**A study on Elections and Enforced Disappearances**

**Submitted to:** The Working Group on Enforced and Involuntary Disappearances

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**Introduction**

Enforced or involuntary disappearance in the context of general elections is a sophisticated issue that constitute a raising concern in many states all over the world, Particularly those with fragile democracies and dysfunctional legal systems, and those witnessing a span of political instability or armed conflicts and domestic turmoil. Candidates, their supporters, relatives, ordinary people perceived as having a connection to the process and those who support the electoral process, including electoral observers, are frequently subjected to enforced disappearance, either during or after the electoral process or pre-elections in disturbed and politically charged context, which is committed by security agencies affiliated with the state and some non-state actors exercising Government-like functions, or by armed groups operating outside the state’s control; aiming to prevent candidates from standing in elections or to control the electoral process and tampering with elections results, as a means of suppressing political dissent, intimidating voters, silencing political opponents, and suppressing voter turnout, particularly in areas perceived as supporting opponents. Thus, it can be argued that although elections are intended to represent a free and decent democratic process, they can also become a catalyst for enforced disappearances, which will result in abducting and detaining individuals which in turn undermines the electoral processes legitimacy. In the light of the foregoing, Maat for peace submits this study to the working group on enforced and involuntary disappearance on “Elections and Enforced Disappearance” through responding to the main questions attached to the call, which will be addressed in details as follows:

**What are the distinctive features of electoral violence when compared to other forms of political violence?**

Maat for peace believes that electoral violence has fundamental features and characteristics that distinguish it from other forms of political violence, as follows:

* **Timing context:** electoral violence occurs during or near elections, including during election campaigns and polling days and post-elections, and it’s directly affiliated with electoral process.
* **Periodic nature**: Electoral violence is closely linked to electoral cycles, making it often predictable and frequent.
* **Political instrument in the context of elections:** electoral violence is used as a tool to achieve political goals in the context of elections, including attempts to impact the elections results, or suppress voter turnouts, or eradicate dissent candidates.
* **Targeted group**: electoral violence targets certain individuals, such as candidates, their supporters, activists, voters, and elections officials.
* **Tentative nature:** Electoral violence is connected to electoral cycles, making it temporary in nature compared to broader forms of political violence, such as civil wars or rebel movements
* **Motive:** the main catalyst for electoral violence is affecting the elections’ integrity and tampering with elections results for the favor of it’s perpetrators, so it arise of intensely competing for political power.

**Do enforced disappearances in the context of elections follow a pattern? If so, please describe.**

Maat for peace believes that electoral violence do follow certain patterns, Some common patterns associated with enforced disappearances in electoral context are as follows:

* **Targeting political dissidents:** enforced disappearances during elections target individuals perceived as political opponents or a threat to the regime, which may include the opposition candidates, activits, journalists and human rights defenders critical of the electoral process.
* **Increasing political tensions**: enforced disappearances are more likely to happen during the spans of increasing political tensions, which applies to pre-elections period, or during elections, or during the tensions following the results announcement, as enforced disappearance often aims at eliminating potential threats and suppressing dissenting voices.
* **Involvement of state bodies:** enforced disappearances are usually committed in the context of elections by security agencies affiliated with the regime, as such practices are often used by goverments as a tool to strengthen its power, eradicate opposition and disseminate fear among citizens.
* **Suppressing civil society:** enforced disappearance mostly aims at suppressing civil society organizations and human rights defenders which play a vital role in observing elections, strengthening integrity and calling for democracy.
* **Hiding electoral violations:** in several cases, enforced disappearances are committed to silence individuals who possess clues of electoral violations or falsification of elections results, as perpetrators resort to commiting enforced disappearances to hide out violations and preserve the legitimacy of political systems.
* **Intimidating voters:** enforced disappearances usually aims at intimidating voters to prevent their support to the opposition candidates, as people’s fear of being subjected to abduction or assualt, or their family, could result in abstaining from practicing their rights to vote.
* **Using semi-military groups:** enforced disappearances may be committed by paramilitary groups of informal militias that’s usually affiliated with the regime, therefor monitoring perpetrators accountable for enforced disappearances is complicated.
* **Lack of accountability:** usually enforced disappearances in the context of elections lack accountability due to the frequency of impunity and not bringing perpetrators to justice, as a repercussion of impeding investigations into those crimes by the involved officials.

