

**Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief**

Ref.: AL THA 6/2025  
(Please use this reference in your reply)

26 May 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 52/7, 51/8, 54/14, 53/4, 52/5 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged unlawful deportation to the People's Republic of China, on 27 February 2025, of 40 Uyghurs with Chinese nationality (though the precise number is uncertain giving conflicting accounts), who were held in detention for over a decade in various locations, including at the Suan Phlu Immigration Detention Center, Bangkok. The deportation appears to have been carried out by the Thai authorities without the application of proper procedures to ensure that the customary and treaty norms of non-refoulement were strictly adhered to, and despite numerous calls and advocacy efforts against it, including by the United Nations, international human rights mechanisms, the National Human Rights Commission of Thailand, and civil society, all of which reminded the Government of Thailand of its international law obligations and the binding principles of international protection, including of non-refoulement.**

On 17 January 2025, we sent an urgent appeal to your Excellency's Government raising concerns about the situation of the detained Uyghur migrants and the risk of their imminent transfer back to the People's Republic of China, as well as the reported deaths of five detained individuals and the lack of investigations by the relevant authorities ([UA THA 1/2025](#)), which was a follow up to an earlier letter sent on 22 February 2024 ([AL THA 2/2024](#)). We note with regret that to date your Excellency's Government has not substantively responded to either of these letters and the detailed allegations, concerns and questions contained therein.

According to the information received:

On 27 February 2025, the Government of Thailand proceeded with the deportation to the People's Republic of China of a reported (yet unconfirmed) 40 Uyghurs detained for over a decade in various detention facilities including at the Suan Phlu Immigration Detention Center, Bangkok. Several Uyghurs remain in Thai custody, including five individuals currently serving sentences of up to twelve years related to their attempt to escape immigration detention.

The deportation of the 40 Uyghurs was reportedly carried out without transparency and in what could be described as a secretive manner in the early morning hours, despite numerous calls from the United Nations and other actors to suspend the deportation and to have access to the Uyghurs, and the expressed refusal by the Uyghurs themselves to return, out of fear of potential imprisonment and ill-treatment in China. Their fate and whereabouts remained unknown until the confirmation of the deportation by the Thai Government, which came later in the afternoon. At the same time, the Chinese Embassy to Thailand posted the information on their Facebook page.

The Government of the People's Republic of China had reportedly made an official request for the repatriation through a diplomatic letter addressed to the Government of Thailand and had provided Thai authorities with assurances that they would be allowed to reunite with their families as they were only charged with the "minor offense" of illegal departure from China.

The Thai Government reportedly defended the deportation, including through public statements by the Prime Minister, Ms. Paetongtarn Shinawatra, Deputy Prime Minister and Minister of Defense, Mr. Phumtham Wechayachai, and the Vice Minister for Foreign Affairs, Mr. Russ Jalichandra, who referred to the assurances provided by the Government of the People's Republic of China for the safety of the Uyghurs and guarantees of non-prosecution.

Furthermore, according to the Deputy Prime Minister and Minister of Defense, Mr. Phumtham Wechayachai, the Government's decision to proceed with the deportations was also due to the absence of third-country resettlement options, as no formal requests had been reportedly received from other countries. However, at the same time, it is reported that for more than a decade, the United Nations High Commissioner for Refugees (UNHCR) had repeatedly expressed concerns over the detention of this group and called on the Thai Government to provide alternatives to detention and "seek a viable and safe solution", but these options never materialized. The detained Uyghurs had also reportedly expressed their willingness to contact UNHCR to apply for refugee status, but were not permitted to do so. Moreover, it is reported that several Member States repeatedly offered resettlement options to the Thai authorities, to no avail.

It is reported that family members of the deported Uyghurs living in third countries did not have any contact with them, and they were not informed about their whereabouts.

On 27 February 2025, following the deportation of the Uyghurs, the National Human Rights Commission of Thailand issued an urgent letter of concern to the Prime Minister and issued a press release emphasizing the non-refoulement principle.

