

URGENT

No. 52101/377



**PERMANENT MISSION OF THAILAND
GENEVA**

22 July B.E. 2557 (2014)

Dear Ms. Ezeilo, Ms. Shahinian and Ms. Manjoo,

I wish to refer to your joint letter dated 2 January 2014 requesting the Royal Thai Government to provide clarification on the case of Ms. [REDACTED] and Ms. [REDACTED], two Thai nationals who were allegedly trafficked from Thailand to Italy and forced into sexual slavery in 2006.

In this connection, I have the honour to transmit herewith the clarification on the above-mentioned case, as received from the Ministry of Justice of Thailand and the Royal Thai Police, and prepared by the Ministry of Foreign Affairs of Thailand. 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,

(Thani Thongphakdi)
Ambassador and Permanent Representative

OHCHR REGISTRY

23 JUL 2014

Recipients S.P.D.

Ms. Joy Ezeilo,
Special Rapporteur on trafficking in persons, especially women and children,
Ms. Gulnara Shahinian,
Special Rapporteur on contemporary forms of slavery,
Ms. Rashida Manjoo,
Special Rapporteur on violence against women, its causes and consequences,
Office of the UN High Commissioner for Human Rights,
GENEVA.

Clarification by the Royal Thai Government regarding the case of

Ms. [REDACTED] and Ms. [REDACTED]

Facts alleged in the summary of the case

- The case of Ms. [REDACTED] and Ms. [REDACTED] has been brought to the court and according to the hearing at the Court of First Instance, facts as alleged in the Joint Allegation Letter were proven to be true.
- The Court of First Instance found Ms. [REDACTED] (aka [REDACTED] or [REDACTED] or [REDACTED]) guilty of prostitution and other crimes relating to sexuality, according to the Criminal Code and the Prevention and Suppression of Prostitution Act B.E. 2539 (1997). The Court sentenced Ms. [REDACTED] to eighteen years imprisonment as well as ordered her to pay compensation to the complainants. Subsequently, an appeal was filed against such order, while Ms. [REDACTED] was granted bail by the Court. The Court of Appeal read its judgment *in absentia*, reducing the sentence to six years imprisonment and dismissing the Court of First Instance's compensation order. The case was further submitted to the Supreme Court. Currently, the case is under the Supreme Court's review.
- While being released on bail, Ms. [REDACTED] failed to comply with the order to appear at the Court. The Court of Appeal therefore issued an arrest warrant which has been forwarded to the Royal Thai Police. According to the Immigration Bureau, Ms. [REDACTED] has never left the kingdom since the arrest warrant was issued.

Measures taken to ensure protection of Ms. [REDACTED] and Ms. [REDACTED] against any act of reprisal for their efforts to bring the perpetrator to account

- Victims of trafficking in persons are entitled to seek protection by filing a request at the Ministry of Social Development and Human Security or its representative offices, during and after the trial. Such protection may be extended to spouses and family members of the victim. Moreover, under the Witness Protection in Criminal Cases Act B.E. 2546, Ms. [REDACTED] and Ms. [REDACTED] are also entitled to file a request for protection of witness.

Measures taken to enforce the compensation order in favour of Ms. [REDACTED] and Ms. [REDACTED]

- Legal Execution Department is the authority in charge of the enforcement of compensation orders issued by the Court. As the case has not been made final yet, the enforcement has, therefore, not been in place for the compensation order. However, while the case is still pending, the complainants are also entitled to file for compensation under the Damages for the Injured Person and Compensation and Expense for the Accused in Criminal Cases Act B.E. 2544 (2001).

Measures of cooperation with the Government of Italy taken to facilitate the arrest of the perpetrator and the execution of the sentence against the perpetrator.

Mechanisms in place to facilitate the exchange of information concerning traffickers and their methods of operation.

- Since an arrest warrant was issued for Ms. [REDACTED] the Thai authority shall be informed of her travel out of and into the kingdom, if any. Until now, however, there has been none of such report.
- Thailand and Italy have no bilateral treaties relating to mutual legal assistance in criminal matters or extradition. However, Thailand has Extradition Act B.E 2551 (2008) and Mutual Legal Assistance in Criminal Matters Act B.E. 2535 (1992) in place to facilitate the cooperation between the Royal Thai Government and foreign governments in criminal matters. These two laws allow Thailand to request for extradition or legal assistance in absence of bilateral treaties.

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**Ministry of Foreign Affairs of Thailand
16 July 2014**