*, embodying the rule that no one should be sent back to areas where their life or freedom is threatened, is a long-established principle of international law and is considered binding on all States and other stakeholders as part of customary international law. It applies universally to all individuals, including migrants and refugees, at all times and under all circumstances, irrespective of their citizenship, nationality, statelessness, or migration status. The norm strictly prohibits the removal or transfer of any individual – regardless of their legal status – when there are substantial grounds to believe that such action would expose them to a real risk of irreparable harm. This includes, but is not limited to, risks of death, torture, cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance, or other serious violations of human rights in the destination country.

Moreover, the principle of *non-refoulement* interrelates with the UDHR, and is inherent in article 3, 5 and 14 relating to the right to life, liberty and the security of person; the prohibition of torture or to cruel, inhuman or degrading treatment or punishment; and the right to seek and to enjoy in other countries asylum from persecution.

Lastly, in the ASEAN region, there are two countries which are parties to the 1951 Convention Relating to the Status of Refugees and its Protocol, key international instruments which incorporate the principle of *non-refoulement*. This reiterates the universal significance of *non-refoulement* as part of customary international law, obliging States and other stakeholders to respect and abide by it as *lex lata* (existing, binding law) at the national and other levels.