



No. 52101/527

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

15 September B.E. 2557 (2014)

Dear Mr. Kaye, Mr. Kiai, Mr. Forst and Mr. Méndez,

I wish to refer to your joint letter dated 12 September 2014 regarding the concerns of the charges against Ms. Pornpen Khongkachonkiet and Mr. Somchai Homla-or, human rights defenders based in Bangkok, Thailand.

The Permanent Mission has forwarded your letter to the relevant agencies in Thailand for their further consideration. In the meantime, I wish to transmit herewith the clarification on the case relating to Ms. Pornpen Kongkachonkiet and the Cross Cultural Foundation, as received from the Ministry of Justice of Thailand and the Royal Thai Army's Ranger Force for the Southern Border Provinces, and prepared by the Ministry of Foreign Affairs of Thailand. The same information has also been transmitted to the Rapporteur on reprisals under article 19 of the Convention Committee against Torture last week.

I hope that the information provided would address your concerns and be helpful for the preparation of your respective report.

The Permanent Mission of Thailand remains at your disposal should you require additional information.

Yours sincerely,

(Kerkpan Roekchamngong)

Ambassador and Deputy Permanent Representative  
Chargé d'Affaires, a.i.

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 E. Méndez

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

GENEVA.

OHCHR REGISTRY

17 SEP 2014

Recipients : ... *SFB* .....  
.....  
.....

**Clarification by the Royal Thai Government on the case relating to  
Ms. Pornpen Khongkachonkiet and the Cross Cultural Foundation**

**Overview**

- The Royal Thai Army's Ranger Force for the Southern Border Provinces confirmed that officer from the Force has filed a complaint with the Police against Ms. Pornpen Khongkachonkiet, the director of Cross Cultural Foundation (CrCF), as the Force insists that the claims alleged in the open letter circulated by CrCF about the conduct of its officers were untrue and damaging, not only to the alleged officers' good reputation but also to that of his unit.
- At the policy level, the Royal Thai Army recognizes the importance of the legitimate activities arranged by civil society organizations, including by Ms. Khongkachonkiet and CrCF. As an organization dedicated its work to the promotion of human rights in the Southern border provinces, a number of CrCF's useful recommendations have been taken into consideration by the Army, especially the 4<sup>th</sup> Army Region responsible for the Southern area.
- Ms. Khongkachonkiet has also been invited to take advisor's position on the matter in one of the Army's related committees.

**Measures taken by the Government to implement articles 13 and 16 of the Convention and to ensure that Ms. Khongkachonkiet and CrCF or any person or organizations are not subjected to reprisals.**

- At national level, Rights and Liberties Protection Department is the focal point for protection of human rights defenders. The Department is currently considering the possibility to establish a "White List" of human rights defenders in order to effectively ensure their safety and that they are able to carry out their activities without physical danger, harassment or criminalization, in accordance with existing laws and regulations. The pros and cons as well as the practicality of this initiative will be further discussed with relevant agencies and NGOs.
- The Department also acts as the Centre to receive complaints of human rights violations including torture and ill-treatment from all actors, coordinate and take necessary actions in cooperation with relevant agencies.
- With regard to the Southern border provinces, the Army's Ranger Force confirms its compliance with articles 13 and 16 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) in addition to respecting the Thai Constitution, Criminal Code, Criminal Procedural Code and other relevant domestic laws. All actions undertaken by the Army's Ranger Force can be subjected to examination by the Court with the full respect to due process of law.
- The Army's Ranger Force for Southern Border Provinces has set up three inquiry centres covering the area of three southern border provinces, namely, in the 41<sup>st</sup>, 43<sup>rd</sup>, and 46<sup>th</sup> Ranger Regiments. Officers working for each Centre receive regular trainings about the Convention in order to ensure the officers' awareness of and compliance with international standards set by the Convention.
- Trainings and courses provided to the officers are also supported by human rights institutions such as National Human Rights Commission and International Red Cross Committee, as well as by the Ministry of Foreign Affairs and the Judge Advocate General's Department of the Ministry of Defense. The Ranger Force often receives visits from human rights institutions and organizations in order to monitor and ensure that the Ranger Force's operation does not constitute any act of torture or ill-treatment. As of now, no complaints have been made by the said institutions after such visits.

\*\*\*\*\*

Department of International Organizations  
Ministry of Foreign Affairs  
3 September 2014