

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: AL THA 2/2025  
(Please use this reference in your reply)

7 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights in Myanmar and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 53/4, 55/20 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 alleged torture and killing of Aung Ko Ko, a Myanmar national, by Thai army soldiers.**

According to the information received:

Aung Ko Ko was a Myanmar national, 37-years-old at the time of his death, who lived in Tha Sai Luat village, Mae Sot District, Tak Province. He was a volunteer member of *Chor Ror Bor*, a local security force trained by Thai authorities.

On the morning of 12 January 2024, four uniformed Royal Thai army soldiers arrested Aung Ko Ko in an area known as 70 Rai near Tha Sai Luat village, which is close to the border with Myanmar. Shortly after his arrest, three local *Chor Ror Bor* volunteers, all Myanmar nationals, arrived at the location and saw Aung Ko Ko seated on the ground with his hands bound wearing a *Chor Ror Bor* vest. The soldiers asked the *Chor Ror Bor* volunteers if Aung Ko Ko was a *Chor Ror Bor* member. Two of the volunteers told the soldiers that they recognized Aung Ko Ko and that he was, in fact, a *Chor Ror Bor* member.

Three of the four soldiers subsequently took Aung Ko Ko to a nearby abandoned military bunker. The *Chor Ror Bor* volunteers followed the soldiers and witnessed them severely beating Aung Ko Ko with bamboo and wood sticks. One of the volunteers, named Sirachuch, joined in the beating. He admitted to striking Aung Ko Ko three times, once on his buttocks and twice on his shins, and said the soldiers then ordered him to leave the location. The interrogation and beatings lasted for approximately 30 minutes, during which time one of the *Chor Ror Bor* volunteers was present. The soldiers subsequently asked the man and a woman passerby to help take Aung Ko Ko to the Myanmar border. On the way, Aung Ko Ko collapsed, and the passersby went to seek assistance.

In the early afternoon, several Myanmar residents from 70 Rai came to the area and saw Aung Ko Ko laying on the ground, still alive, with three Royal Thai Army soldiers nearby. Later in the afternoon, others arrived and found his dead

body with soldiers and other authorities in the area.

Photographs of Aung Ko Ko's body show severe cuts and bruises, including on his face and back. There was a deep cut on his right elbow. A post-mortem examination report from Mae Sot Hospital described serious wounds and cuts on his face, back, chest, abdomen, shoulder, arms, legs, and feet, as well as internal head injuries.

In the days after Aung Ko Ko's killing, his family reported the case to the police in Mae Sot town. Other eyewitnesses also told the police that they had witnessed Thai soldiers beating Aung Ko Ko.

The police opened an investigation and, on 6 February 2024, arrested Sirachuch. On 27 September 2024, Sirachuch was convicted of being an accomplice to manslaughter in Mae Sot Provincial Court and sentenced to three years and four months in prison. Police documents submitted to the court allege that Sirachuch assaulted Aung Ko Ko with "others who remain at large."

Thai police have taken some actions which indicate that they are investigating soldiers' involvement in the torture and killing of Aung Ko Ko, including by arranging lineups of soldiers in front of at least one eyewitness. However, according to available information, to date, no Royal Thai army soldiers have been arrested or charged in the death of Aung Ko Ko.

While we do not wish to prejudge the accuracy of these allegations, we are extremely concerned about the alleged arbitrary deprivation of liberty, torture and killing of Aung Ko Ko by Royal Thai army soldiers. We are also concerned that the investigation into Aung Ko Ko's torture and death does not appear to be thorough, effective or in line with international standards, and are concerned about possible violations of fair trial rights, leading to the ongoing lack of accountability for Royal Thai Army soldiers involved in his death.

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 or comments in relation to the above-mentioned allegations.
2. Please describe steps taken by the Royal Thai Police and your Excellency's Government to investigate the torture and killing of Aung Ko Ko, including the involvement of Royal Thai army soldiers.
3. Please describe the findings of any investigation into the torture and killing of Aung Ko Ko, including the involvement of Royal Thai army soldiers. Please provide information on how the investigation complied

with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).

4. Please describe the degree to which the Royal Thai Army has or has not cooperated with investigations into the torture and killing of Aung Ko Ko.
5. Please describe plans for further efforts to investigate the torture and killing of Aung Ko Ko and to hold perpetrators accountable.
6. Please provide any additional information and any comments that you may have concerning the torture and killing of Aung Ko Ko.

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.

While awaiting a reply, I urge that your Excellency's government take all appropriate measures to ensure that the crimes against Aung Ko Ko are thoroughly and independently investigated and that perpetrators are brought to account. I additionally urge that all necessary interim measures be taken to prevent torture, killings, and other acts of violence by Royal Thai soldiers, including against Myanmar nationals along the Thailand-Myanmar border.

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Thomas Andrews

Special Rapporteur on the situation of human rights in Myanmar

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 the above alleged facts and concerns, 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.

We wish to refer to the inherent right to life as enshrined in article 3 of the Universal Declaration of Human Rights (UDHR) and in article 6 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Thailand on 29 October 1996. 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>1</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>2</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>3</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 the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as established in article 5 of the UDHR, article 7 of the 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.

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

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- <sup>1</sup> Human Rights Committee, General comment No.36, article 6: right to life (CCPR/C/GC/36): <https://documentsdds-ny.un.org/doc/UNDOC/GEN/G19/261/15/PDF/G1926115.pdf?OpenElement>
  - <sup>2</sup> Human Rights Committee, General comment No.36, article 6: right to life (CCPR/C/GC/36): <https://documentsdds-ny.un.org/doc/UNDOC/GEN/G19/261/15/PDF/G1926115.pdf?OpenElement>
  - <sup>3</sup> Human Rights Committee, General comment No.36, article 6: right to life (CCPR/C/GC/36): <https://documentsdds-ny.un.org/doc/UNDOC/GEN/G19/261/15/PDF/G1926115.pdf?OpenElement>

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). 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).

We would also like to remind your Excellency’s Government of article 9 of the ICCPR, which states that everyone has the right to liberty and security of person, and article 9 of the UDHR which guarantees the right not to be subjected to arbitrary arrest, detention or exile. As reiterated by the Working Group on Arbitrary Detention, deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination, including discrimination based on gender or political or other opinion. The Working Group also considers a deprivation of liberty to be arbitrary where it is manifestly impossible to invoke any legal basis to justify the deprivation of liberty.