

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

12 March 2014
ASA 39/001/2014

Thailand: 10 years on, find truth and justice for family of Somchai Neelapaijit

On the tenth anniversary of the enforced disappearance in Thailand of human rights lawyer Somchai Neelapaijit, Amnesty International calls on the Thai authorities to establish his fate and whereabouts and to bring suspected perpetrators to justice. The organization is calling also on authorities to promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed by Thailand on 9 January 2012, and to implement it into national law.

Somchai Neelapaijit disappeared in Thailand's capital Bangkok on 12 March 2004. Despite the concerted efforts of his family and civil society groups in Thailand to find the truth, his fate and whereabouts remain unknown. Amnesty International considers Somchai Neelapaijit's disappearance to be an "enforced disappearance" – carried out by state agents or by persons acting with their authorization, support or acquiescence.

The Thai authorities have so far not held anyone responsible for the disappearance. In addition, the Court of Appeal has ruled that Somchai Neelapaijit's family has no right to appeal against the acquittal of a policeman suspected of involvement.

Amnesty International calls once more on the Thai authorities to bring to justice, in fair proceedings, all those against whom there is sufficient admissible evidence that they took part in ordering, carrying out or covering-up Somchai Neelapaijit's enforced disappearance and any other human rights violation to which he may have been subjected, irrespective of rank or official position.

The organization again calls for the Thai authorities to ensure that Somchai Neelapaijit's family can access reparation for his enforced disappearance, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The handling of Somchai Neelapaijit's disappearance has been a 'litmus test' for the respect for human rights in Thailand, and the provision of redress and remedy for human rights violations. It has given rise to doubt around the Thai authorities' willingness or ability to address impunity for human rights violations and crimes under international law.

The continuing need for truth and justice in Somchai Neelapaijit's case and other cases of disappearance, and the intimidation faced by both his family and former clients in seeking redress, highlights the need for authorities to ensure accountability in cases of human rights violations and abuses and to guarantee a climate in which people may report on all alleged violations of human rights by state officials and seek redress without fear of reprisal.

Amnesty International renews calls on authorities to end impunity and ensure a prompt, thorough, independent and impartial investigations into all reports of disappearance, for suspected perpetrators to be brought to justice and to provide effective protection to victims, complainants, witnesses and their families during the process.

Background information

A respected lawyer, Somchai Neelapaijit was President of the Muslim Lawyers Club of Thailand and Vice President of the Human Rights Committee of the Law Society of Thailand. He was a prominent critic of the declaration of martial law in Thailand's southern provinces and had received death threats.

At the time of his disappearance, Somchai Neelapaijit was representing five individuals detained in connection with the theft of weapons from an army camp in Thailand's southern Narathiwat Province. They had alleged that police had tortured them to elicit a false confession, and on 11 March 2004, the day before Somchai Neelapaijit disappeared, authorized him to make a written complaint to the authorities.

Somchai Neelapaijit, then aged 53, disappeared in Bangkok on the evening of 12 March 2004, when he was removed from his car and abducted by a group of men. According to plausible evidence, including eyewitness statements, five plain-clothed police officials were involved in the disappearance. Senior government officials have publicly stated that there is evidence that Somchai Neelapaijit is dead.

In April 2004, five policemen were arrested in relation to Somchai Neelapaijit's disappearance. They were charged with the offences of theft and violent coercion – they could not be tried for enforced disappearance, in the absence of domestic legislation making it a crime. In January 2006, one of the policemen was sentenced to three years' imprisonment for coercion, while the other four were acquitted and permitted to resume duties.

In 2011, Thailand's Court of Appeal overturned the judgment and acquitted the convicted police officer, who had gone missing while on bail after his original sentencing. The Court of Appeal also denied Somchai Neelapaijit's family the right of appeal, holding that they are not "injured parties" and cannot act for Somchai on the basis that there is no proof that he is dead.

Somchai Neelapaijit's family has vigorously sought justice for his disappearance, and has faced intimidation including threatening telephone calls and death threats.

In December 2013, officials at the Ministry of Justice's Department of Special Investigation informed the media that part of the investigation file on Somchai Neelapaijit's disappearance went missing during anti-government protesters' occupation of the building in which it was kept. Following further inquiries by the family, the officials confirmed that the whole investigation file has been retrieved.

While the torture complaint against Somchai Neelapaijit's five clients was investigated, it was dismissed in December 2010 largely on the basis of inconclusive physical evidence of torture. A policeman allegedly involved in the torture then filed a complaint against one of Somchai Neelapaijit's five clients, Suderueman Malae, for issuing a false complaint. In 2011, a Bangkok criminal court found him guilty of maliciously giving information to judicial officers and sentenced him to two-years' imprisonment. Another of the clients, Abdulloh Abubakaree, who acted as a witness in the trial on Somchai Neelapaijit's disappearance, disappeared in 2009.

Notes:

For background, see:

Thailand: Fear for safety/ possible "disappearance"/ death, Urgent Action 18 Mar 2004 AI Index: ASA 39/006/2004

<http://www.amnesty.org/en/library/info/ASA39/006/2004/en>

Thailand: Disappearance verdict leaves unanswered questions, 12 January 2006, AI Index ASA 39/004/2006

<http://www.amnesty.org/en/library/info/ASA39/004/2006/en>

Thailand: Angkhana Neelaphaijit must be given immediate protection, 1 November 2006, AI Index ASA 39/016/2006

<http://www.amnesty.org/en/library/info/ASA39/016/2006/en>

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