

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE: UA
THA 9/2014:

22 August 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 25/2, 24/5, 25/13, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of arbitrary arrest, torture and other ill-treatment in custody of Ms. **Kritsuda Khunasen**, by members of the military forces.

The alleged arbitrary detention, torture and other ill-treatment of Ms. Kritsuda Khunasen, as well as the issuing on 10 August 2014 of a new arrest warrant without substantiated grounds, takes place in a context of restrictions to multiple rights and fundamental guarantees following the military coup on 22 May 2014. An urgent appeal and a public statement expressing concern on the summoning and arrest of demonstrators by the National Council for Peace and Order (NCPO) were sent to your Excellency's Government on 28 May 2014. We take note of the response sent by your Excellency's Government on 13 June 2014. However, serious concern is expressed regarding the allegations of use of torture and ill-treatment during the custody of persons detained allegedly on motives related the exercise of the right to freedom of opinion and expression.

According to the information received:

Ms. Kritsuda Khunasen is a student activist advocating for “Red Shirts” supporters of the ousted Prime Minister Thaksin Shinawatra. The Red Shirt supporters belong to the United front of Democracy against Dictatorship (UDD) and were arrested and detained after the political unrest of May 2010. Ms. Kritsuda Khunasen was working for Ms. Manunkaya Ketkaew, a key Red Shirts figure in Chon Buri Province who had been providing financial support to Red Shirts in the northeastern region of Thailand.

On 27 May 2014, during a raid of Ms. Manunkaya Ketkaew’s house, Ms. Kritsuda Khunasen was arrested by soldiers from the 14th Military Circle. The soldiers allegedly blindfolded Ms. Kritsuda Khunasen, using her scarf and put her in a car. Subsequently, the car driver reportedly told soldiers at the checkpoint of an unknown military camp that he was “dropping a parcel off”, referring to Ms. Kritsuda Khunasen.

Ms. Kritsuda Khunasen was allegedly detained in the unidentified military camp without charges from 28 May to 24 June 2014. During the entire period of detention, her family and friends were not informed about her whereabouts. During the first seven days of detention Ms. Kritsuda Khunasen was kept blindfolded and handcuffed. A female soldier had to feed and undress her for showering. While she was being undressed, Ms. Kritsuda Khunasen heard male voices near her. It is reported that soldiers interrogated Ms. Kritsuda Khunasen on a daily basis about her involvement with the UDD. Whenever she did not promptly answer all the questions, she was punched in her face, head, and stomach and beaten all over her body. Allegedly, the assaults were conducted in a manner to not inflict any cuts. In addition, soldiers reportedly put a plastic bag over her head and wrapped a piece of cloth around it to suffocate her. It is reported that they repeated the process until Ms. Kritsuda Khunasen passed out. When she lost consciousness, soldiers threw water on her torso to wake her up. Later, she was allegedly placed in a body bag.

During the night of 3 June 2014, two soldiers removed Ms. Kritsuda Khunasen’s blindfold and handcuffs and gave her some medications to help with an inflammation, apparently to eradicate the evidence of their abuses. It is also reported that military officers ordered Ms. Kritsuda Khunasen to write a letter confirming that she stayed in military custody on a voluntary basis.

On 17 June 2014, despite the fact that Ms. Kritsuda Khunasen was already in military custody, the National Council for Peace and Order (NCPO) ordered her to report to the NCPO on 18 June 2014. On 23 June 2014, several senior military officers came to meet Ms. Kritsuda Khunasen. The leader of the NCPO’s spokesperson team informed that she would be interviewed by Channel 5. It is alleged that the military officers told Ms. Kritsuda Khunasen to “say the right

thing to make the military look good.” On 25 June 2014, Ms. Kritsuda Khunasen was released from military custody.

On 2 August 2014, Ms. Kritsuda Khunasen appeared on a YouTube interview where she described how she was tortured while being in military custody.

According to the information received, on 10 August 2014, the Criminal Court issued an arrest warrant for three suspects, including Ms. Kritsuda Khunasen, on charges of illegal possession of weapons and carrying weapons in public without reasonable grounds.

Serious concern is expressed about the alleged arbitrary arrest, torture and ill-treatment of Ms. Kritsuda Khunasen by members of the military forces, reportedly on motives related to her affiliation with the UDD and to the exercise of the right of freedom of opinion and expression. Serious concern is also expressed about the lack of investigation into those allegations. Further serious concern is expressed at the allegations of a recent arrest warrant issued against Ms. Kritsuda Khunasen without substantiated grounds. We reiterate the importance and urgency of measures taken to preserve the security and integrity of Ms. Kritsuda Khunasen if detained.

The allegations mentioned above appear to be in contravention with the right to be free from torture and other cruel inhuman or degrading treatment or punishment. In this context, we like to remind your Excellency’s Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Thailand acceded on 2 October 2007. Furthermore, we would like to remind your Excellency's Government, that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture or other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.

We would also like to draw the attention of your Excellency's Government to article 12 of the CAT, which requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, as well as article 7 of the CAT, which requires State parties to prosecute suspected perpetrators of torture. In this context, we would also like to recall paragraph 7b of the Human Rights Council Resolution 16/23.

Moreover, these above mentioned allegations seem to indicate a prima facie violation of the rights of freedom of opinion and expression and freedom of association with others as set forth in articles 19 and 22 of the International Covenant on Civil and Political Rights accessed by Thailand on 29 October 1996.

We would also like to draw the attention of your Excellency's Government to attention article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and comment which you may have on the above mentioned allegations.

2. Please provide details, and where available the results, of any investigation, judicial or other inquiries carried out in relation to the allegations of torture and ill-treatment. If no inquiries have taken place, or if they have been inconclusive, please explain why.

3. Please provide information relative to the legal grounds for the detention of Ms. Kritsuda Khunasen and for the issuance of a new arrest warrant. Please indicate how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR, especially relative to the prohibition arbitrary detention and the right to freedom of opinion and expression.

4. Please provide information relative to the guarantees and measures taken to preserve the security and integrity of Ms. Kritsuda Khunasen in detention.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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freedom of opinion and expression

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