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Thailand: Family waits for justice one year since human rights defender was last seen

One year after human rights defender Pholachi Rakchongcharoen, known as Billy, is believed to have been the victim of an enforced disappearance in Thailand’s largest national park, the truth about his fate and whereabouts remains unknown.

On the anniversary of Billy’s enforced disappearance, Amnesty International urges the Thai authorities to act decisively to resolve his case, and take comprehensive measures to break an abiding pattern of impunity for this and other grave human rights violations in Thailand.

It is feared that Billy, a 30 year-old father of five and an activist for the rights of ethnic Karen in Kaengkrachan National Park, was subjected to an enforced disappearance on 17 April 2014, in connection with his attempts to hold authorities to account for human rights violations against ethnic Karen residing in the national park.

An on-going criminal investigation by police into his disappearance has been reportedly subjected to delays, possibly because of the interference of interested parties at the local level.

The only prosecution known to have taken place in relation to an enforced disappearance in Thailand – that of lawyer Somchai Neelapaijit in 2004 – collapsed on the basis of insufficient evidence, and one of the key witnesses also disappeared.

Amnesty International calls on the Thai authorities to fulfil their obligation to effectively investigate Billy’s suspected enforced disappearance, provide full remedy to his relatives, and prosecute anyone suspected of responsibility for his disappearance.

This includes, as a first step, ensuring police carry out a thorough search operation to establish Billy’s fate and whereabouts, and that police, prosecutors and relevant officials are provided with necessary resources and cooperation from central, regional and local authorities. In addition, adequate protection should be provided to witnesses and to Billy’s family members. The authorities should also task an independent body such as Thailand’s Human Rights Commission with investigating the case separately.

Under the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Thailand is obliged to ensure that all cases of suspected torture or other ill-treatment or possible loss of life involving officials are investigated promptly, independently, impartially and thoroughly.

The Thai authorities should act on their undertaking to ratify the International Covenant for the Protection of All Persons from Enforced Disappearance and ensure that the violation is recognized as
Amnesty International also urges the Thai authorities to safeguard and publicly acknowledge the rights of activists to engage in peaceful activities to defend human rights and protect their communities, without fear of reprisal. Community and environmental activists in Thailand have been threatened and attacked for many years, with four killed during 2014 and 2015.

Background

Billy was last seen on 17 April 2014, when he was detained by the former chief of Kaengkrachan National Park and four park officials. While the former National Park chief asserted that park officials had detained Billy for possession of wild honey and released him later on the same day, no records have been shown of his arrest, detention or release. In fact, evidence has reportedly come to light contradicting claims that Billy was released. In October 2014, police officials announced the discovery of as yet unidentified male bloodstains in a car belonging to national park officials.

In January 2015, police charged national park officials with misconduct in office, which carries a penalty of one to ten years’ imprisonment, in connection with their detention of Billy in April 2014.

In February 2015, the Appeals Court dismissed an appeal by Billy’s wife, Pinnapha Phrueksaphan, of the Phetchaburi Provincial Court’s decision to dismiss the petition she submitted in July 2014 for a judicial inquiry into his whereabouts in detention. The Appeals Court maintained that there was insufficient evidence to prove that Billy is still held by park authorities.

At the time of his enforced disappearance, Billy was travelling from his village to meet with ethnic Karen villagers about their forced eviction and burning of their properties by park authorities, in preparation for a lawsuit which named the national park chief as a defendant. Among those who have been affected is Billy’s 103-year old grandfather. Billy was carrying documents related to the case, and had been planning to submit a petition to King Bhumibol Adulyadej, Thailand’s monarch.

Tatkamol Ob-on, a former electoral candidate and environmentalist who had also championed the Karen villagers’ rights, was killed when driving at night in September 2011. Ob-on, who was a member of Billy’s network, had been helping Karen villagers report alleged intimidation, violence, illegal logging and poaching by national park officials.

In October 2014, the Phetchaburi Provincial Court found the former chief of Kaengkrachan National Park, with whom Billy was last seen, not guilty with four co-defendants of organizing the killing of Tatkamol Ob-on, on the basis that the prosecution’s evidence was inconclusive and circumstantial.

Community-based human rights defenders and environmentalists in Thailand often operate under extremely dangerous and difficult conditions. Many are members of rural or semi-rural communities faced with large-scale development projects or natural resource exploitation and toxic waste contamination.

Community members as well as leaders are often the target of intimidation and violent attacks, including assassinations. Scores of community-based human rights defenders have been killed in
Thailand since 1993; and the perpetrators have frequently enjoyed impunity. Many other activists have been subjected to other forms of violent attacks and intimidation.