

**Mandates of 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; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: AL THA 9/2024  
(Please use this reference in your reply)

27 August 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 53/4, 52/9, 52/4 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the killing of human rights defender Mr. Roning Dolah**.

Mr. Roning Dolah was a Malay Muslim human rights defender working in the Southern Border Provinces (SBPs). He was a coordinator with the Duay Jai Group, a local organisation which investigates cases of torture and enforced disappearances in the SBPs and provides rehabilitation support for survivors, as well as social and economic programmes for communities in the region. The organisation is supported by the United Nations Voluntary Fund for Victims of Torture. Mr. Dolah had joined the group as a result of his own experience as a victim of torture, as from 2007-2017 he was detained five times under the "special laws" in place under the Emergency Decree that has been in force in the SBPs since 2005, being renewed on a 90-day basis. During two of those detention periods Mr. Dolah was allegedly subjected to torture by military officers.

According to information received:

On 5 February 2024, Mr. Dolah participated in a seminar organized by the Subcommittee on the Study and Promotion of Public Participation in Peacebuilding in the Southern Border Provinces at the Pattani Campus of the Prince of Songkla University. During the seminar, Mr. Dolah spoke about the impact of the "special laws" used under the Emergency Decree in the SBPs in relation to torture specifically.

On 10 March 2024, Mr. Dolah participated in a seminar organized by the Special Committee on the Study and Proposing Guidelines for Promoting the Peace-building Process to Resolve the Conflict in the Three Southern Border Provinces at Yala Rajabhat University. During the seminar, Mr. Dolah expressed his distrust of the peace process, citing particular concerns relating to the justice system. He also voiced his personal worry, stating that he was fearful for his safety upon returning home following the seminar.

Mr. Dolah received a call from local authorities after the seminar, during which they reportedly congratulated the speech he had made. He informed his wife however that he had felt threatened by the call, due to the sarcastic tone of the praise and also the expressions of anger the officials also reportedly made during the call.

In April 2024, Mr. Dolah received a call from soldiers near his home, who reportedly told him that his speech at the seminar had angered and dissatisfied them. Around the same time, both police officers and soldiers made frequent visits to his home, reportedly threatening him and his family, even threatening to shoot them. The officials reportedly told Mr. Dolah that the reason they had not acted on such threats was out of compassion for his young daughter.

On 25 June 2024 at approximately 8.45 p.m., Mr. Dolah was fatally shot by two unknown men on a motorcycle with assault rifles in front of his home in Yarang District, Pattani Province. His wife and 7-year-old daughter were there at the time and witnessed his killing. More than 10 bullet casings were reportedly found at the scene following the shooting.

The Yarang Police Station was initially handling the investigation into Mr. Dolah's killing, before it was reportedly transferred to the Central National Security Unit in Southern Thailand, which is still under the Royal Thai Police Commission.

On 26 June 2024, the International Day in Support of Victims of Torture, the Internal Security Operations Command Region 4 – responsible for counter-insurgency operations in the SBPs – issued a statement in which it expressed condolences to Mr. Dolah's family. The statement also called for witnesses with information to come forward, however it did not announce a full criminal investigation into his killing. His family reportedly received 500,000 baht as part of a compensation scheme for those affected by violence in the SBPs.

Duay Jai have reportedly expressed concern that the killing occurred weeks before peace talks were due to take place in August in Malaysia between the government of Thailand and the Barisan Revolusi Nasional (BRN), the main armed group in the south of the country.

On 9 July 2024, the Emergency Decree for the SBPs was extended once again for the period of 20 July – 19 October 2024, making it the 77<sup>th</sup> extension.

Without prejudging the accuracy of these allegations, we wish to express grave concern in relation to the killing of human rights defender Mr. Roning Dolah, in front of his family, which appears to have been in relation to his peaceful and legitimate human rights work advocating for the rights of victims and survivors of torture in the SBPs, as well as the peace process for the region. We are further concerned by the reports that prior to his killing, Mr. Dolah had been receiving threats from police officers and soldiers, the very officials he should have felt able to report such threats to, rather than receive them from, as concerningly appears to be the case. We also express

concern about the allegations regarding the two instances where Mr. Dolah was allegedly subjected to torture, whose prohibition is absolute.

We wish to recall that in her report to the Human Rights Council, the Special Rapporteur on the situation of human rights defenders highlighted the “sliding scale of escalating attacks” – including death threats, and threats by public officials – which often precede the killing of a human rights defender, and emphasised that States must meet their obligations to ensure no human rights defenders are killed for their work, they can carry out such work in an enabling environment, and ensure that “State officials issue regular and public recognition of the value of the work of human rights defenders and publicly denounce threats against them”.<sup>1</sup>

We further wish to highlight that all potentially unlawful deaths must be investigated in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, must be independent, impartial, prompt, thorough, effective, credible and transparent and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing immunity. Investigations must seek to identify not only direct perpetrators but also all others who were responsible for the death, including, for example, officials in the chain of command who were complicit in the death.<sup>2</sup>

We are also concerned about the notable chilling effect that the killing of Mr. Dolah may trigger for other human rights defenders, hindering their ability to perform their work and their exercise of their rights, including to freedom of expression.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 and, where available, the results of any investigations into the killing of Mr. Roning Dolah. Please include information on how the investigation complies with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). If no investigations have taken place, or if they have been inconclusive, please explain why, and how this is compatible with Thailand’s international human rights obligations.
3. Please provide information in relation to the reported threats against Mr. Roning Dolah by police officers and soldiers, prior to his killing.

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<sup>1</sup> A/HRC/46/35, §57, 64, 104

<sup>2</sup> Minnesota Protocol on the Investigation of Potentially Unlawful Death, para 26

Please indicate whether protection measures were taken to ensure the safeguard of Mr. Dolah and his family in light of these threats.

