

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the situation of human rights in Myanmar

Ref.: UA MYS 5/2025
(Please use this reference in your reply)

1 December 2025

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the situation of human rights in Myanmar, pursuant to Human Rights Council resolutions 60/8, 54/14, 52/4 and 58/20.

In this connection, we refer to our earlier communication, reference UA MYS 1/2023 of 21 July 2023, concerning the alleged abduction in Malaysia of Ms. Thu Zar Maung, a pro-democracy activist and refugee from Myanmar, and her family members and subsequent refoulement to Myanmar. Your Excellency's Government response, dated 27 September 2023, referred to incidences in which this individual had allegedly left prior residences without paying rent owed and stated that the investigation of her being the victim of an abduction had been closed.

According to the information received:

Ms. Thu Zar Maung, her husband Mr. Saw Than Tin Win, and their three children, [REDACTED], [REDACTED] and Aung Myint Maun are reportedly in detention in Myanmar. Myanmar junta authorities announced on 17 October 2025, that they had arrested and were detaining them for "illegally reentering" Myanmar. An arrest warrant had been issued for her under the junta-amended section 52(a) of the Counter-Terrorism Law and section 512 of the Criminal Procedure Code for providing support to the opposition National Unity Government, which it [has declared](#) as a "terrorist organization."

The circumstances described strongly suggest that the individual and her family may have been forcibly returned to Myanmar against their will, in contravention of the principle of non-refoulement and of Malaysia's obligations under international human rights law.

In addition, it is alleged that the abduction and transfer may have involved the participation, acquiescence or consent of State agents or persons acting with their authorization.

On 21 July 2023, the five cases were also transmitted to your Excellency's Government through the Working Group on Enforced or Involuntary Disappearance's urgent procedure under its humanitarian mandate. We thank your Government for its response dated 27 September 2023 but regret it did not convey information about Your Excellency's efforts to establish the fate and whereabouts of the aforementioned individuals.

Without prejudging the veracity of the allegations, we wish to express our profound concern regarding the allegations of transnational repression, including acts conducted or directed by a State, or its proxy, to deter, silence or punish dissent, criticism and human rights advocacy. We are also deeply troubled by reports that these individuals were deprived of their liberty, forcibly disappeared, without access to legal representation, due process or 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. We are further deeply concerned about reports of forced repatriation and extradition of human rights defenders who face serious risks in their countries of origin. Some mandate holders expressed concerns at this practice in the Mekong Region in a communication sent to your Excellency's Government (MYS 3/2025), along with other countries.

In addition, it must be recalled that the prohibition of enforced disappearance has also attained the status of *jus cogens*, and article 8 of the Declaration on the Protection of All Persons from Enforced Disappearance, which enshrines customary international law, establishes that no State shall expel, return (refouler) or extradite a person to another State where there are substantial grounds to believe that this person would be in danger of enforced disappearance.

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.

Additionally, in the study on enforced disappearances and economic, social and cultural rights, the Working Group on Enforced or Involuntary Disappearances observed that the enforced disappearance of journalists, human rights defenders, religious leaders or persons actively promoting the enjoyment of economic, social and cultural rights, are used as a repressive tool to deter the legitimate exercise, defence or promotion of the enjoyment of these rights. Due to their collective character, such measures also violate their economic, social and cultural rights, the rights of others engaged in related activities, and of the larger community of people who relied on the disappeared person to represent and fight for their rights ([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](#)).

We observe 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](#)).

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons, in compliance with international instruments.

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 also be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. The measures taken to investigate the allegations, identify and hold accountable any officials or other persons who may have been involved in the abduction, enforced disappearance, or unlawful transfer;
3. The steps taken to ensure the safety and protection of refugees, asylum seekers, and other persons at risk of refoulement within Malaysian territory; and
4. The cooperation established with the Office of the United Nations High Commissioner for Refugees and other relevant international mechanisms to ensure compliance with the principle of non-refoulement.

We recall that Malaysia is bound by customary international law prohibiting the return of any person to a place where they would face a real risk of serious human rights violations, including torture or other ill-treatment, enforced disappearance, or persecution. We also emphasize the importance of transparent and independent investigations into allegations of enforced disappearance and the protection of all individuals involved from reprisals.

We remain available to engage constructively with your Excellency's Government on this matter and to provide any technical assistance that may be required to bring national practices into conformity with international human rights standards.

This communication and any response received from your Excellency's Government 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 responsible of the alleged violations.

Please be informed that a copy of this letter has been sent to ASEAN.

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

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Thomas Andrews
Special Rapporteur on the situation of human rights in Myanmar