On 12 March 2025, the Standing Committee on Legal Affairs, Justice and Human Rights of Thailand met to review the deportation. The session focused on due process and compliance with Thailand's domestic law and international human rights obligations. During this meeting the Committee asked the

Immigration Bureau and other relevant authorities to share the legal notice of the expulsion order signed by the group of detained Uyghurs, the diplomatic assurance documents of the Chinese Government, and records of the monitoring trip to China.

On 18 March 2025, Thailand's Deputy Prime Minister and Minister of Defense, Mr. Phumtham Wechayachai, the Minister of Justice, Pol. Col. Tawee Sodsong, the Secretary General of the National Security Council, Mr. Chatchai Bangchud, the Deputy Commander of the Royal Thai Police, Pol. Gen. Kraibun Suadsong, the Government's Spokesperson, Mr. Jirayu Houngsub, as well as a group of media representative traveled to China, and visited Xinjiang, upon invitation of the Chinese Government.

According to the Thai Government's spokesperson, the visit had been organized "following the repatriation of 40 Uyghur Chinese" and "in response to the concern of the global community on safety and wellbeing of the deported Uyghurs". The visit was expected to "create better understanding on Thailand's straightforward and transparent decision based on mutual agreement between Thailand and China that the returned Uyghurs be allowed to reunite with their families, reintegrate back into the society, and be given fair treatment, safety, and freedom." However, some journalists reported that their activities during the trip were closely monitored and scrutinized by Chinese authorities while accompanying the Thai delegation in Xinjiang.

On 27 March 2025, the Bangkok South Criminal Court dismissed a motion submitted on behalf of the detained Uyghurs, challenging their unlawful detention under section 90 of the Criminal Procedure Code. The Court ruled that, as the detainees had already been sent back to China, it had no jurisdiction over the case.

While we do not wish to prejudge the accuracy of the aforementioned allegations, we wish to express our serious concerns at the manner in which the reported deportation of the group of 40 Uyghurs to the People's Republic of China was carried out, despite repeated calls urging your Excellency's Government to refrain from such an act until such time as proper procedures could be implemented and access to the individuals by international organizations provided. In the absence of individualized and transparent procedures assessing risks of torture and other human rights violations upon *refoulement*, the decision and action to deport the individuals could constitute a violation of the substantive and procedural aspects of the prohibition on *refoulement*, in particular as contained in and connected to article 7 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Thailand on 29 October 1996, article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to by Thailand on 2 October 2007, article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), ratified by Thailand on 14 May 2024, as well as of the rules of customary international law, which provide that the prohibition on *refoulement* is a peremptory norm. This rule is further enshrined, among others, in article 8 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. We seize this opportunity to call on the Government of Thailand to also accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

We wish to reiterate our concerns and views expressed in our previous communications of 22 February 2024 (AL THA 2/2024) and 17 January 2025 (UA THA 1/2025), in which we drew the attention of your Excellency's Government to the obligation of States to ensure that all returns fully respect the human rights of asylum-seekers and migrants and comply with international law, in particular the principle of *non-refoulement* and the prohibition of arbitrary or collective expulsion. All deportations should always fully respect due process of law, and the law should prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion or other status [...]. Pursuant to international law, the decision to expel, remove or deport a non-national may only be taken after an examination of each individual's circumstances and human rights protection needs, including in relation to the principle of *non-refoulement*. In this connection, individuals facing deportation should have access to a fair, individualized examination of their particular circumstances, and to an independent mechanism with the authority to appeal negative decisions. We wish here to recall the assessment provided by OHCHR in 2022 on human rights concerns in the Xinjiang Uyghur Autonomous Region. The laws and policies assessed in that report are still in place.

In the absence of such procedures, returns may be qualified as being forced in violation of the prohibition of arbitrary or collective expulsion and the principle of *non-refoulement*. The principle of *non-refoulement* is codified explicitly in article 3 of the CAT and is considered an inherent element of the prohibition of torture and other forms of ill-treatment, and enforced disappearance, in article 7 of the ICCPR and article 16 of the ICPPED and is characterized by its absolute nature without any exception. This rule is further enshrined, among others, in article 8 of the Declaration on the Protection of All Persons from Enforced Disappearance. We seize this opportunity to call on the Government of Thailand to also accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

The allegations also appear to present a breach of due process and fair trial guarantees, provided by article 14 of the ICCPR. We respectfully recall that article 14(1) sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent, and impartial tribunal established by law. Article 14 of the ICCPR provides a set of procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, counsel of their own choosing.

