

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association;
the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on
minority issues**

REFERENCE:
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 32/32, 34/5 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged acts of intimidation, and reprisals in the form of harassment and death threats received by Mr. **Maitree Chamroensuksakul**, human rights defender, including the search at his house and the detention of two of his relatives. Such acts seem to be closely related to his activities as a minority and youth rights defender, including his active and vocal engagement for seeking justice over a young activist's murder in March 2017, as well as his cooperation with the UN and its mechanisms in the field of human rights.

Mr. Maitree Chamroensuksakul is a human rights defender and a citizen journalist advocating for the rights of Lahu communities - especially for stateless children of Lahu ethnicity in Thailand. Lahu is an ethnic minority group in the border between Northern Thailand and Burma and is categorized as one of the hill tribe groups. Mr. Chamroensuksakul is the founder of the Rak Lahu (Save Lahu) group one of the main aims of which is at preventing the Lahu youth from engaging in any drug related activities. Mr. Chamroensuksakul has been documenting and publicly raising concerns over abuses against Lahu community by law enforcement. He has participated in media trainings organized by Friends without Borders (FWB), a civil society group advocating children's rights, as well as the Thai Public Broadcasting Service (Thai PBS). He has also engaged in cooperation with the United Nations Special Rapporteur on the situation of human rights defenders regarding the situation of human rights defenders in Thailand, including the risks and challenges they face.

According to the information received:

On 17 March 2017, Mr. Chaiphum Pasae, a 17- year old Lahu ethnic youth activist, was allegedly killed by one of the soldiers at Ban Rin Luang village checkpoint in Chiang Mai. Mr. Maitree Chamroensuksakul was one of the first

key witnesses who arrived at the shooting scene on the same day. Following the incident, Mr. Chamroensuksakul has been particularly vocal in seeking justice over the killing and has repeatedly called on the authorities to conduct a prompt and impartial investigation over the case.

On 22 March 2017, after hearing a sound similar to a gunshot near his house, Mr. Chamroensuksakul found a bullet lodged in front of his house in what could be interpreted as a death threat, and an attempt to silence him.

On 25 March 2017, Mr. Chamroensuksakul, accompanied by the Chairperson of the Sub-Committee on Civil and Political Rights of the National Human Rights Commission of Thailand, went to the police and reported having received a death threat and other acts of intimidation. The complaint was registered at the Na Wai Police Station. Since then, it is reported that Mr. Chamroensuksakul has not received any updates on the investigation.

On 5 April 2017, the CCTV cameras located at Mr. Chamroensuksakul's house captured a person riding a motorcycle around the house several times. The rider took photos of the house using his phone's camera. Between 11 and 15 April 2017, CCTV cameras captured again a man taking photos of the house of Mr. Chamroensuksakul

Between 8 and 10 May 2017 Mr. Chamroensuksakul was informed about an attempt to entrap and arrest drug dealers in front of his house. A photo of the incident was sent to the Deputy Village Headman. The picture, apparently taken by a hidden camera, showed a partial image of a man's face but no drugs or other evidence were allegedly in view. The background of the image shows the fence around Mr. Chamroensuksakul's house. The CCTV cameras failed to record the scene.

On 16 May 2017, during preparations to commemorate the 60 days of the killing of ethnic youth activist of 17 March 2017, which was organised by three groups including Rak Lahu group, two plainclothes military officials were stationed in front of Mr. Chamroensuksakul's house.

On 27 May 2017, Mr. Chamroensuksakul participated in a meeting with the United Nations Special Rapporteur on the situation of human rights defenders in Bangkok organized within the framework of an academic visit to Thailand. He also attended the public lecture delivered by the Special Rapporteur in the afternoon of 27 May in Bangkok. Mr. Chamroensuksakul posted information about the meeting of 27 May on his Facebook page shortly after the meeting.

