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4 June 2021

Dear Attorney General:

## **OPEN LETTER: INVESTIGATE THE ENFORCED DISAPPEARANCE OF WANCHALEARM SATSAKSIT AND THE DISAPPEARANCES AND ALLEGED EXECUTIONS OF OTHER THAI EXILES**

I am writing on behalf of Amnesty International to express concern about the enforced disappearance of Wanchalearm Satsaksit and to request that the Office of the Attorney General immediately launch a formal investigation into this matter under Section 20 of Thailand's Criminal Procedural Code together with Section 3 and Section 21 of the Department of Special Investigation Act B.E.2547. This investigation must determine Wanchalearm's fate and whereabouts and bring all those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts.

One year ago, on 4 June 2020, Thai exile Wanchalearm Satsaksit was forcibly disappeared in Phnom Penh, Cambodia. CCTV footage published in the media following the abduction showed a blue Toyota Highlander leaving the scene soon afterwards. The footage also shows two men who appear to have witnessed the abduction.

Thai authorities had previously filed several criminal charges against Wanchalearm, most recently in 2018 under the Computer Crime Act alleging that he had posted anti-government materials on a satirical Facebook page titled "I must get one million from [former Prime Minister] Taksin". The Thai authorities also filed charges against him for failing to report to a summons issued to several activists and political figures following the military coup in May 2014. Thai authorities reportedly requested the Cambodian government to extradite Wanchalearm in 2014. Cambodian authorities, however, have not publicly acknowledged receiving any such request.

A criminal investigation into the disappearance of Wanchalearm Satsaksit has been formally underway in Cambodia since September 2020. In December 2020, Amnesty International criticized the lack of progress in the Cambodian investigation of Wanchalearm's disappearance and the failure to determine his fate and whereabouts. In March 2021, in their latest response to a joint communication from a range of UN Special Procedures mandate-holders, including the UN Working Group on Enforced or Involuntary Disappearances, the Cambodian authorities again reported no meaningful progress in the case.

Amnesty International is alarmed that the Cambodian authorities have, to date, failed in their obligation under the International Convention for the Protection of All Persons from Enforced Disappearance to conduct a prompt, thorough, impartial and independent investigation into the case, and to ascertain the fate and whereabouts of Wanchalearm. The clear failures of the Cambodian investigation, one year after Wanchalearm's disappearance, must now trigger a meaningful investigation into the enforced disappearance of Wanchalearm Satsaksit by the Thai authorities.

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Section 20 of Thailand's Criminal Procedural Code states that the Attorney General is responsible for initiating investigations into cases in which the offence is “punishable under Thai law [and] has been committed outside the Kingdom of Thailand”. Sections 3 and 21 of the Department of Special Investigation (DSI) Act outline the criteria for a “special case” to be investigated under that act, including criminal cases that are “complex” and constitute “serious transnational crimes”.

## **THE DISAPPEARANCES AND ALLEGED EXECUTIONS OF OTHER THAI EXILES**

Wanchalearm Satsaksit's disappearance presents a deeply alarming pattern of disappearances and killings since June 2016 of at least nine Thai activists in exile by unknown perpetrators in neighbouring countries, such as Laos and Viet Nam. In all of these cases, the Thai authorities had sought the individuals' arrest or extradition in relation to criminal charges filed in connection with their exercise of the right to freedom of expression, often online and in some cases while in exile.

On 8 May 2019, Chucheep Chivasut, Siam Theerawut and Kritsana Tapthai were allegedly deported back to Thailand from Viet Nam. Although Deputy Prime Minister Prawit Wongsuwan denied the allegations of extradition requests made to the Vietnamese government in relation to the three, the fates and whereabouts of the three remain unknown. Chucheep Chivasut (“Uncle Sanam Luang”), a radio disc jockey and political activist who regularly broadcasted political commentary to Thailand from exile, has had long-outstanding royal defamation (*lèse-majesté*) charges against him under Article 112 of the Thai Penal Code, which carries a maximum sentence of 15 years in prison. These charges were made against him after the Thai deputy prime minister said that Chucheep headed a secessionist movement called the Thai Federation. Siam Theerawut, a former member of Prakai Fai group who starred in the group's satirical show “Wolf Bride”, is also facing the same charges. Kritsana Thapthai faces an arrest warrant for charges in relation to possession of firearms, war weapons or explosive devices.

In December 2018, Surachai Danwattananusorn, Chatcharn Buppawan and Kraidej Luelert disappeared in Laos, where they allegedly went into exile. In January 2019, the bodies of Chatcharn and Kraidej were found stuffed with concrete blocks in the Mekong River near Nakhon Panom province, which borders Laos. Surachai's whereabouts remain unknown. Surachai Danwattananusorn (“Surachai Sae-Dan”), who broadcasted political commentary of the then junta and the Thai monarchy from exile, led the pro-democracy group Dang Siam, served two years and seven months in prison for royal defamation and has an ongoing criminal suit against him for a raid on the 2009 ASEAN Summit, which turned into clashes with counter-protesters. Chatcharn Buppawan (“Comrade Puchana”) faced charges of possession of firearms, war weapons or explosive devices in relation to his former role as a protest guard for the United Front for Democracy against Dictatorship (UDD) protests in 2010. The three were reportedly active in a UDD protest that ended in a military crackdown in which more than 90 people were allegedly killed by military officers in April and May 2010.

In July 2017, Wutthipong Kochthammakun was reported missing in Laos, where he was living in exile. His fate and whereabouts remain unknown to this day. Wutthipong or “Ko Tee”, a former UDD leader in Pathum Thani province and a political activist who regularly broadcasted commentary on his radio show Red Guard, faces royal defamation charges for making comments on the monarchy to foreign media and charges of possession of firearms, war weapons or explosive devices. In March 2017, Deputy Prime Minister Prawit Wonsuwan stated that the then military government would request Wutthipong's extradition from the Lao government.

In July 2016, Ittipon Sukpaen disappeared after he was reportedly last seen at a restaurant in Laos. Ittipon Sukpaen (“DJ Sunho”), a former UDD leader in Chiang Mai province and a broadcaster of political commentary on YouTube, faces arrest warrants for royal defamation and for failing to report to a summons issued by the then junta in 2014.

In sum, and in light of this pattern of enforced disappearances and alleged executions of Thai exiles and the prevalent impunity and lack of accountability, Amnesty International urges the Attorney General to formally launch an investigation with the Department of Special Investigation, which sits on the Sub-Committee on Torture and Enforced Disappearance, into the enforced disappearance of Wanchalearm and other Thai citizens who were subject to enforced disappearance or allegedly executed in neighbouring countries. The Thai government should also ascertain the fate and whereabouts of all those who have disappeared, bringing all those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts. The Thai government must utilize all tools at its disposal to search for, locate and release forcibly disappeared persons, and ensure justice, truth and reparation for them and their families.

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Yours sincerely,

(signature)

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