We note with concern that the reported absence of a formal request for re-settlement to a third country has been used by the Government as one of the reasons for permitting the deportation. Such a circumstance, even if it is true, does not change Thailand's treaty and customary obligations and therefore cannot be invoked as grounds for the deportation of the Uyghurs.

We also refer to the work of the Committee Against Torture which has repeatedly called upon State parties to refrain from seeking and/or accepting diplomatic assurances in the context of both extradition and deportation, from States where there are substantial grounds for believing that a person would be at risk of torture or ill-treatment upon return. Each State shall thoroughly assess the situation of each

individual case, including the overall situation with regard to torture in the country of return or extradition. The Committee has also stressed that any deportation or extradition undertaken on the basis of diplomatic assurances is accompanied by continued and extensive monitoring of the person's situation in the receiving country and that diplomatic assurances are not used as a loophole to undermine the principle of *non-refoulement* as set out in article 3 of the Convention.

For years, international organizations, civil society, and international human rights mechanisms, including our respective mandates, have urged your Excellency's Government to pay particular attention to the situation of Uyghurs seeking protection abroad, and to put an end to the detention of Uyghurs, refrain from deportation, provide them with a secure legal status and access to asylum and other protection procedures, and ensure their access to humanitarian assistance, including medical and psycho-social support. Furthermore, there have been calls for a prompt and effective investigation of all the circumstances of the arrest and continued deprivation of their liberty, as well as for appropriate steps to explore safe and sustainable resettlement options in third countries and to ensure that families are not separated in this process. We deeply regret that your Excellency's Government did not pay heed to these repeated appeals and concerns and instead decided to proceed with the deportation.

We wish to express our serious concerns at the current situation of the remaining Uyghurs in Thailand who have endured prolonged immigration detention and with continued denial of access to protection procedures and alternatives to detention, which is causing great suffering. We will remain seized of these matters.

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 clarify the exact number of persons who have been deported to China on 27 February 2025, given conflicting reports.
3. Please explain the factual and legal grounds for the deportation of the group of detained Uyghurs, and how such action aligns with both Thailand's domestic legal framework as well as with its obligations under international law, including obligations of *non-refoulement*.
4. Please provide detailed information about Thailand's implementation of article 3 of the Convention against Torture, in particular the steps elaborated in the Committee against Torture's General comment no. 4. Please also provide information about Thailand's implementation of article 16 ICCPED and article 8 of the Declaration on the Protection of All Persons from Enforced Disappearance.

5. Please provide detailed information on the measures undertaken to consider and accommodate the reported requests for asylum/refugee status and protection from *refoulement* by the detained Uyghurs, prior to their deportation. If such steps had not been taken, please provide a detailed explanation about the reasons.
6. Please provide information on the measures undertaken to ensure that those Uyghurs who have remained in Thailand are promptly released including to alternatives to detention, are provided with all adequate support following their prolonged immigration detention, including timely and adequate healthcare, and their cases are thoroughly examined by competent Government authorities, including in response to their reported requests for asylum and protection from *refoulement*.
7. Please provide updated information about the progress made to the report under section 29 of the Prevention and Suppression of Torture and Enforced Disappearance Act B.E.2565 (2022).
8. We reiterate our request contained in UA THA 1/2025 and AL THA 2/2024 for information on any investigations undertaken into the alleged deaths in custody of 5 Uyghur individuals including whether these investigations complied with international standards including the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016).

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, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of the Uyghurs still detained in Thailand and who may be at risk of deportation to China, 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 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/s in question.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any

opinion the Working Group may render. The Government is required to respond separately to the present communication and the regular procedure.

We also take the opportunity to express our willingness to provide any technical advice and cooperation on the case of the returned Uyghurs, as well as on other similar cases/matters.

