

Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7 and 25/13.

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 and detention, as well as torture and other cruel, inhuman or degrading treatment or punishment, by military officers, of five persons in and around Bangkok.**

The persons concerned are **Mr. Chatchawan Prabhurung** (arrested on 06/07/2014); **Ms. Saewngwan Nakrien** (arrested on 06/07/2014); **Mr. Somsri Marit** (arrested on 08/07/2014); **Mr. Taweechai Wichakham** (arrested on 08/07/2014); and **Mr. Bancha Khotphuthorn** (arrested on 22/07/2014).

According to the information received:

Mr. Chatchawan Prabhurung and his wife **Ms. Saewngwan Nakrien** were arrested at around 4 p.m. on 6 July 2014 in Chiang Rai province. Mr. Prabhurung was driving his car with Ms. Nakrien on the passenger seat. During the traffic light stop at a junction in Chiang Rai city, around 50 armed military officers surrounded the junction. Military officers dragged Mr. Prabhurung out of his car, pressed him to the ground, and tied his hands. He was brought into a van and driven away. Ms. Nakrien refused to leave the car by holding on to the door shouting for help while the military officers tried to drag her out. Eventually, three military officers entered the car and drove her to a military camp outside Chiang Rai. Mr. Prabhurung was brought to the same military camp, but held separately. There, he was accused of being involved in the

M-79 grenade attack at Big C Supermarket at Ratchadamri district in Bangkok on 23 February 2014, which caused the deaths of three people.

On 7 July 2014, both Mr. Prabbhumrung and Ms. Nakrien were brought to Bangkok separately. During the drive, Mr. Prabbhumrung was handcuffed and blindfolded. He was taken to an unknown army camp in Bangkok. He arrived there at around 8 p.m., and was taken into a prison room. His blindfold was taken off. The room window was covered by cloth, preventing him from seeing outside. Half an hour later, he was blindfolded again. His hands, body and feet were tied with ropes and he was placed on the floor, where military officers kicked and hit him.

Subsequently, Mr. Prabbhumrung was taken into a car, where military officers sat on top of him and beat him for 30 minutes. He was later brought into a room, located downstairs from the prison room. [REDACTED]

[REDACTED]. When he cried loudly, military officers placed a plastic bag around his head to stop him from screaming and breathing.

The military officers repeatedly asked questions about his involvement in the M79 grenade attack, while beating him. A photo of his wife was shown to him by the military officers who said "[REDACTED]". After that, he was taken out of the room. He heard the military officers saying that they would put him in a hole and that they would put a gun in his mouth. In case he did not give the right answer, they would kill him and bury him there. He was detained and blindfolded for seven additional days, before he was charged on 13 July 2014. He has since been detained at Bangkok Remand Prison.

While Ms. Nakrien was being transferred to Bangkok on 7 July 2014, military officers blindfolded her when the car reached the Bangpa-in district, in the Ayuthaya Province. She was brought to an unknown military camp in Bangkok and had her blindfold removed as she arrived to a room, in which two military officers were waiting for her. All the doors and windows were blinded and locked. Ms. Nakrien was kept there for two days without knowing the time of the day.

In the afternoon on 9 July 2014, a female military officer told Ms. Nakrien that she would be taken to an undisclosed location. She was blindfolded with a stocking, hands tied on the back. She was taken into a car which drove her to a location ten minutes away. Once Ms. Nakrien got out of the car, she heard male military officers saying "oh, there is a woman coming". Military officers took her upstairs and told her to go to the corner of the room. The voices of the military

officers were aggressive and there were noises of cloth being ripped apart. After that, she was brought downstairs into a car and left. All this took place within 15 to 20 minutes. During the car journey, her hands were tied very tightly, which was painful. When she asked the military officers to help loosen it, they shouted at her telling her to endure it as they had no plan to execute her. She was put in a room in another location.

On the night of 11 July 2014, Ms. Nakrien was interrogated, but this time she was blindfolded and handcuffed. After the interrogation, her blindfold was taken off. She had to sign a document, which, she was informed, was a record of her testimony prepared by the military. An officer told her that she would be released two days later.

On 15 July 2014, police officers took Ms. Nakrien and Mr. Prabbhumrung to a press conference. At night, Ms. Nakrien's son, who had learnt about their whereabouts from the press conference, came and picked her up at the police station. During her detention, she was not allowed to contact anyone.

