

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Thailand: Sad Day for Justice as Police Officers Acquitted and Family Denied Right of Co-plaintiff in the Enforced Disappearance of Leading Human Rights Defender**

Amnesty International condemns continuing impunity for the enforced disappearance of human rights lawyer Somchai Neelapaijit, following decisions by the Supreme Court that perpetuate obstacles to justice for his family. The Court acquitted five policemen of criminal responsibility for the enforced disappearance of lawyer and human rights defender Somchai Neelapaijit, who has not been seen since he was abducted in central Bangkok in March 2004. In a blow for victim's rights, the court denied his family the right to act on his behalf.

The judgement in the first trial related to an enforced disappearance in Thailand underlines the need for authorities to take concrete steps to address significant legal and practical obstacles to justice for all victims, including by making enforced disappearance a specific criminal offence. Continuing impunity for the enforced disappearance of Somchai Neelapaijit further indicates the lack of remedy and reparations for human rights violations in Thailand.

Amnesty International urges authorities to ensure independent, effective and thorough investigations not only into Somchai Neelapaijit's disappearance, but also all other enforced disappearances in Thailand and ensure truth, justice and redress for the victims. The government must also act on their undertakings to institute long overdue legal measures to prevent any future enforced disappearances. This includes ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, which Thailand signed in 2012, and incorporating its provisions into domestic law. Under the Convention authorities must make enforced disappearance an offence under the criminal law, and put in place preventive measures. The Convention also expressly states that the victims are not only the disappeared person, but anyone - including families - suffering harm as the direct result of an enforced disappearance.

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 reports, including eyewitness statements presented to the Court, five plain-clothed police officials abducted him. At the time Somchai had raised concern about the alleged torture of detainees he was representing by police officers, including by at least one of the individuals acquitted today for his disappearance.

In the most recent trial, the Supreme Court ruled on 29 December 2015 that in the absence of proof of his death, his family may not act for Somchai and appeal judgments made in relation to crimes against him. The Appeal Court in 2011 had denied his family the right of appeal, holding that they could not act as co-plaintiffs for Somchai, on the basis it did not consider them "injured parties" and that they cannot act for Somchai on the basis that there is no proof that he is dead.

Senior government officials - including former Prime Minister Thaksin Shinawatra in 2006 – have however publicly stated that there is evidence that Somchai Neelapaijit is dead. An official from the Department of Special Investigations (DSI) has also informed the family that Somchai was tortured to death following his abduction, his body burnt, and the ashes scattered. The court also upheld the acquittal of all five police officers for the lesser crimes of violent coercion and theft, as it deemed the evidence presented for the crimes “unreliable.”

This current ruling also follows the Supreme Court’s refusal on 25 December 2015 to allow witnesses to confirm the authenticity of what was presented as the five police officers’ mobile phone records. The records indicate that the five policemen had followed Somchai from the morning of the day of his disappearance, a high volume of calls between the policemen on that day of Somchai’s, and that the five had made a call to the Office of the Prime Minister and to other numbers, crossed out in black pen on the records in question. The evidence had been disallowed in the earlier trial as it had not been officially obtained by police.

Somchai’s enforced disappearance also highlights the ongoing risks to individuals raising public concern and seeking redress for human rights violations. At the time of his disappearance in 2004 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 had complained to the authorities about allegations made by five of his clients, who had been detained in connection with the theft of weapons from an army camp. The allegations stated that police in Narathiwat Province, southern Thailand, had tortured them to extract a confession, including by beating and kicking them, applying electrical shocks to their bodies, attempting to asphyxiate them and urinating on them.

Somchai Neelapaijit’s family and his widow Angkhana Neelapaijit, a recently appointed National Human Rights Commissioner, have struggled in the face of intimidation and harassment not only to seek justice for Somchai but also advocate for other victims of enforced disappearance. Among these is Pholachi Rakchongcharoen, also known as Billy, a 30 year-old father of five and an activist for the rights of ethnic Karen in Kaengkrachan National Park, who is believed to have been 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. Amnesty International urges the authorities to allow Pholachi Rakchongcharoen’s widow’s request for the DSI to take on the investigation of his case. The criminal investigation into his enforced disappearance has reportedly been subjected to delays possibly because of the interference of interested parties at the local level.

Amnesty International asks the Thai government to urgently comply with its international obligations to answer the need for truth and justice for the victims of enforced disappearances – including the families affected – and guarantee a climate in which people may report on all alleged violations of human rights and seek redress without fear of reprisal.

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