**Who are the victims of enforced disappearances in the context of elections? If possible, provide examples.**

As previously mentioned, victims of enforced disappearance in the context of elections often include individuals perceived as political dissidents, activists, human rights defenders, journalists and others who are considered as a threat to the regime or its interests, some of the victims segments, with examples from several regions are as follows:

* **Candidates and their supporters:** Maat for peace noticed that candidates and their supporters may be subjected to enforced disappearance in the context of general elections, for instance, 44 national party candidates in Uganda and their supporters have been subjected to enforced disappearance by the security agencies, pre-elections that was held on 14 January 2021. [[1]](#footnote-1) While the same occurred to dozens of candidates and their supporters post-elections held in Zimbabwe in August 2023, for example, the dissident parliament member, T.N, was abducted earlier in November 2023 by unknown armed men in light of the tensions following the announcement of the election results, held in August 2023. [[2]](#footnote-2)
* **Activists, human rights defenders and journalists:** Maat for peace notices that activists, human rights defenders and journalists may be subjected to enforced disappearance in the context of general elections, for example, The activist of the opposition Citizens' coalition for Change party, N. M., was subjected to enforced disappearance by Zimbabwe's security bodies on 26 August 2023 in light of the tensions following the announcement of the election results, held in August 2023.[[3]](#footnote-3)
* **Political opponents:** Maat for peace notices that individuals perceived as political opponents or as a threat to the regime are often subjected to enforced disappearance in the context of general elections. For example, at least 98 political opponents were subjected to enforced disappearance by Bangladesh's security forces in the context of general elections held in 2018,[[4]](#footnote-4) and at least 16 opposition party activists and political opponents were also subjected to enforced disappearance by Bangladesh's security services prior to the last parliamentary elections in January 2024.[[5]](#footnote-5)
* **Electoral observers:** Maat for peace noticed that electoral observers are usually subjected to enforced disappearance in the context of general elections, particularly on polling days. For example, more than 39 electoral observers were subjected to arrest and enforced disappearance during the general elections held in Zimbabwe in August 2023. [[6]](#footnote-6)

**What is the rationale for committing enforced disappearances in the context of elections?**

Through the follow-up to enforced disappearances occurring in the context of general elections in a number of States around the world, Maat for peace believes that there are a range of basis or rationales for perpetrators to commit enforced disappearances in the context of general elections, the most important of which are:

* **Suppression and silencing of dissent:** perpetrators resort to enforced disappearances in the context of general elections against political opponents, activists and opposition journalists with a view to creating a climate of fear and intimidation and to inhibit any form of criticism or defiance of the regime, This would lead to repression and prevention of mobilization of opposition groups, silencing all dissenting voices and ultimately helping to tamper or control the election results.
* **Voters intimidation:** perpetrators resort to enforced disappearances in the context of general elections to intimidate voters and discourage them from supporting opposition candidates and suppress their turnout, particularly in areas perceived as supporting opponents, as fear of abduction or abuse of individuals or their families may lead to refraining from realizing their rights to vote, which could eventually affect the results of elections for the favour of perpetrators of enforced disappearances.
* **Covering up electoral irregularities:** perpetrators resort to enforced disappearances in the context of general elections to silence individuals with evidence of electoral irregularities or fraud in election results, which usually occurs as a means of concealing irregularities and preserving the legitimacy of political systems.
* **Tampering the electoral process:** perpetrators resort to enforced disappearance offences in the context of general elections against election officials, observers or voters belonging to certain groups with a view to influencing the counting of votes, distorting the results in favour of a particular candidate or party, undermining the integrity of the elections and possibly provoking wider political tensions. [[7]](#footnote-7)

**What are the consequences of electoral violence? More specifically, how does the occurrence of electoral violence - including enforced disappearance – impact peoples ' perception of the electoral process and their willingness to participate in future elections?**

Electoral violence, including enforced disappearance, has serious consequences and chilling effects on the democratic process and participation in elections. In this regard, Maat for peace noticed that electoral violence can often lead individuals away from participating in elections, low voter turnout and reluctance to engage in political activities, which negatively affect electoral participation. electoral violence can also lead to undermining the quality of democracy, losing confidence in democratic processes and institutions, impacting electoral results and undermining the legitimacy of electoral processes, which can further discourage people from participating in future elections. [[8]](#footnote-8)

**Is there any particular phase of the electoral cycle when enforced disappearances are more likely to occur? Do enforced disappearances committed prior, during or after the elections have different purposes?**

Maat for peace has reasonable basis to believe that enforced disappearances can occur at any stage of the electoral cycle, including pre-elections, during elections and after election results are announced, However, the purpose of enforced disappearance varies according to each stage of the electoral cycle and the following are the stages during which enforced disappearances can occur and the different purposes of each stage:

1. **Pre-elections:**

Enforced disappearances can occur in the pre-election phase. In this context, Maat for peace monitored several incidents in which activists, political opponents and human rights defenders were subjected to enforced disappearance in the pre-election phase. For example, 44 of National Party of Uganda candidates and their supporters were subjected to enforced disappearance by the security bodies before the general elections of 14 January 2021. [[9]](#footnote-9) The primary purpose of enforced disappearances in this phase is the seek of perpetrators to weaken the opposition, eliminate key figures and instil fear in individuals or societies perceived as likely to vote against the regime, thereby discouraging them from participating in elections.