Please be informed that a similar letter has been also sent to the People's Republic of China.

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

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

Matthew Gillett  
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Gabriella Citroni  
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Morris Tidball-Binz  
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Nicolas Levrat  
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Nazila Ghanea  
Special Rapporteur on freedom of religion or belief

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to your international legal obligations as follows:

#### Non-refoulement

The norm prohibits all forms of removal or transfer of any individual, regardless of their legal status, when there are substantial grounds for believing that the individual would be at risk of irreparable harm, such as death, torture or cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance or other serious human rights violations, in the place to which they are to be transferred or removed. The principle of non-refoulement under international human rights law is characterized by its absolute nature without any exception, applying to all persons, including all migrants, at all times, irrespective of their citizenship, nationality, statelessness or migration status.

We would like to remind your Excellency's Government in particular of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in at least articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to by Thailand on 2 October 2007, and in article 7 of the ICCPR and the prohibition of *refoulement* to torture enshrined in article 3 of CAT, which is also considered as *jus cogens* customary norm; and is inherent in article 7 ICCPR.

We refer your Excellency's Government to the Committee against Torture's general comment No. 2, whereby States parties to CAT must ensure the protection of individuals or communities who are especially at risk of torture or ill-treatment by virtue of, *inter alia*, their religious beliefs (CAT/C/GC/2, para. 21). We also refer your Excellency's Government to the Committee's general comment No. 4, whereby "[T]he non-refoulement obligation in article 3 of the Convention exists whenever there are 'substantial grounds' for believing that the person concerned would be in danger of being subjected to torture in a State to which the person is facing deportation, either as an individual or as a member of a group that may be at risk of being tortured in the State of destination. The Committee's practice has been to determine that 'substantial grounds' exist whenever the risk of torture is 'foreseeable, personal, present and real' (CAT/C/GC/4, para. 11). The General Comment elaborates a wide range of actions required of States to be satisfied of compliance with the prohibition on refoulement to torture and other cruel, inhuman or degrading treatment or punishment.

General comment No. 31 of the Human Rights Committee (CCPR/C/21/Rev.1/Add.13), further specifies that State obligations of the ICCPR entail "an obligation not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated in articles 6 and 7 of the Covenant" (para. 12).

We refer further to article 14 of the Universal Declaration of Human Rights, which states that “everyone has the right to seek and enjoy in other countries asylum from persecution.”

We would also like to recall that the Special Rapporteur on Torture, in his report A/60/316, has stated that “*diplomatic assurances* are unreliable and ineffective in the protection against torture and ill-treatment: such assurances are sought usually from States where the practice of torture is systematic; post-return monitoring mechanisms have proven to be no guarantee against torture; diplomatic assurances are not legally binding, therefore they carry no legal effect and no accountability if breached; and the person whom the assurances aim to protect has no recourse if the assurances are violated. The Special Rapporteur is therefore of the opinion that States cannot resort to diplomatic assurances as a safeguard against torture and ill-treatment where there are substantial grounds for believing that a person would be in danger of being subjected to torture or ill-treatment upon return” and called “on Governments to observe the principle of non-refoulement scrupulously and not expel any person to frontiers or territories where they might run the risk of human rights violations, regardless of whether they have officially been recognized as refugees.” (paras. 51 and 52).

In relation to the prohibition of *refoulement* of article 16 of the ICPED, we wish to highlight the interpretation of the Committee on Enforced Disappearances in the case of E.L.A. vs France ([CED/C/19/D/3/2019](#)). In this regard, the risk of enforced disappearance following a forced return must be examined by the domestic courts in a comprehensive manner and meticulously examine all the essential issues that might be militating against forced return (para. 7.6). In its General comment on enforced disappearances on migrants’ rights to liberty and freedom from arbitrary detention and their connection with other human rights (CMW/C/GC/5), the Committee on Enforced Disappearances also observed the importance of ensuring that migrants and their families have access to national courts and to monitoring and complaint mechanisms during their detention, and that the national authorities fully respect the procedural safeguards for migrant workers and members of their families in all administrative and judicial proceedings relating to their immigration or international protection status (paras. 56 and 57).

