

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the situation of human rights in Cambodia; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

REFERENCE:
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Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the situation of human rights in Cambodia; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 36/6, 42/37, 35/15 and 34/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged abduction and enforced disappearance in Cambodia of Mr. **Wanchalearm Satsaksit**.

Mr. Wanchalearm Satsaksit, 37 years old, is a Thai political activist affiliated with the United Front for Democracy against Dictatorship (UDD), also known as the "Red Shirts". He has been living in self-imposed exile in Cambodia from 2014 until the time of his reported disappearance. He previously worked as a campaigner for a former Minister from the Pheu Thai Party. Prior to his political activism, he worked on HIV/AIDS, including with the Youth Network on HIV/AIDS and the Asian Resource Foundation.

According to the information received:

Following the May 2014 military coup in Thailand, Mr. Satsaksit was ordered to report to the Thai National Council for Peace and Order (NCPO), the military council that had been set up. On 8 June 2014, the Bangkok Military Court issued an arrest warrant for him at the request of the NCPO Legal Office after he failed to report to the NCPO. It is believed that Mr. Satsaksit went into self-imposed exile at this time, first to Malaysia and then to Cambodia. On 25 June 2018, a further arrest warrant was issued by the Bangkok Criminal Court upon the request of the Royal Thai Police's Technological Crime Suppression Division. This arrest warrant was issued under the Computer Crime Act in relation to a satirical Facebook page ("I will surely get 100 million Baht from Thaksin") critical of the Government and NCPO, of which the Thai Police accused him of being the mastermind.

On 13 May 2020, around six Thai police officers from an unidentified unit visited the home of Mr. Satsaksit's family in Ubol, Ratchathani province, Thailand to ask whether he had returned home and to inquire about his whereabouts. A family member told the officers that should they wish to search the house, a search warrant was required. The officers left thereafter.

On 3 June 2020, Mr. Satsaksit posted a public video on his Facebook account, in which he criticized the Prime Minister of Thailand and accused him of mismanaging the country.¹

On 4 June 2020, at around 16.45hrs, Mr. Satsaksit was reportedly abducted by four unidentified armed persons in the vicinity of Chroy Changvar district in Phnom Penh, where he had been living. Mr. Satsaksit was buying food at a street market and was reportedly on the phone with a family member when he was abducted.

Some of the men who abducted him were heard speaking in the Khmer language, after which Mr. Satsaksit could be heard saying that he could not breathe in Thai before communication was lost. A security guard at the apartment building attempted to intervene unsuccessfully. There is CCTV footage of the incident in public domain.² It is reported that the vehicle Mr. Satsaksit was taken in was a dark blue Toyota Highlander vehicle (license plate: 2 X 2307).

According to open source information, on 5 June 2020, Lieutenant General Chhay Kim Khoun, the spokesperson of the Cambodian National Police, stated that he had received 50 calls about the disappearance of Mr. Satsaksit but he considered the information to be "fake news, untrue news", adding "[w]e don't know about it, so what should we investigate for?"³ On the same day, Police Colonel Kissana Phathanacharoen, the deputy spokesperson of the Royal Thai Police, stated that the Thai Police had not received any information on the case. He added that the Thai authorities do not have the authority to intervene, as it did not take place on Thai soil.

On 7 June 2020, the family of Mr. Satsaksit issued a public statement requesting the Royal Thai Government and the international community to promptly investigate Mr. Satsaksit's disappearance and whereabouts and to return him safely to his family.

On 9 June 2020, the family of Mr. Satsaksit submitted a letter to the Ministry of Foreign Affairs in Thailand. In response, officials indicated that they had

¹ <https://www.facebook.com/talearm/posts/10158673650233243>

² <https://www.youtube.com/watch?v=fg7aI5VE87w>.

³ <https://www.khmertimeskh.com/50731231/authorities-unaware-of-alleged-abduction-of-thai-activist/>

submitted an official request to the Cambodian Ministry of Foreign Affairs on 5 June 2020 requesting information on the investigation into his disappearance.

According to open source information, the spokesperson of the Cambodian National Police Commission confirmed on 9 June 2020 that an investigation into Mr. Satsaksit's disappearance had been launched.

Persons associated with Mr. Satsaksit have also submitted complaints to the National Human Rights Commission of Thailand and the House of Representatives' Committee on Legal Affairs, Justice and Human Rights.

There are serious concerns for the safety of Mr. Satsaksit and for the safety of other Thai political activists living in Cambodia.

At the date of this communication, the fate and whereabouts of Mr. Satsaksit remain unknown.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned about the alleged abduction and enforced disappearance of Mr. Satsaksit. We express further concern that Mr. Satsaksit's bodily integrity and life may be at risk or that, given the outstanding arrest warrant against him, he may be at risk of forcible repatriation to Thailand. We are also seriously concerned by the initial statements from some Cambodian police authorities dismissing the allegation before proper investigation.

Should these allegations be confirmed, they would appear to violate articles 6, 7, 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Cambodia on 26 May 1992 which guarantee the right to life, the right to personal integrity, the right to liberty and security of the person, and the right to freedom of expression well as of several articles of Convention for the Protection of All Persons from Enforced Disappearance (CED) which Cambodia acceded to on 27 June 2013 and the Declaration on the Protection of All Persons from Enforced Disappearance.

In this context, we wish to underline that States should investigate all cases of enforced disappearance promptly and impartially and, where necessary, undertake without delay a thorough and impartial investigation including when there has not been a formal complaint (article 12 of CED and 13 of the Declaration). Furthermore, the Convention and Declaration make it clear that no individual should be expelled, returned (refouler) or extradited to another State where there are substantial grounds to believe that he or she would be in danger of enforced disappearance (article 16 of CED and 8 of the Declaration).

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

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the fate and whereabouts of Mr. Satsaksit.
3. Please provide detailed information on the investigations being conducted into his disappearance. If no investigation has been undertaken, please explain why, and how this is consistent with Cambodia's international human rights obligations under the ICCPR and CED.

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(s) responsible for the alleged violations.

We would like to inform your Excellency's Government that the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression have written a similar letter to the Government of Thailand.

We would also like to bring to the attention of your Excellency's Government that should sources submit the allegation of enforced disappearance mentioned in this communication as a case to the Working Group on Enforced or Involuntary Disappearances, it will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by a separate correspondence.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue in question.

We also would like to kindly request that a copy of this letter be shared with His Excellency Sar Kheng, Minister of Interior.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within

60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Luciano Hazan
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Rhona Smith
Special Rapporteur on the situation of human rights in Cambodia

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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