



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 Annex I.

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 [REDACTED], who was drunk, parked his car in front of the guard booth and approached the group. [REDACTED] 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, [REDACTED] 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, [REDACTED] 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, [REDACTED]. The release on bail was not justified in this case. In any event, the outcome of the inquiry concluded that [REDACTED] 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.



5.

[REDACTED]

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

Status of the cases concerning the Southern Peasant Federation of Thailand (SPFT)

No.	Name of SPFT's members	Plaintiff - Defendants	Court of first instance	Appellate courts	Supreme courts	Additional information
1.	[REDACTED] (dead on 19 November 2012)	Plaintiff – public prosecutor	Surat Thani Provincial Court	-	-	-
2.	[REDACTED] (dead on 19 November 2012)	Plaintiff – public prosecutor	Surat Thani Provincial Court	-	-	-
3.	[REDACTED]	Plaintiff – public prosecutor Defendant [REDACTED]	Wiang Sra Provincial Court Black case No.- 1273/2558 Red case No. – 642/2559 The court dismissed the complaint on 15 March 2016.	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.	-	The court of first instance ruled that the prosecution's witness(s) was (were) not able to remember the facial appearance of the criminal.
4.	[REDACTED]	Plaintiff – public prosecutor Defendant [REDACTED]	Wiang Sra Provincial Court Black case No.- 1723/2559 Red case No. – 438/2560 The court dismissed the complaint on 22 February 2017.	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.	-	The court of first instance ruled that evidence of the prosecution could not prove the defendant beyond reasonable doubt.

No.	Name of SPFT's members	Plaintiff - Defendants	Court of first instance	Appellate courts	Supreme courts	Additional information
5.		Plaintiff – public prosecutor 	Wiang Sra Provincial Court	-	-	<p>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.</p> <p>2. On 12 January 2021 the public prosecutor prosecuted defendant, black case no A. 18/64. The inquiry was commenced on 13 January 2021.</p> <p>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 testimony of the defendant, witness identification and evidence authentication of the defendant were set.</p>