No. 52101/112

PERMANENT MISSION OF THAILAND GENEVA

15 March B.E. 2564 (2021)

Dear Madams,

I wish to refer to your joint communication ref. AL THA 9/2020 dated 14 December 2020, concerning the attempted killing of Mr. Dam Onmuang, a human rights defender.

I would like to inform you that the Royal Thai Government notes the observations expressed therein with serious concern. The Government recognizes the role of human rights defenders as a target group requiring specific rights protection measures, and, thus, attaches high importance to promoting and protecting their rights in accordance with relevant international human rights instruments, including the United Nations Declaration on Human Rights Defenders.

In this regard, I wish to transmit herewith the information in response to your communication including the status of the cases concerning the Southern Peasant Federation of Thailand (SPFT), as received from Thai relevant agencies, for your perusal.

In reiterating Thailand's commitment to the promotion and protection of human rights for all, I remain,

Yours sincerely,

(Rongvudhi Virabutr)

Ambassador and Deputy Permanent Representative Chargé d'Affaires a.i.

Ms. Mary Lawlor,

Special Rapporteur on the situation of human rights defenders;

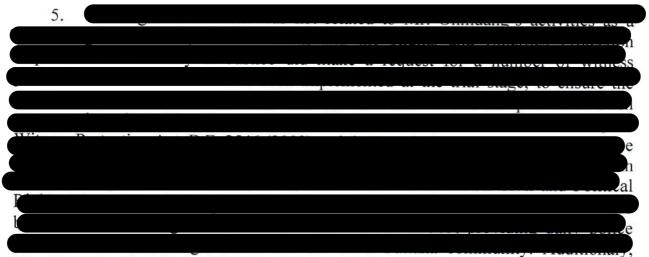
Ms. Agnes Callamard.

Special Rapporteur on extrajudicial, summary or arbitrary executions, Office of the United Nations High Commissioner for Human Rights,

GENEVA.

Thailand's reponse to the joint communication from HRC Special Procedures No. AL THA9/2020 dated 14 December 2020

- 1. The Royal Thai Government notes the concerns expressed in the joint communication and wishes to provide the following information in response thereto.
- Q1 Please provide any additional information and/or comment you may have in reference to the above-mentioned allegations.
- 2. The status of the cases concerning the Southern Peasant Federation of Thailand (SPFT), provided by the Court of Justice, is summarized in <u>Annex I.</u>
- Q2 Please provide information as to any investigations that may have been carried out subsequent to the complaint lodged by Mr. Onmuang on 20 October 2020.
- 3. According to the information received from the Royal Thai Police, in the early hours of 20 October 2020, Bang Sawan Police Station was informed that Mr. Dam Onmuang and 5 associates were inside a community guard booth in front of Santi Pattana community, when who was drunk, parked his car in front of the guard booth and approached the group. The entered the guard booth and looked inside the mosquito net where Mr. Onmuang was sleeping, greeted him with the words "Brother Dam", then drove 40 metres away with his car from the guard booth. Suddenly, turned his car around and parked it again, entered the guard booth and fired one shot at Mr. Onmuang, but missed, and escaped with his car.
- 4. Later on 20 October 2020, was arrested at 06.50 hrs. at his home with a weapon and ammunition used during the commission of the crime, as well as his vehicle. On 21 October 2020, the suspect was transferred to Wiang Sra Provincial Court, which issued a warrant for detention (No. 189/2563) of a suspect, The release on bail was not justified in this case. In any event, the outcome of the inquiry concluded that was not hired by anyone to commit the crime. He shot Mr. Onmuang because he was drunk. The inquiring officer, therefore, proceeded to submit an opinion to the public prosecutor requesting an order of prosecution.
- Q.3 Given the history of killings and violent attacks targeting SPFT members and acts of intimidation against their communities, please provide information regarding concrete measures taken or planned to secure the safety of Mr. Onmuang and the Santi Pattana community. If no such measures have been taken, please indicate why and how this complies with international human rights law, in particular article 6 of the International Covenant on Civil and Political Rights, protecting the right to life.



Mr. Onmuang has been informed regularly about developments of the trial and investigation.

Additional information			The court of first instance ruled that the prosecution's witness(s) was (were) not able to remember the facial appearance of the criminal.	The court of first instance ruled that evidence of the prosecution could not prove the defendant beyond reasonable doubt.
Supreme courts	ı	1	ı	
intiff - Defendants	t		Appellate Court District 8 Black case No 1652/2559 Red case No 2668/2559 The court reaffirmed judgement of the court of first instance on 21 September 2016.	Appellate Court District 8 Black case No 1300/2560 Red case No 2179/2560 The court reaffirmed judgement of the court of first instance on 31 October 2017.
Court of first instance	Surat Thani Provincial Court	Surat Thani Provincial Court	Wiang Sra Provincial Court Black case No 1273/258 Red case No. – 642/2559 The court dismissed the complaint on 15 March 2016.	Wiang Sra Provincial Court Black case No 1723/2559 Red case No. – 438/2560 The court dismissed the complaint on 22 February 2017.
Plantiff - Defendants	Plantiff – public prosecutor	Plantiff – public prosecutor	Plantiff – public prosecutor Defendant	Plantiff – public prosecutor Defendant
Name of SPFT's members	(dead on 19 November 2012)	(dead on 19 November 2012)		
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Additional	1. According to the	court of first	instance's warrant	of detention no.	F.189/63, the	defendant was	detained during 21	October 2020-12	January 2021.	2. On 12 January	2021 the public	prosecutor	prosecuted	defendant, black	case no A. 18/64.	The inquiry was	commenced on 13	January 2021.	3. On 13 January	2021 the video	testimony of the	defendant was set.	On 21 January 2021	the court scheduled	the meetings for	protecting rights	and liberties. On 8	February 2021 the	tesimony of the	defendant, witness	identification and	evidence	authentication of the	defendant wiens got
Supreme courts																																		
Appellate courts	ı																																	
Court of first instance	Wiang Sra Provincial	Court																																
Plantiff - Defendants	Plantiff - public	prosecutor																																
Name of SPFT's members																																		
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