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Thailand: Death sentences of Wichai Somkhaoyai and Bualoi Posit

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Amnesty International expressed its concern at the sentencing to death of Wichai Somkhaoyai and Bualoi Posit, sentenced today for the rape and murder of UK national Katherine Horton in early January 2005.

The judge in their case stated that he was handing down the most severe punishment on the basis of the inhumanity of the crime.

Amnesty International urges that the death penalty is not applied in this or any case. The gravity and inhumanity of this crime warrants punishment --- but not the inhumane punishment of the death penalty, said the organisation.

Amnesty International opposes the imposition of the death penalty in all circumstances, as a violation of the right to life and the ultimate cruel, inhuman or degrading punishment, and has urged the Thai authorities to impose a moratorium on executions with a view to abolishing the practice in law.

To Amnesty International's knowledge no executions have been carried out in Thailand since December 2003.

Amnesty International urged that the authorities to maintain this welcome *de facto* moratorium and not recommence executions. The death penalty is no solution to crime, and has no uniquely deterrent effect.

For example, to have a real impact on cases of violence against women such as these, the Thai authorities will have to introduce a systematic program of legislative and practical initiatives including full and fair investigation of all cases whatever the nationality of the victim or the profile of the perpetrator.

There are more than 1,000 men and women on death row in Thailand. The sentences of 124 persons -- the majority for drug crime -- have been confirmed.

The importance that all trials meet international standards of fairness is particularly highlighted in cases, including this one, where the death penalty, the final and irreversible punishment, may be applied, said Amnesty International.

In this high profile case, the speed of prosecution raises concern that the individuals may not have had time to mount an adequate defence. Wichai Somkhaoyai and Bualoi Posit were tried, convicted and sentenced

in just over a week after they were arrested. In addition, reported statements by the Prime Minister prior to the trial calling for the imposition of the death sentence have had the potential to influence the fairness of this trial and its outcome.

The pair are reported to have confessed to the crime. Amnesty International has raised concern in the past at the emphasis placed on the use of confessions as evidence in capital trials in Thailand, particularly because of the risk that torture may have been used to elicit them.

Amnesty International urged that the Court of Appeals, which will automatically review this sentence, examine these issues. The organization also urges Thai authorities to act to ensure that due process is observed in all trials, and pending abolition of the death penalty, particularly in capital cases.

Background

If suspects admit guilt in capital cases, their sentences are often reduced to life imprisonment. Those convicted also have the right to appeal to a higher court and to apply for royal clemency. Many prisoners on death row are held continuously in metal shackles, in contravention of international standards.

Amnesty International has raised concern with Thai authorities over a number of years at endemic weaknesses in the criminal justice system. Among the concerns raised have been the slow pace of investigations into human rights violations and abuses, and long delays in trials. Torture or ill-treatment has frequently been used as a means of extracting information or confessions from criminal suspects.

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