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Malaysian Bar**

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**Resolution Adopted at the 80th Annual General Meeting of the Malaysian Bar
(Held on 14 March 2026)**

Resolution to Condemn Enforced Disappearances and to Urge Legal Reforms to Prevent and Address Enforced Disappearance in Malaysia

Whereas:

- (1) Enforced disappearance is the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law;
- (2) Enforced disappearance constitutes a grave and continuous violation of fundamental human rights, including the right to life, the right to liberty and security of person, the right to a fair trial, and the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, and inflicts profound and lasting suffering not only upon the disappeared persons but also upon their families and loved ones;
- (3) Enforced disappearance undermines the rule of law, erodes public confidence in state institutions, and is fundamentally incompatible with constitutional democracy, accountability and respect for human dignity;
- (4) The Federal Constitution of Malaysia guarantees fundamental liberties, including the right to life and personal liberty under Article 5, equality before the law under Article 8, and access to justice, all of which are rendered illusory when enforced disappearance occurs with impunity;
- (5) Malaysia has witnessed multiple cases of enforced disappearance, including the disappearances of Pastor Raymond Koh and Amri Che Mat; as well as the alleged enforced disappearances of Joshua Hilmy and Ruth Sitepu, who were last seen on 30 November 2016; all of which have raised serious and longstanding concerns regarding accountability, transparency and the protection of fundamental liberties;
- (6) Malaysia is presently not a state party to the International Convention for the Protection of All Persons from Enforced Disappearance (“ICPPED”), which is the principal international instrument dedicated to the prevention, investigation, punishment and redress of enforced disappearance;

- (7) The absence of a specific offence of enforced disappearance in Malaysian law contributes to accountability gaps; hinders effective investigation and prosecution; and denies victims and their families adequate recognition, protection and remedies;
- (8) The Human Rights Commission of Malaysia (“SUHAKAM”), civil society organisations and the Malaysian Bar have consistently called for comprehensive legal and institutional reforms to prevent enforced disappearance; ensure accountability of perpetrators; and provide truth, justice and reparations to victims and their families; and
- (9) The families of Pastor Raymond Koh, Amri Che Mat, Joshua Hilmy and Ruth Sitepu have demonstrated extraordinary courage and perseverance in their pursuit of truth and justice. All families of victims of enforced disappearance and suspected enforced disappearance deserve the full solidarity and support of the legal profession.

Therefore, it is hereby resolved as follows:

(A) The Malaysian Bar affirms that:

- (1) enforced disappearance is a heinous violation of human rights and an affront to the rule of law, and condemns in the strongest possible terms any act of enforced disappearance, whether perpetrated directly by state agents or with their acquiescence or consent;
- (2) the sanctity of human life and the constitutionally guaranteed protections enshrined under, *inter alia*, Articles 5 and 8 of the Federal Constitution must take precedence over any financial, administrative or reputational risk that may be incurred by the Government as a result of failures to safeguard such rights;
- (3) fundamental liberties are non-negotiable and cannot be weighed against considerations of fiscal exposure, liability or state convenience; and
- (4) any attempt to justify inaction, delay or resistance to accountability on the basis of potential financial implications is incompatible with constitutional supremacy and the rule of law.

(B) The Malaysian Bar calls upon the Government of Malaysia to:

- (1) take immediate and concrete steps to fully, transparently and effectively investigate the enforced disappearances of Pastor Raymond Koh, Amri Che Mat, Joshua Hilmy and Ruth Sitepu, to disclose the truth regarding their fate and whereabouts, to ensure accountability of all those responsible, and to provide their families with access to truth, justice and effective remedies;
- (2) immediately accede to, and become a state party to, the International Convention for the Protection of All Persons from Enforced Disappearance (“ICPPED”), without reservations that would undermine its object and purpose;

- (3) enact laws to expressly and adequately criminalise enforced disappearance in accordance with international standards, including provisions on appropriate penalties, and the continuous nature of the offence until the fate or whereabouts of the disappeared person is clarified; and
- (4) ensure that all allegations of enforced disappearance are promptly, impartially, independently and effectively investigated; and that those responsible, regardless of rank or position, are prosecuted and punished in accordance with the law.

(C) The Malaysian Bar shall:

- (1) pursuant to its statutory objects under section 42 of the Legal Profession Act 1976, assist in the facilitation of, and support, all lawful legal actions undertaken to challenge enforced disappearances, including but not limited to strategic litigation, judicial review, constitutional challenges and/or public interest proceedings, with the aim of ensuring accountability, securing remedies and advancing the protection of fundamental liberties; and
- (2) actively engage with, and invite, appropriate international bodies to support independent scrutiny and investigation into cases of enforced disappearance in Malaysia, with a view to facilitating impartial fact-finding, strengthening institutional accountability and ensuring compliance with international human rights standards where domestic mechanisms have proven inadequate or ineffective.

(D) The Malaysian Bar stands in solidarity with the families of Pastor Raymond Koh, Amri Che Mat, Joshua Hilmy and Ruth Sitepu, and with all victims of enforced disappearance and suspected enforced disappearance, affirms its unwavering support for their pursuit of truth and justice, and acknowledges the profound suffering endured by them as a result of these grave violations.