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Thailand: Family Still Waiting for Justice Four Years after Human Rights Defender Disappears

Four years since human rights defender Pholachi Rakchongcharoen, also known as Billy, was last seen in the custody of a Thai state official in Kaeng Krachan National Park in western Thailand, Amnesty International deplores authorities' failure to provide his family with information about his fate and whereabouts and the ongoing official obstacles to his family's quest for justice.

The anniversary of Billy's disappearance provides a stark reminder of the urgent need for Thai authorities to establish a legal and institutional framework that effectively prevents and facilitates redress for involuntary and enforced disappearances, and recognises the rights of its victims, including family members of the disappeared and other parties affected by their disappearance, for whom a disappearance is a continuing violation and source of much suffering.

Obstacles faced by his family range from failure to investigate his specific enforced disappearance properly to delays in the passing of draft legislation criminalising enforced disappearance. Authorities have also introduced recent amendments to the draft which, if unchanged, would jeopardise future protection against disappearances and remove significant legal safeguards against the violation.

Amnesty International renews its calls on authorities to ensure an independent, impartial, effective and thorough investigation into his disappearance, including by the Department of Special Investigation, until his whereabouts are known, and to ensure that full redress, including holding suspected perpetrators to account, is granted to his family and affected individuals. It also urges that authorities prioritise the amendment of the Draft Prevention and Suppression of Torture and Enforced Disappearance Act to comply with Thailand's international legal obligations, including the International Convention for the Protection of All Persons from Enforced Disappearance, and then pass it without delay. Thailand should also follow up on the resolution by its National Legislative Assembly of March 2017 to ratify this Convention, which it has already signed.

Pholachi Rakchongcharoen, also known as Billy, was 30 years old when he disappeared in Kaeng Krachan National Park on 17 April 2014, after being taken into the custody on the same day by National Park officials who stated that they had detained him for "illegal possession of wild honey" but had released him later that day. He is believed to have been subjected to an enforced and involuntary disappearance, a serious human rights violation and a crime under international law.

At the time of his disappearance he was preparing information with fellow indigenous Thai Karen villagers resident in Kaeng Krachan Park and activists on legal proceedings concerning National Park officials' alleged burning of the homes and other property of villagers in 2010 and 2011.

Efforts by relatives to request an investigation by the Department of Special Investigation have been thwarted by technicalities – including a failure of authorities to recognise the right of Pinnapha

Prueksapan, Billy's common law wife and mother of his five children, to intervene on his behalf on the basis that she was not legally married to Billy. Authorities have also reportedly stated that the Department of Special Investigation is unable to investigate an enforced disappearance because no physical body has been located, counter to international standards in the investigation of unlawful deaths.

Amnesty International urges authorities to rectify their inadequate and delayed response to investigating Billy's disappearance, which highlights Thailand's persistent failure to provide effective remedies and reparations for the victims of human rights violations. Such failures also exacerbate the grave and unacceptable risk of future violations of the rights of human rights defenders in Thailand engaged in legitimate activities to publicly address and prevent violations.