

IMMEDIATENo. 52101/ *674*PERMANENT MISSION OF THAILAND
GENEVA

30 November 2011

Dear Mr. Sarkin, Ms. Ali, Mr. Emmerson and Mr. Mendèz,

I wish to refer to your joint communication dated 21 October 2011 asking for information regarding the joint study on global practices in relation to secret detention in the context of counter-terrorism. I have the honour to forward herewith the clarification from the Royal Thai Government for your consideration.

It is our hope that the clarification attached herewith will be included in its entirety in the next joint communications report to be presented at the nineteenth session of the Human Rights Council. Lastly, I wish to reiterate our readiness to cooperate in accordance with the mandate of relevant special procedures in promoting and protecting human rights.

Sincerely yours,

(Sek Wannamethee)
Chargé d'affaires, a.i.

Mr. Jeremy Sarkin,
Chair-Rapporteur of the Working Group on Enforced or Involuntary
Disappearances;
Ms. Shaheen Sardar Ali,
Vice-Chair of the Working Group on Arbitrary Detention;
Mr. Ben Emmerson,
Special Rapporteur on the promotion and protection of human rights and
fundamental freedoms while countering terrorism;
Mr. Juan Mendèz,
Special Rapporteur on torture and other forms of cruel, inhuman or degrading
treatment or punishment;
Office of the United Nations High Commissioner for Human Rights,
Palais des Nations,
1211 GENEVA.

Fax: 022 917 9006

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Enclosure**OHCHR REGISTRY**

- 2 DEC. 2011

Recipients :.....*SEO*..........
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**Additional Information of the Royal Thai Government
regarding the Joint Study report on global practices in relation to secret detention
in the context of countering-terrorism**

The Royal Thai Government strongly denies the existence of a secret detention facility in Thailand in 2002-2003 as alleged in the joint study. The said position of the Royal Thai Government has been confirmed by international and local media who have already visited the suspected places mentioned in the news reports and found no such place or evidence that could indicate the existence of a secret detention facility in Thailand. In addition, the Royal Thai Government regrets that while it has exerted efforts to cooperate with the Special Procedures, its previous comments about the veracity of the allegations have not been presented in the present joint study in their entirety. The mandate-holders are therefore requested to do so by including the Government's previous observation that *the alleged existence of a secret detention facility in Thailand is mainly based on citations from US based media which cannot be verified* in the joint study. Indeed, the Government authorities can not use such unreliable media sources as the basis to launch investigations into the matter, for which verified information on the whereabouts of such alleged secret detention places would be required.

The Royal Thai Government would like to reiterate that the mandate-holders should not use information from journalistic sources which cannot be verified as the main basis of for allegations presented in their reports. This practice is clearly not in compliance with the Code of Conduct for Special Procedures Mandates-Holders of the Human Rights Council, which requires that any facts established by the mandates-holders must be based on "objective, reliable information emanating from relevant credible sources". Moreover, it is regrettable that this joint study continues to be pursued in absence of any clear HRC mandate.

It is important to reaffirm that the Royal Thai Government will not allow any acts that constitute the use of torture in violation of its laws and Constitution by state personnel nor by other states in the Thai territory. The country is a state Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and is firmly committed to the effective implementation of the obligations therein.
