

General allegation

115th session (23 April–2 May 2018)

Thailand

7. The Working Group received information from sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Thailand.

8. The sources reported that there is impunity and ineffective protection against enforced disappearances.

9. According to the sources, while requests were made by the Thai government to withdraw some cases of the Working Group's dockets claiming that the victims were dead, it has not provided any information about the cases in question and 82 unresolved cases remain recorded by the Working Group. Since then, the whereabouts of the victims remain unknown, which constitutes evidence of a pattern of enforced disappearances in Thailand.

10. Reportedly, there is no punishment for this crime because enforced disappearance as defined in international standards and the 1992 Declaration is not recognized as a criminal offense in Thailand's legal system. The sources reported that a draft law criminalizing enforced disappearances was shelved. Indeed, a draft Prevention and Suppression of Torture and Enforced Disappearance Act was completed, but its adoption was suspended indefinitely by the National Legislative Assembly on 28 February 2017. According to the authorities, the draft law was returned to the cabinet for further amendments but the authorities refused to clarify when the legislation would be finalized.

11. The sources further observed that the new investigation entity, the Committee to Receive Complaints and Investigate Allegations of Torture and Enforced Disappearance, and the three subcommittees, established by the government on 23 May 2017 are ineffective. To date, the Committee has allegedly failed to undertake any concrete and effective actions to fulfill its mandate and has held only two meetings, in June and November 2017.

12. According to the sources, this context has many consequences leading to impunity, especially a lack of investigation and a more difficult access to justice for victims. Indeed, the lack of investigation, which results in a lack of effective remedies and reparation was observed in two high-profile cases of suspected enforced disappearances, where a police investigation has failed to establish the fate of the victims. Moreover, the sources indicated that victims' relatives seeking truth and justice are facing obstacles in accessing judicial institutions and are the object of retaliation and harassment by the authorities.

13. The sources also denote the practice of secret military detention since May 2014, which increases the risk of enforced disappearance and torture.

14. According to the sources, human rights defenders and political dissidents, including those at Thailand's Southern Border Provinces, have continued to be victims of enforced disappearances and torture. A human rights lawyer was arrested at his home in Bangkok for allegedly violating Article 112 of the Criminal Code (*lèse-majesté*) on 29 April 2017. His fate remained unknown until 3 May 2017 and it was further revealed that he had been taken by military agents to the Nakhon Chaisri temporary detention facility inside the 11th Army Circle Base in Bangkok.

15. Furthermore, the sources pointed out that Thailand signed the International Convention for the Protection of All Persons from Enforced Disappearance on 9 January 2012, but while a resolution in favor of ratifying the Convention was unanimously approved by the National Legislative Assembly on 10 March 2017, the executive has not ratified it.