



No. 52101/ 646

PERMANENT MISSION OF THAILAND
GENEVA

10 December B.E. 2561 (2018)

Dear Sir and Madam,

I wish to acknowledge the receipt of your joint urgent appeal Ref. UA THA 5/2018 dated 7 December 2018 requesting the Royal Thai Government to provide information regarding the case of Mr. Hakeem Ali Mohamed Alaraibi, a Bahraini national.

In this regard, I would like to inform you that your letter has been duly forwarded to the relevant agencies in Thailand for their consideration. Further information from the relevant agencies concerned in Thailand will be transmitted to you once it is received. In the meantime, I wish to transmit herewith the Ministry of Foreign Affairs' Press Release dated 8 December 2018 which provides initial clarification of this case.

In reassuring you of Thailand's continued commitment to cooperating with all Special Procedures under the Human Rights Council to promote and protect the human rights of all people, I remain,

Yours sincerely,

(Sek Wannamethee)

Ambassador and Permanent Representative

Ms. Elina Steinerte,

Vice-Chair of the Working Group on Arbitrary Detention;

Mr. Nils Melzer,

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

Office of the United Nations High Commissioner for Human Rights,

GENEVA.



ข่าวสารนิเทศ • Press Release

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No. 493/2018

The Case of Mr. Hakeem Ali Mohamed Ali Al Oraibi, a Bahraini National

In response to press queries concerning the detention of Mr. Hakeem Ali Mohamed Ali Al Oraibi, a Bahraini national, by the immigration authorities, the Ministry of Foreign Affairs wishes to present the following factual account on circumstances leading to his detention, his status, and the course of action required under the Thai laws.

1. Mr. Hakeem Ali Mohamed Ali Al Oraibi was detained by the Suvarnabhumi Immigration upon his arrival from Australia on 27 November 2018 at 20.50 hrs., in accordance with Thailand's Immigration Act B.E. 2522 (1979). The detention was carried out in response to the red notice alert received from the INTERPOL National Central Bureau of Australia and the formal request from the Bahraini Government for his arrest and extradition. Mr. Hakeem is wanted by the Bahraini authorities as a fugitive convicted on criminal offences under their laws.

2. On 3 December 2018, as a follow up, the Embassy of Bahrain submitted the relevant documents required in their request for the provisional arrest of Mr. Hakeem to the Ministry of Foreign Affairs. The provisional arrest request was subsequently forwarded to the Office of the Attorney General in line with procedure stipulated in Thailand's Extradition Act B.E. 2551 (2008).

3. While awaiting the Court's ruling on the above, Mr. Hakeem has been placed in the custody of the Immigration Detention Centre in Suan Plu, in accordance with the relevant provisions of the Immigration Act. Under Thai law, only the Court has the power to determine, upon the immigration authorities' application, whether such custody may be extended and, if so, its duration, not exceeding 12 days on each such application.

4. On 7 December 2018, the Office of the Attorney General filed an application for the issuance of a provisional arrest warrant with the Court, who later on the same day approved the issuance of the warrant. Mr. Hakeem had then been informed about his provisional arrest warrant, and later on will be transferred to prison.

5. In line with the said Extradition Act, after its deliberation, the Office of the Attorney General may, within 60 days after his arrest, file an application with the Court for his extradition as requested by the Bahraini Government. Once the case

is brought under its purview, the Court shall proceed with its stipulated procedure, including thoroughly examining the extradition request as well as all related evidence and testimonies provided by the parties concerned. Mr. Hakeem, the subject of the extradition request, has the right to provide the Court with his views, concerns and evidence.

Furthermore, once the Court of First Instances has issued its ruling, the parties concerned also still retain the right to submit a petition to the Court of Appeals for further review and deliberation. If an appeal petition is made, the extradition litigation process will be final only after the Court of Appeals has issued its ruling.

6. Thailand attaches importance to human rights, the rule of law and its obligations as a state party to relevant international conventions and agreements. As such, the matter shall be brought to the purview of the Court, which shall conduct their deliberation strictly in line with due process, impartially and free from any interference and consistent with international practices.

7. Despite the subsequent withdrawal of the red notice on Mr. Hakeem from the INTERPOL database, the extradition process has been activated following the receipt of the formal request from the Bahraini government on 27 November 2018 and subsequent submission of the documents required for the issuance of a provisional arrest warrant on 3 December 2018.

8. Notwithstanding the absence of a bilateral agreement on extradition between Thailand and Bahrain, the Bahraini side can make a request for extradition in accordance with said Extradition Act, based on the internationally-recognised principle of reciprocity and cooperation.

8 December 2018