

# **AMNESTY INTERNATIONAL PUBLIC STATEMENT**

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## **Thailand: Treaty ratification must be followed by domestic action to combat enforced disappearances**

Amnesty International welcomes the 10 March vote by Thailand's National Legislative Assembly to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). This is an important step towards combating enforced disappearances and securing truth and justice for victims, including family members. The decision came shortly before the 13<sup>th</sup> anniversary of the enforced disappearance of human rights lawyer Somchai Neelapaijit, who was abducted in Bangkok on this day in 2004.

Amnesty International urges authorities to avoid further delays in ratifying the treaty and to ensure that its obligations to prevent and protect against disappearances become a domestic reality. Authorities should enact legislation establishing acts of enforced disappearance as a specific crime, repeal legal provisions that facilitate incommunicado detention without charge or trial in unofficial places of detention, and establish adequate safeguards against disappearances for detained individuals.

The high number of unresolved cases of disappearance in Thailand are a lasting scar on the country's legacy. The suffering of families who have been living with the devastating consequences of enforced disappearance has been compounded by the denial of the truth about their relative's fate and whereabouts and the state's failure to bring perpetrators to justice. Authorities should act swiftly to remedy this continuing injustice, reveal the truth about these cases, and hold those responsible to account.

### **BACKGROUND**

In recent years, Thailand has frequently committed to ratifying the ICPPED and to passing legislation criminalizing enforced disappearances. To this end, Thai authorities have developed a Draft Prevention and Suppression of Torture and Enforced Disappearance Act (Draft Act) that establishes both torture and enforced disappearances as distinct crimes. In February 2017, Thailand's National Legislative Assembly decided to return the Draft Act to the Thai Cabinet, indefinitely delaying the enactment of this important piece of legislation. Amnesty International has urged the Thai government to amend the Draft Act in order to bring it into line with international law and to ensure its passage into law without undue delay.

Somchai Neelapaijit, who was forcibly disappeared on 12 March 2004 in Bangkok, and Pholachi “Billy” Rakchongcharoen, last seen on April 2014, are among at least 82 cases of unresolved disappearance in Thailand submitted to the United Nations Working Group on Enforced and Involuntary Disappearance since 1980. Their families and civil society groups have struggled to obtain truth and justice in the face of adversity, harassment and legal obstacles. While officials have privately told Somchai Neelapaijit’s family that he was tortured to death, his body burned and his ashes scattered, there has been no official acknowledgement of his fate and whereabouts. The decisions during the last year by the Department of Special Investigation to suspend the investigation into Somchai Neelapaijit’s disappearance and not investigate that of Pholachi Rakochongcharoen highlight the difficulties victims face in obtaining truth and justice under the current legal framework in Thailand. These events also underscore the need for a law specifically codifying the crime of enforced disappearance and combatting the current culture of secrecy and impunity.

On 13 and 14 March 2017, the UN Human Rights Committee will review Thailand’s compliance with the International Covenant on Civil and Political Rights. Amnesty International and other civil society partners, both Thai and international, have submitted reports to the Committee recommending that Thailand ratify the ICPPED and pass legislation criminalizing torture and enforced disappearances.