Mr. Somsri Marit was arrested in his home on 8 July 2014 by several military officers carrying M16s. The military officers accused him of having fired an M-79 into Big C supermarket in Bangkok's Ratchadamri district on 23 February 2014, which caused the deaths of three people.

After the arrest, Mr. Marit was brought into a car, handcuffed and blindfolded. He was told to lie down in the car, while military officers pushed him down with their knees and elbows. Military officers in the car tried to force him to confess that he was involved in the shooting, saying that he was implicated by other people. The military officers told him that they were approaching a field, and if he did not confess, they would kill him and throw him into the field. He confessed out of fear. He was later taken into a prison cell the window of which was covered with cloth, preventing him from looking outside. Three military officers came into his cell at night. They wore ski masks on and showed him some photos of people. Initially he said that he did not know any of them, however, after they twisted his right arm, he confessed that he knew them.

On 9 July 2014, Mr. Marit was interrogated again by a different group of military officers. He was blindfolded and forced to sit down on the ground while a military officer pushed his knee further and further into his back whenever he refused to answer.

On 15 July 2014, prior to taking Mr. Marit to the police, the military officers interrogated him again, using the same methods and asking the same questions

and to tell about his role in the shootings. Later that day, he was transferred to Bangkok Remand Prison, where he is currently detained.

Mr. Taweechai Wichakham was arrested on 8 July 2014 by military officers, accused of firing an M-79 into Big C supermarket at Ratchadamri area in Bangkok on 23 February 2014. On 10 and 11 July 2014, military officers blindfolded and interrogated him. They forced him to implicate others in the grenade attack, and punched and kicked him until he lost consciousness. They [REDACTED], at which point he confessed. He was detained for eight days before he was taken to the Lumpini Police Station for further interrogation. The police did not inform him of his charge and he was denied the right to access to a lawyer. He is currently detained at Bangkok Remand Prison.

Mr. Bancha Khotphuthorn was arrested around midnight on 22 July 2014 by armed military officers and some police officers at a private home in Saimai district, Bangkok, where he and a group of 15 people were drinking. He was arrested for allegedly possessing illegal substances.

After the arrest, Mr. Khotphuthorn was taken to an unknown military camp in Bangkok. There he was interrogated. During the interrogation, he was blindfolded and his hands were tied. Around four to five military officers kicked and punched him, asking him where he had obtained illegal substances and what did he know about drug trafficking ring. One military officer said that if he did not provide the lead, to implicate other drug traffickers, he would be executed. Military officers kicked him down into a hole that had been dug earlier. Dirt was subsequently put into the hole to cover his body from his shoulders and down, leaving only his head out. They hit his face with a gun, and threatened to kill him. The military officers cut his hair, and continued the beating until 6 a.m. the next day.

Due to an arrest warrant for theft pending for Mr. Khotphuthorn, he was transferred to Bangkok Remand Prison on 24 July 2014, where he is currently detained. It is reported that he has the symptoms of tinnitus, resulting from the alleged torture.

Grave concern is expressed at the allegations that the five persons mentioned above were arbitrarily arrested and detained, and that they were either tortured or ill-treated while detained or threatened to be tortured or executed. Additional concern is expressed at the continued detention of Mr. Prabhurung, Mr. Marit, Mr. Wichakham and Mr. Khotphuthorn in the Bangkok Remand Prison.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international

norms and standards that are applicable to the issues brought forth by the situation described above.

With no intent of expressing an opinion on whether or not the detention of Mr. Prabbhumrung, Mr. Marit, Mr. Wichakham and Mr. Khotphuthorn is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of their liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR).

Regarding the allegations of torture and other cruel, inhuman or degrading treatment or punishment, including the threat to life, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 5 of the Universal Declaration of Human Rights (UDHR), 7 of the International Covenant on Civil and Political Rights (ICCPR), which Thailand accessed on 29 October 1996, and 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), accessed by Thailand on 2 October 2007.

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 swift 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 any comment you may have on the above-mentioned allegations.
2. Please provide information on the legal grounds for the arrest and detention of Mr. Prabbhumrung, Mr. Marit, Mr. Wichakham and Mr. Khotphuthorn and how these measures are compatible with international norms and standards as stated, *inter alia*, in the UDHR and the ICCPR.
3. Please provide the details, and where available the results, of any investigation, medical and judicial or other inquiries carried out in relation to allegations of torture and ill-treatment. If no inquiries have taken place, or if they have been inconclusive, please explain why.

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.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment