

No. 52101/191



PERMANENT MISSION OF THAILAND
GENEVA

10 August B.E. 2563 (2020)

Dear Sirs and Madams,

With reference to your joint urgent appeals ref. UA THA 5/2020 dated 12 June 2020 and ref. UA THA 6/2020 dated 15 July 2020 requesting information regarding the case of Mr. Wanchalearm Satsaksit, I have the honour to transmit herewith the updates of the said case, as received from the Office of the Attorney General, the Royal Thai Police and the Ministry of Justice 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

Mr. Luciano Hazan,

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

Ms. Agnes Callamard,

Special Rapporteur on extrajudicial, summary or arbitrary executions;

Ms. Irene Khan,

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

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.

Facts and Updates on the Case concerning Thai national Mr. Wanchalearm Satsaksit

Facts

- Mr. Wanchalearm Satsaksit is a 37-year-old native of Ubon Ratchathani Province, which shares its southern border with Cambodia.
- The records of the Immigration Bureau show that his last departure from Thailand was on 25 May 2014 by a flight to Kuala Lumpur, Malaysia, through Don Mueang International Airport. According to the information received from the Cambodian authorities, Mr. Satsaksit has travelled to and from Cambodia several times in the period between 2014 and 2015 and his last entry to Cambodia was on 19 October 2015.
- The Thai authorities issued arrest warrants against him on the violation of a summons order by the National Council for Peace and Order (NCPO) in 2014 and under the Computer Crime Act in 2018. Nonetheless, the Thai authorities have never made any request to their Cambodian counterparts for the extradition of Mr. Satsaksit after he fled to Cambodia.
- Several media outlets have reported that Mr. Satsaksit had been abducted during his stay in Phnom Penh, Cambodia, on 4 June 2020.

Updates

- On 5 June 2020, upon learning of Mr. Satsaksit's alleged abduction, the Royal Thai Government, through the Royal Thai Embassy in Phnom Penh, immediately made a formal request seeking collaboration from the Cambodian authorities to verify the media reports and provide information that might reveal the true circumstance of this case.
- On 9 June 2020, Mr. Satsaksit's [REDACTED] submitted to the Ministry of Foreign Affairs a letter requesting the Ministry to follow up the investigation on the alleged abduction of her [REDACTED] and providing details of the vehicle that she believes was used to abduct him. The Royal Thai Embassy in Phnom Penh then forwarded this information to the relevant Cambodian agencies to aid their investigation into the case.
- The Royal Thai Government has subsequently officially communicated to the Royal Government of Cambodia to consider carrying out a thorough investigation into this matter. It has also been in close coordination with the Cambodian authorities to seek the whereabouts of Mr. Satsaksit. At present, the Thai authorities have been informed by their Cambodian counterparts that further investigations are still ongoing.
- On 17 June 2020, the Standing Committee on Legal Affairs, Justice and Human Rights, the House of Representatives, invited relevant government agencies as well as representatives from the OHCHR and Human Rights Watch to share information with Mr. Satsaksit's family. Responding to the queries of the Committee on ways that the Thai authorities can proceed with the case, representatives from the Office of the Attorney General indicated that: (1) the Treaty on Mutual Legal Assistance in Criminal

Matters (ASEAN MLAT), constitutes an existing regional legal instrument through which Thailand and Cambodia as ASEAN Member States could seek cooperation on this matter; and (2) Section 8 of the Thai Criminal Code, which stipulates that certain offences committed outside Thailand can be punishable in the Kingdom, may be applicable in this case.

- Following the hearing, on 23 June 2020, Mr. Satsaksit's [REDACTED] filed submissions with the Office of the Attorney General and the Rights and Liberties Protection Department, Ministry of Justice. The relevant authorities responded as follows:
 - (1) The Department of Investigation under the Office of the Attorney General is gathering information and considering whether Section 8 of the Criminal Code and Section 20 of the Criminal Procedure Code, namely if an offence punishable under Thai law has been committed outside the Kingdom, and whether the Attorney General shall be a responsible inquiry official, are applicable in this case.
 - (2) Thailand's Sub-Committee on the Screening of Cases of Torture and Enforced Disappearance under the National Committee for Managing Cases Relating to Torture and Enforced Disappearance, on 17 July 2020, requested the Royal Thai Police to coordinate with INTERPOL on the case and on 30 July 2020 facilitated the collection of DNA profiles from Mr. Satsaksit's family which could be useful in the investigation.
 - (3) The Rights and Liberties Protection Department of the Ministry of Justice liaised with the Office of Justice Fund to consider finding a legal representative and providing financial support for Mr. Satsaksit's family to cover their expenses in pursuing the case.
- The relevant Thai authorities have been in close contact with and kept Mr. Satsaksit's relatives abreast of the progress made in the investigation. For instance, on 12 June 2020, the Department of Consular Affairs, Ministry of Foreign Affairs, informed Mr. Satsaksit's [REDACTED] of the information received from the Cambodian authorities, and on 22 July 2020, the Rights and Liberties Protection Department, Ministry of Justice, updated Mr. Satsaksit's family on the progress made by the Sub-Committee on the Screening of Cases of Torture and Enforced Disappearance.
- The Royal Thai Government reaffirms its commitment to upholding the rule of law and human rights obligations in accordance with the international human rights instruments to which Thailand is a party while placing utmost priority on the protection of the lives and well-being of Thai citizens, wherever they may be. It is the Government's determination to bring those responsible to justice and seek clarity over Mr. Satsaksit's fate and whereabouts.

* * * * *