



No. 52101/604

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

4 October B.E. 2557 (2014)

Dear Mr. Kaye and Mr. Forst,

I wish to refer to your joint letter dated 19 August 2014, regarding the Mr. Pavin Chachavalpongpun.

In this connection, please find attached herewith information regarding the above-mentioned case as requested. I hope that this will help clarify the situation surrounding this case and address any concerns you may have.

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

Yours sincerely,

(Thani Thongpakdi)

Ambassador and Permanent Representative

Mr. David Kaye,

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

Mr. Michel Forst,

Special Rapporteur on the situation of human rights defenders,

GENEVA.

**The Royal Thai Government's Response to  
the OHCHR's inquiry on the case of Mr. Pavin Chachavalpongpun**

**Allegations :**

- The National Council for Peace and Order (NCPO) ordered to summon Mr. Pavin Chachavalpongpun while he was teaching in Kyoto, Japan and not able to return to Thailand.
- Failure to report to NCPO could result in two years imprisonment and/or 40,000 Thai Baht fine.
- On 13 June 2014, NCPO issued an arrest warrant for Mr. Chachavalpongpun for his failure to report himself to the NCPO.
- On 9 July 2014, Mr. Chachavalpongpun's passport was allegedly revoked and Thai MFA failed to notify Mr. Chachavalpongpun of the developments concerning his passport.
- Revocation of passport would have forced Mr. Chachavalpongpun to apply for refugee status in Japan on 15 July 2014.
- Thai diplomats met with Japanese MFA to urge the Ministry not to assist Mr. Chachavalpongpun's application for the refugee status. NCPO also ordered the Thai Ambassador in Japan to convince the Japanese authorities to deport Mr. Chachavalpongpun back to Thailand.
- Thai Consulate in Osaka was instructed to pressure the Centre employing Mr. Chachavalpongpun to question his academic competence.

**1. Additional information and comment on the allegations**

- The revocation of passport was carried out according to the law and the Ministry of Foreign Affairs' regulation relating to the issuance of passports.
- An officer from the Royal Thai Embassy in Tokyo met with the Ministry of Foreign Affairs in Japan, and, among other bilateral issues that were raised, the Ministry was informed of the issuance of arrest warrant for and the revocation of the passport of Mr. Chachavalpongpun.
- The Royal Thai Embassy in Tokyo has never taken action to pressure or intervene the Japanese Authority with regard to the determination of Mr. Chachavalpongpun's refugee status. The Royal Thai Embassy fully respects the Japanese Authority's discretion and its decision in this regard.
- In addition, the NCPO has never instructed the Royal Thai Embassy or the Royal Thai Consulate-General in Osaka to carry out any mission as alleged.

**2. Legal grounds for warrant for Mr. Chachavalpongpun's arrest, the alleged revocation of his passport and compliance with international norms and standards**

- The NCPO's order to summon was issued only for those necessary to prevent further disruption, incite hatred as well as pre-empt efforts to instigate escalation of violence in the Thai society. That includes the case of Mr. Chachavalpongpun.
- Failure to comply with the NCPO's order to summon constitutes an offence punishable by imprisonment and/or fine.
- The revocation of passports was carried out according to the existing laws and regulations relating to issuance of passports. MFA is empowered by the law to revoke passports of Thai passport holders, as advised by the Royal Thai Police as the authority in charge of security.
- The revocation of Mr. Chachavalpongpun's passport is, therefore, the result of his issued arrest warrant, which, by no means, was aimed at intimidating or retaliating Mr. Chachavalpongpun.
- Thailand remains committed to its obligations under international human rights law including those enshrined under the ICCPR. The Thai Government is well aware of the principle of proportionality. Any sanctions imposed on a person have been thoroughly considered in accordance with the said principle as well as the due process of law.

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Ministry of Foreign Affairs of Thailand  
1 October 2014