



No. 52101/267

PERMANENT MISSION OF THAILAND
GENEVA

20 June B.E. 2562 (2019)

Dear Sirs and Madam,

With reference to your joint urgent appeal ref. UA THA 5/2019 dated 18 April 2019 requesting information regarding the cases of Mr. Truong Duy Nhat and Mr. Bach Hong Quyen, Vietnamese nationals, I have the honour to transmit herewith a response, as received from the Royal Thai Police and compiled by the Ministry of Foreign Affairs of Thailand. I hope that the clarification provided will help address your concern on this matter.

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. Bernard Duhaime,

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

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;

Mr. Felipe Gonzalez Morales,

Special Rapporteur on the human rights of migrants;

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.

**Thailand's response to the joint communication from HRC Special Procedures
No. UA THA 5/2019 dated 18 April 2019**

Mr. Truong Duy Nhat

- There have been news reporting that Mr. Truong is currently under arrest and investigated by Vietnamese authorities for alleged violations of regulations relating to state-owned land in Da Nang City. (For example, <https://e.vnexpress.net/news/news/former-reporter-arrested-over-land-violations-3936462.html>)

- Regarding the allegation on enforced disappearance and forced repatriation of Mr. Truong from Thailand to Viet Nam, the records of the Immigration Bureau, the Royal Thai Police, show that Mr. Truong's last entry into and departure from Thailand was in 2016. If he has entered the Kingdom in 2019, it may be probable that he did not enter through immigration checkpoints, thereby not appearing in any official records. As a result, the Royal Thai Government has fairly limited information regarding the case and Mr. Truong's whereabouts.

- The Royal Thai Police has assigned the Provincial Police Region 1 to verify the facts regarding Mr. Truong. It was reported that the Provincial Police Region 1 tried to find further information and checked security camera footages in relevant areas, but was not successful in finding useful information regarding Mr. Truong.

Mr. Bach Hong Quyen

- There is not enough information to confirm the situation of Mr. Bach Hong Quyen. Thailand welcomes any further information that the Special Procedures may have, which would be forwarded to relevant authorities for further examination.

Refugees and Asylum-Seekers

- Thailand is committed to our humanitarian tradition, though we are not a party to the 1951 Refugee Convention.

- Thailand has been working closely with UNHCR to arrange and accelerate the resettlement for those found to be genuine refugees by the UNHCR. However, with the world's focus shifted to emergency situations elsewhere in the world and limited resources to draw from, resettlement can take a long period of time. Despite the challenges, Thailand is still working hard to cooperate with the UNHCR and resettlement countries to expedite the resettlement processes.

- For illegal migrants in custody in general, the Immigration Bureau and relevant agencies have provided the best possible care to migrants in custody, based on international humanitarian principle, despite resource constraints. They are provided with meals, appropriate sanitation, childcare, and healthcare. We have also given permission and facilitated access, upon requests, to relevant foreign embassies, international organizations, including the UNHCR and the IOM, as well as several NGOs to the Immigration Detention Centers (IDC) in order to provide additional humanitarian assistance to these groups of people as much as possible.

Suppression and Prevention of Torture and Enforced Disappearances

- The Ministry of Justice has proposed the draft Act on Prevention and Suppression of Torture and Enforced Disappearance which is currently in the legislative process. The draft law will serve as an implementing legislation of the Convention against Torture (CAT), to which Thailand is a party, and enables the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), to which Thailand is a signatory. The Cabinet and the National Legislative Assembly approved on 24 May 2016 and 10 March 2017, respectively, in principle to ratify the ICPPED once the draft Act is enacted as law.

- After the National Legislative Assembly requested the Cabinet to further review the draft Act in March 2017, the revised draft Act was resubmitted to the National Legislative Assembly for consideration on 20 December 2018.

- While the draft Act on Prevention and Suppression of Torture and Enforced Disappearance is under consideration and review, the Prime Minister has issued Order No. 131/2560 dated 23 May 2017 to establish the National Committee for Managing Cases Relating to Torture and Enforced Disappearance, chaired by the Minister of Justice and comprising 13 representatives from related agencies as Members, in order to address alleged cases of torture and enforced disappearance and to prevent future occurrences of such cases. The Committee is supported by four sub-committees on (1) follow-up and monitoring, (2) assistance and remedy, (3) prevention and training and (4) case screening. Any public officer who is found to have been involved in torture and/or enforced disappearance will be prosecuted in accordance with the law.