1. **During elections:**

Enforced disappearances can occur during elections. In this context, Maat for peace monitored many incidents in which activists, political opponents and election observers were subjected to enforced disappearances during elections. For example, more than 39 election observers were arrested and focibaly disappeared during the general elections held in Zimbabwe in August 2023. [[10]](#footnote-10) The main purpose of enforced disappearances in this phase is the seek of perpetrators to disrupt the electoral process, tamper with votes, respress voter turnout and deter them from voting, with a view to influencing the election results in their favour.

1. **After the election results were announced:**

Enforced disappearances can occur after the election results have been announced. For example, the activist of the opposition Coalition of Citizens for Change, N. M, was subjected to enforced disappearance by Zimbabwe's security agencies on 26 August 2023, following the announcement of the election results in August 2023. [[11]](#footnote-11) The main purpose of enforced disappearances in this phase is the seek of perpetrators to silence voices opposing the results of the elections, especially if these elections are rigged, prevent the investigation of electoral irregularities, eliminate any challenges to the regime and preserve the legitimacy of political systems.

**Are you aware of acts tantamount to enforced disappearances committed during the electoral process by non-State actors exercising Government-like functions or de facto control over territory and population?**

Yes, Maat for peace has monitored certain acts amounting to enforced disappearance committed by some armed groups operating outside the control of the State, and some non-State actors exercising Government-like functions in the context of general elections In Iraq. For example, Maat for peace reviewed credible reports indicating that some non-state actors and paramilitary militias in Iraq were involved in forcibly concealing at least 20 activists prior to Iraq's general elections in October 2021. [[12]](#footnote-12) This contravenes the provisions of the Convention for the Protection of All Persons from Enforced Disappearance, which Iraq ratified on 23 November 2010.

1. Uganda: Unease after alleged election abductions, dw, February 10, 2021, link: <https://bit.ly/41Y6GTW> [↑](#footnote-ref-1)
2. Human Rights Commission Probes Post-Election Violence in Zimbabw, The Zimbabwe Advocate, November 30, 2023, link: <https://bit.ly/3HhjnzE> [↑](#footnote-ref-2)
3. ZLHR Statement on International Day of the Victims of Enforced Disappearances, ZLHR , August 30, 2023, link: <https://bit.ly/3U0V4gR> [↑](#footnote-ref-3)
4. JOINT STATEMENT: END ENFORCED DISAPPEARANCES IN BANGLADESH, ASIAN NETWORK for FREE ELECTIONS, September 2, 2020, link: <https://bit.ly/3HkpX8M> [↑](#footnote-ref-4)
5. Bangladesh: Government must cease enforced disappearances, stop harassment of the victims’ families and hold perpetrators accountable, INTERNATIONAL FEDERATION FOR HUMAN RIGHTS, August 30, 2023, link: <https://bit.ly/4aTk1kx> [↑](#footnote-ref-5)
6. Report on 2023 Harmonised Elections in Zimbabwe, Zimbabwe Human Rights Commission (ZHRC), 2023, link: <https://bit.ly/3Hk8GfD> [↑](#footnote-ref-6)
7. Report on 2023 Harmonised Elections in Zimbabwe, Zimbabwe Human Rights Commission (ZHRC), 2023, link: <https://bit.ly/3Hk8GfD> [↑](#footnote-ref-7)
8. The Effect of Electoral Violence on Electoral Participation in Africa, open edition journal, 2019, link: <https://bit.ly/4b0pxlx> [↑](#footnote-ref-8)
9. Uganda: Unease after alleged election abductions, previous refrence. [↑](#footnote-ref-9)
10. Report on 2023 Harmonised Elections in Zimbabwe , previous refrence. [↑](#footnote-ref-10)
11. Human Rights Commission Probes Post-Election Violence in Zimbabw, previous refrence. [↑](#footnote-ref-11)
12. 2022 Country Reports on Human Rights Practices: Iraq, US Department of State, march 2022, link: <https://bit.ly/3Np4Y80> [↑](#footnote-ref-12)