

No. 52101/ 669



PERMANENT MISSION OF THAILAND  
5, Rue Gustave-Moynier  
1202 GENEVA

5 August B.E. 2559 (2016)

Dear Sirs,

I wish to acknowledge the receipt of your joint letter dated 4 August 2016 expressing concerns on the case of Ms. Pornpen Khongkachonkiet, Mr. Somchai Homla-or and Ms. Anchana Heemmina.

While your letter has been communicated to the relevant agencies in Thailand, I would like to provide you some preliminary information on the abovementioned case as follows:

- Prior to the launch of the report entitled Torture and Ill-treatment in the Deep South documented in 2014-2015, which is a compilation of interviews of 54 persons who claimed to be former detainees in the provinces of Patani, Yala and Narathiwat, the group of NGOs who produced the report had communicated its content to the Internal Security Operations Command, Region 4 (ISOC-4), the unit in charge of security in the Southern Border Provinces.

- ISOC-4 examined all the alleged cases of torture as appeared in the report and also contacted the National Human Rights Commission (NHCR) for cross checking.

Mr. David Kaye,

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,

Mr. Maina Kiai,

Special Rapporteur on the rights to freedom of peaceful assembly and of association,

Mr. Michel Forst,

Special Rapporteur on the situation of human rights defenders,

Mr. Juan Ernesto Mendez,

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,

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- In response to the release of the report, ISOC-4 reaffirmed its respect for human rights and that great importance is attached to the prevention of torture and ill-treatment of persons under their custody. Nevertheless after the examination, ISOC-4 indicated that 36 of the cases reported/interviews of persons are unfounded. The remaining 18 cases are in the record of ISOC-4. All these 18 cases have been confirmed to be without any evidence of torture and/or ill treatment.

- On 17 May 2016, ISOC-4 decided to file a complaint against the authors of the report for the offences of defamation and violation of the Computer Crime Act 2007. At present, the complaint is still under the investigation by the police before being forwarded to the public prosecutor to decide whether to file the case further for Court proceedings.

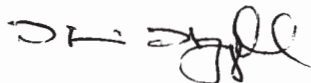
- The Royal Thai Government wishes to reaffirm that all criminal cases are subject to the rule of law. The Court of Justice upholds the principle of the independence of the judiciary and is guaranteed with impartiality. There are a number of cases where complaints by authorities against private individuals for defamation have been dismissed, including the case of Ms. Pornpen Khonkachonkiet who had alleged the security unit in the Southern Border Provinces of torture in September last year.

- Thailand is aware that it is the State's duty to ensure that human rights defenders and lawyers can carry out their work in a safe and enabling environment. The Ministry of Justice has been working with relevant government agencies, civil society, OHCHR and academia, in order to establish a mechanism to provide better protection for human rights defenders. A guideline for all authorities, in particular law enforcement agencies, is currently being developed.

I also wish to reaffirm that Thailand attaches great importance to the prevention of torture and ill-treatment as well as the freedom of expression and assembly. I hope that the above information will help allay some of the concerns you have.

With my best regards, I am,

Yours sincerely,



(Thani Thongphakdi)

Ambassador and Permanent Representative