

## AMNESTY INTERNATIONAL JOINT PUBLIC STATEMENT

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### **Thailand: Amnesty International and the International Commission of Jurists call on Thailand to follow through on commitments to prevent torture and ill-treatment**

On the 30th anniversary of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) – marked on June 26 as the International Day in Support of Victims of Torture – Amnesty International (AI) and the International Commission of Jurists (ICJ) welcome the commitments made by the Royal Thai Government to prevent torture and other ill-treatment and urge authorities to ensure no further delay in implementing these undertakings.

October 2017 will mark ten years since Thailand pledged to respect and protect the right of all persons to be free from torture and other ill-treatment by ratifying the Convention against Torture. Amnesty International and the International Commission of Jurists however remain concerned that torture is still prevalent throughout the country.

Thailand has made significant and welcome commitments at the United Nations Committee against Torture, Universal Periodic Review of the Human Rights Council and UN Human Rights Committee to uphold its obligations under the Convention against Torture. These include commitments to penalize torture, as defined in the Convention, under its criminal law and to create an independent body to visit all places of detention under the purview of the Ministry of Justice. However, to date, these remain paper promises, which have not yet translated into action. Amnesty International and the International Commission of Jurists call on Thailand to move forward with these commitments, including by criminalizing torture and other acts of ill-treatment, establishing practical, legal and procedural safeguards against such practices, and ensuring that victims and others can report torture and other ill-treatment without fear.

The prohibition of torture and other ill-treatment in international law is absolute. Torture is impermissible in all circumstances, including during public emergencies or in the context of threats to public security.

Amnesty International and the International Commission of Jurists regret repeated delays to the finalisation and passage of Thailand's Draft Prevention and Suppression of Torture and Enforced Disappearance Act. If the remaining discrepancies with the Convention against Torture are addressed, the passage of this Act would criminalise torture and enforced disappearances and establish other safeguards against these acts. Both organizations urge the Royal Thai Government to actualise its commitment to eradicating torture by addressing remaining shortcomings in the Act and prioritising its passage into law in a form that fully complies with Thailand's obligations under the Convention against Torture and the Convention for the Protection of All Persons from Enforced Disappearance. Additional consultations with the public and other parties should be carried out in a transparent and inclusive manner and without delay.

Similarly, Amnesty International and the International Commission of Jurists urge Thailand to move

ahead with its commitment to ratify the Optional Protocol to the Convention against Torture, which obligates authorities to establish a National Preventive Mechanism – an independent expert body authorised to visit places of detention, including by carrying out unannounced visits – as well as to allow such visits by an international expert body. Such independent scrutiny is critical to prevent torture and other ill-treatment, including through implementing their detailed recommendations based on visits. Authorities should also act immediately on the commitment made at Thailand's Universal Periodic Review before the United Nations Human Rights Council in 2016, to inspect places of detention in line with the revised UN Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules.

The Thai government has yet to ensure in law, policy and practice that individuals are not held in conditions that increase the risk of torture. In particular, laws and executive orders allowing individuals to be held by military personnel in unofficial places of detention, without judicial authorization or access to lawyers, family members or medical personnel for up to a week, create conditions that facilitate torture and other ill-treatment. Indeed, Amnesty International's research, as well as research by other human rights organisations, have shown that torture often takes place within that week. Amnesty International and the International Commission of Jurists urge the Thai government to amend or repeal such laws and orders, including Head of NCPO Order 3/2015 and existing emergency legislation.

Acts of torture and other ill-treatment in Thailand have rarely been investigated in a prompt, impartial, independent and efficient manner, as required by the Convention against Torture, and perpetrators of such acts have seldom been held to account. Amnesty International and the International Commission of Jurists urge authorities to ensure that such investigations are undertaken into all credible reports of torture and other cruel, inhuman or degrading treatment or punishment. The scope, methods and findings of such investigations should be made public. Where sufficient, admissible evidence is gathered, perpetrators should be prosecuted in fair trials in civilian courts.

Amnesty International and the International Commission of Jurists also notes with concern the criminal prosecution or threats of prosecution—often under criminal defamation provisions—of victims of torture, their family members, and human rights defenders who have raised allegations of torture, including with a view to seeking redress. The organizations urge that such threats, investigations, charges, prosecution or other proceedings against these persons be withdrawn and charges dropped, and that authorities take steps to create an enabling environment for freedom of expression in which people are able to seek redress and raise concerns about torture publicly without fear of reprisal or recrimination.

The scope of Thailand's responsibilities under the Convention against Torture does not end at Thailand's borders. Amnesty International and the International Commission of Jurists call on Thai authorities to take all necessary measures to comply with its obligations under the Convention and ensure that individuals are protected against forcible transfer to a place where they may be at risk of torture.