On 29 May 2017, the Provincial Police Region 5 and Chiang Mai police conducted a joint large-scale operation supposedly aimed at searching for drugs at the Ban Kong Phak Ping village. With a search warrant issued by Chiang Mai Provincial Court, the authorities searched nine houses, including Mr. Chamroensuksakul's house in his absence. The house was raided and a family member of Mr. Chamroensuksakul's was arrested on drug charges. The person was denied access to a lawyer while being interrogated by the police. During the operation at the village another relative of Mr. Chamroensuksakul was also arrested.

As of the date of this letter, the two family members of Mr. Chamroensuksakul are allegedly being detained in a prison in a Chiang Mai and a bail amounting to 2 million Thai Baht (approximately 58 700 USD) for each person has reportedly been set. The two family members cannot afford to pay such a high amount.

On 12 June 2017, police officers from Nawai Police Station in Chaing Dao District, Chaing Mai province visited Mr. Chamroensuksakul's house while he was away. His mother, who was at home, was asked to provide her finger print as signature to acknowledge the summon letter of Mr. Chamroensuksakul to present himself at the Nawai Police Station for interrogation concerning the complaint on death threats and intimidation filed on 25 March 2017. His mother was allegedly not provided with any further information.

As part of the context of the case described above, in January 2015, Mr. Chamroensuksakul was charged under Section 14 of the Computer Crime Act of Thailand for allegedly posting false information on Facebook. In March 2016, the case was dismissed by the Chiang Mai Provincial Court citing that the data posted online could not be considered as false information. The court ruling was marked as final in a judgment issued on 24 June 2016.

While we do not wish to prejudge the accuracy of these allegations, we express serious concern at the alleged acts of intimidation and reprisals in the form of harassment and death threats received by Mr. Maitree Chamroensuksakul, including the search conducted at his house as well as the alleged detention of two of his relatives. We are particularly worried about the possibility that these allegations aim at publicly linking Mr. Chamroensuksakul to drug crime, which in turn might be a means of exercising pressure and intimidation aimed at silencing him and discouraging him from his active public engagement defending rights and for seeking justice for victims. We are equally concerned by the fact that Mr. Chamroensuksakul's house was searched and his relatives were detained shortly after his participation in a meeting with the United Nations Special Rapporteur on human rights defenders, and any possible links between these events.

The above allegations appear to be in contravention with international law, in particular with Articles 6 (1), 19 and 22, relating to the right to life and physical integrity, the right to freedom of opinion and expression and the right to freedom of association as established in the International Covenant on Civil and Political Rights (ICCPR), to which Thailand acceded on 29 October 1996.

We would also like to refer your Excellency's Government to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 12. In this connection, we would similarly like to refer to the Human Rights Council resolution 31/32, which in paragraph 10 underlines the legitimate role of human rights defenders in mediation efforts and in supporting victims in accessing effective remedies for violations and abuses of their economic, cultural rights, including for members of impoverished communities, groups and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples.

Furthermore, we would like to bring to the attention of your Excellency's Government the international standards regarding the protection of the rights of persons belonging to minorities, in particular to article 27 of the ICCPR and the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

We wish to underline that Human Rights Council resolutions 12/2 and 24/24 call on Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.

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 person(s) 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 indicate whether the death threats and acts of intimidation against the human rights defender have been thoroughly investigated with a view to identifying the perpetrators and bringing them to justice. If so, what are the results of these surveys?
3. Please provide information regarding the status of the investigations into the killing of Mr. Chaiyaphum Pasae including information on the entities or persons responsible for conducting the investigation, whether anyone has been arrested or prosecuted, and the status of any on-going trial.
4. Please indicate the measures taken to ensure the protection of Mr. Chamroensuksakul and his family members against new threats and other violations of their rights. Please, also provide information on measures in place by your Excellency's Government to ensure effective protection to those defenders who receive death threats.
5. Please provide any information regarding the possible inclusion of Mr. Chamroensuksakul in the Victims and Witness Protection program of your Excellency's Government.
6. Please indicate what measures have been taken to ensure that human rights defenders in Thailand are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation directed against them or their family members and harassment of any sort.

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.

Annalisa Ciampi
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Rita Izsák-Ndiaye
Special Rapporteur on minority issues