

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
UA THA 6/2020

15 July 2020

Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 36/6, 35/15, 34/18 and 34/19.

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

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.

The alleged abduction and enforced disappearance of Mr. Wanchalearm Satsaksit on 4 June 2020 was previously raised in a communication sent on 12 June 2020 (THA 5/2020). We note that an acknowledgement of receipt was received from Your Excellency's Government on 15 June 2020 indicating the letter had been forwarded to relevant agencies for consideration. We regret that no substantive reply has been received to date.

According to the latest information received:

Mr. Wanchalearm Satsaksit had been travelling internationally after 2017 and had returned to Cambodia, following his trip. On 3 June 2020, he was seen by multiple people in Phnom Penh, and there were witnesses to his abduction on 4 June 2020.

On 8 June 2020, the National Human Rights Commission of Thailand issued a public statement calling on the Thai Government to take appropriate action.

On 9 June 2020, the Cambodian National Police Commission confirmed that an investigation had been launched.

On 10 June 2020, the Minister of Foreign Affairs for Thailand responded to a question raised in Parliament on the case by indicating that as Mr. Wanchalearm Satsaksit did not have political refugee status, Thailand had to wait for Cambodia to finish its investigation.

On 17 June 2020, a meeting was held by the Thailand House of Representatives' Standing Committee on Legal Affairs, Justice and Human Rights (the Standing Committee). Family members and relevant officials from the Royal Thai Police, Ministry of Justice, Judge Advocate General Office, Attorney General's Office, and Ministry of Foreign Affairs were invited to provide information. The Standing Committee has issued a number of views and recommendations to various ministries and offices in order to trace the whereabouts of the Mr. Wanchalearm Satsaksit.

On 23 June 2020, persons associated with Mr. Wanchalearm Satsaksit and their lawyers filed a case with relevant Thai mechanisms including the Attorney General's Office, the National Interim Mechanism to Receive and Manage the Complaint of Torture and Enforced Disappearance of the Thai Ministry of Justice and the National Human Rights Commission of Thailand.

On 25 June 2020, the case was filed with the Thai Department of Special Investigation of the Ministry of Justice.

On 7 July 2020, persons associated with Mr. Wanchalearm Satsaksit, through their lawyer in Cambodia officially filed the case with the Phnom Penh Municipal Court.

On 8 July 2020, they were informed that the case had also been transferred by the Cambodian Attorney General to the Cambodian Ministry of Interior and the Ministry of Justice.

Also on 8 July 2020, the Thai Department of Special Investigation of the Ministry of Justice issued a public statement announcing the consideration of its Complaint Management Division. The consideration concluded that, given that Mr. Wanchalearm Satsaksit went missing outside of the Kingdom of Thailand, the Attorney General Office is responsible for this case under the Section 20 (para. 1) of Thailand's Criminal Procedure Code. Therefore, on the same day, the Director-General of the Department of Special Investigation transferred the case to the Attorney General Office to investigate the case.

Despite the registration number of the car involved being known and there being multiple witnesses, no further information is available on the progress of the investigation in Thailand or Cambodia.

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

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned about the lack of progress in the investigation into the alleged abduction and enforced disappearance of Mr. Wanchalearm Satsaksit and are seriously worried for his safety. We are alarmed by reports that Thai officials have publicly indicated that they are waiting for Cambodia to finish the investigation.

We 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 13 of the Declaration on the Protection of all Persons from Enforced Disappearance). We underline that Mr. Wanchalearm Satsaksit's family have a **right to truth**, which means the **right to know about the progress and results of an investigation, the fate or the whereabouts of the disappeared persons, and the circumstances of the disappearances, and the identity of the perpetrator(s)** (General Comment on the Right to Truth, A/HRC/16/48).

We highlight that the anguish and sorrow of the family may reach the threshold of torture. The right to truth is therefore an absolute right which cannot be restricted and there is an absolute obligation to take all the necessary steps to find the person (A/HRC/16/48). We further highlight that his family should be protected from ill-treatment or intimidation if required (article 13 of the Declaration).

In this regard, we underline that Thailand should take any available steps to search for Mr. Wanchalearm Satsaksit and investigate the case, in cooperation with the Cambodian authorities. This is particularly relevant given that there was allegedly an outstanding arrest warrant in Thailand against Mr. Wanchalearm Satsaksit and his position as an opposition activist. Thailand should further ensure that his family are informed of the progress or results of the investigations.

Should these allegations be confirmed, they would violate articles 6, 7, 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Thailand on 29 October 1996, 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.

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 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 detailed information on the investigations being conducted into Mr. Wanchalearm Satsaksit's abduction and alleged enforced disappearance. Please include information on;
 - a. The steps taken to search, locate and protect Mr. Wanchalearm Satsaksit including through a comprehensive strategy of search and investigation.
 - b. The authorities leading and involved in the search and investigation and the extent to which they are independent, have access to all relevant information, have access to all relevant places where people are deprived of the liberty (official or unofficial) and have sufficient resources.
 - c. Any progress that has been made in the investigation since his abduction.
 - d. Any information available on Mr. Wanchalearm Satsaksit's current fate and whereabouts.
 - e. The steps taken to ascertain the identity and affiliation of the perpetrators and to hold them responsible.
 - f. The steps taken to ensure cooperation in the search and investigation between the Thai and Cambodian authorities.
3. Please provide information on how Mr. Wanchalearm Satsaksit's family and legal representatives are being kept informed of the progress of the investigation

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.

We would like to inform your Excellency's Government that a similar letter has been transmitted to the Government of Cambodia.

We are extremely concerned by the alleged lack of progress in the investigation and that Mr. Wanchalearm Satsaksit's fate and whereabouts remain unknown. We may publicly express our concerns in the near future as, in our view, the information upon which the press release would 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 would indicate that we have been in contact with your Excellency's Government's to clarify the issue in question.

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.

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye
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