4. Please provide information as to the specific measures that have been put in place to ensure human rights defenders in the Southern Border Provinces (SBPs) can carry out their legitimate work in a safe and enabling environment, without fear of harassment and intimidation from the authorities or any other agents acting on their behalf or with their acquiescence.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent the re-occurrence of the alleged violations 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.

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Alice Jill Edwards

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to articles 6, 19 and 22 the International Covenant on Civil and Political Rights (ICCPR), acceded to by Thailand on 29 October 1996, which guarantee the rights to liberty and security of person, freedom of opinion and expression, and freedom of association. These rights are also guaranteed under articles 3, 19 and 20 of the Universal Declaration of Human Rights (UDHR).

In particular, we would like to draw your attention to article 3 of the Universal Declaration of Human Rights which states that "Everyone has the right to life, liberty and security of person"; and article 6 (1) of the ICCPR, which provides that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

We wish to stress that the right to life is the supreme right from which no derogation is permitted. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed and infused by other human rights.<sup>3</sup>

Furthermore, we recall that an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences.<sup>4</sup>

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing immunity. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates<sup>5</sup>. Investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction. States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future.

We also wish to stress that that the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment is established in (at least) article 5 UDHR, article 7 ICCPR as well as in multiple articles of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT, acceded to by Thailand on 2 October 2007).

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<sup>3</sup> Human Rights Committee, General comment No.36, article 6: right to life (CCPR/C/GC/36): <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/261/15/PDF/G1926115.pdf?OpenElement>

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

We stress that attached to the peremptory and absolute prohibition of torture are obligations to investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to protect victims from reprisals and intimidation, and to provide remedies to victims. We refer your Excellency's Government to the comprehensive report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on all aspects including good practices of States, relating to the investigation and prosecution of acts of torture and related ill-treatment (A/HRC/52/30).

States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment have explicit treaty duties to establish all acts of torture as offences under domestic law (art. 4 CAT), to exercise jurisdiction over said offences (art. 5), to receive complaints and examine them promptly and impartially (art. 13), to take to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of their complaint or any evidence given (art.13), and to investigate those allegations promptly and impartially (art. 12). Defendants cannot rely on orders of a superior or public authority, or states of emergency, to exonerate their actions (art. 2 (3) and 2 (2)), while any legal mechanisms which interfere with that obligation, such as statutes of limitations, immunities or amnesties, are considered contrary to the non-derogable nature of the prohibition. Amnesties provided by domestic law do not remove criminal liability pursuant to international tribunals or universal jurisdiction. Prosecutors and courts have a duty to refuse evidence obtained, or suspected of having been obtained, through torture or other illicit means (art. 15). Victims are to be protected from reprisals or intimidation during said investigations (art. 13) and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (art. 14). States are to establish jurisdiction over all acts of torture on territoriality, flag State, active nationality, passive nationality, and universal jurisdiction principles (art. 5).

In connection to such prohibition, we recall the obligations of States to investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to victims. Such investigations are recommended to be carried out in line with the United Nations Manual on the Effective Investigations and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("the Istanbul Protocol" revised 2022 edition).

Likewise, we wish to remind your Excellency's Government that according to paragraph 5 of the Committee Against Torture's General Comment No. 2 (CAT/C/GC/2), no exceptional circumstances whatsoever (including a state of war or threat thereof, internal political instability or any other public emergency, any threat of terrorist acts or violent crime, armed conflict, international or non-international) may be invoked by a State party to justify acts of torture in any territory under its jurisdiction.

Furthermore, we wish to refer to the right to freedom of opinion and expression, enshrined in article 19 in both the ICCPR and UDHR, respectively, which the Human Rights Committee asserts as integral to the enjoyment of the rights to freedom of

association and assembly.<sup>6</sup> Article 19 of the ICCPR protects, inter alia, political discourse, commentary on one's own and on public affairs, discussion on human rights, journalism, among others.<sup>7</sup> In its General Comment no. 34, the Human Rights Committee emphasized that under no circumstance can an attack on a person because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19.<sup>8</sup> The Committee also noted that individuals who engage in the gathering and analysis of information on the human rights situation and who publish human rights related reports are frequently subjected to threats, intimidation and attacks because of their activities. According to the Committee, States shall put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression and all such attacks should be vigorously investigated in a timely fashion, the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress.<sup>9</sup>

We also wish to recall the report of the Special Rapporteur on the situation of human rights defenders to the Human Rights Council on the subject of killings of and death threats against human rights defenders, in which she recommended that States intensify efforts to prevent excessive use of force by security forces, and emphasized that there is no more a direct attack on civil society space than the killing of human rights defenders.<sup>10</sup> The report by the former Special Rapporteur on the situation of human rights defenders to the General Assembly on the subject of impunity for human rights violations committed against human rights defenders, notes with concern that the overwhelming majority of violations – with killings being one of the most prevalent – remain unpunished. The negative impact of such impunity is manifold, as it denies victims access to justice, but also generally weakens the organizational movement the human rights defender was affiliated with, as other individuals are discouraged from participating, as well as detrimentally impacting society itself, as it obstructs access to the truth and prevents measures being taken to avoid the recurrence of these events.<sup>11</sup>

Finally, we would like to bring to your attention the fundamental principles set forth in 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 we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Additionally, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

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<sup>6</sup> Human Rights Committee, General comment No. 34, Article 19: freedom of opinion and expression (CCPR/C/GC/34): <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> A/HRC/46/35

<sup>11</sup> A/74/159

- Article 5 (b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- Article 6 (a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- Article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.