Moreover, in its report to the UN Human Rights Council on enforced disappearances in the context of transnational transfers (A/HRC/48/57), the Working Group on Enforced or Involuntary Disappearances noted the increasing practice of force returns by States in violation of article 8 of the [United Nations Declaration on the protection of all persons from enforced disappearance](#) and the principle of *non-refoulement*. It noted that some enforced disappearances may be transnational in nature, even if there is no consent of the host State or transnational transfer of the victim per se. In this sense, the Working Group reiterates that, however qualified, the practice of States resorting to the deprivation of liberty of individuals and refusing to acknowledge it or to disclose the fate or whereabouts of the individual concerned, for whatever purpose or duration and in whatever context, constitutes an enforced disappearance, in violation of *jus cogens* norms of international human rights law.

In addition, the report on enforced disappearances in the context of migration ([A/HRC/36/39/Add.2](#)) states that among the main obligations of States is not to expel, return (*refouler*) or extradite a migrant to another State where there are substantial

grounds to believe that she/he would be in danger of enforced disappearance (para. 59), that all returns of migrants must be formally documented and undertaken in accordance with the law in order to avoid disappearances during those processes, including temporary or short-term disappearances (para. 60), and all returns of migrants must be formally documented and undertaken in accordance with the law in order to avoid disappearances during those processes, including temporary disappearances. Accordingly, all migrants deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability to fully exercise their rights are assured (para. 63).

*Prohibition on arbitrary deprivation of liberty*

Furthermore, article 9 of the ICCPR guarantees the right to liberty and security of the person. Regarding this provision, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings.

We also wish to recall the current standards established in international law concerning immigration detention. The Working Group on Arbitrary Detention has long asserted that while administrative detention of asylum seekers is not prohibited in itself by international law, it can amount to arbitrary detention if it is not carried out according to the principle of proportionality and accordingly to strict legal safeguards<sup>1</sup>. In this sense, it has affirmed that “If there has to be administrative detention, the principle of proportionality requires it to be the last resort. Strict legal limitations must be observed and judicial safeguards be provided for. The reasons put forward by States to justify detention, such as the necessity of identification of the migrant in an irregular situation, the risk of absconding, or facilitating the expulsion of an irregular migrant who has been served with a removal order, must be clearly defined and exhaustively enumerated in legislation.” We also wish to recall the recommendation of the UN General Assembly (A/RES/67/172 (2013), para. 4) that States review detention periods to avoid excessive detention of irregular migrants and to implement, whenever possible, alternative measures to detention.

Regarding procedural safeguards on detention, generally, we refer to article 9(3) of the ICCPR, which requires that individuals arrested or detained on a criminal charge be brought promptly before a judge or other officer authorized by law to exercise judicial power and be entitled to trial within a reasonable time or to release. In accordance with general comment no. 35, 48 hours is ordinarily sufficient to satisfy the requirement of promptness and any delay longer than 48 hours must remain absolutely exceptional and be justified under the circumstances.

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<sup>1</sup> A/HRC/13/30, Report of the Working Group on Arbitrary Detention, 18 January 2018

### Humane treatment in detention

In addition to treaty obligations in articles 9 and 10 of the ICCPR, we also wish to draw the attention of your Excellency's Government to paragraph 27 of General Assembly resolution 68/156, which, "[r]eminds all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished."

We further would like to refer to the body of standards and guidelines governing conditions of detention and treatment, not least the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), based on the obligation to treat all prisoners with respect for their inherent dignity and value as human beings, in particular rule 27 which states that "All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care."

### Right to life

We would like to refer to article 6 of the ICCPR which guarantees the right to life. 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 (Human Rights Committee, general comment 36, para 27).

Loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation that establishes the State's compliance with its obligations under article 6 (Ibid, para. 29).

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 (Ibid, para. 27). Investigations into allegations of violations of article 6 must always be independent, impartial, prompt, thorough, effective, credible and transparent (Ibid para. 29).

The failure of the State to promptly investigate does not relieve it of its duty to investigate at a later time: the duty does not cease even with the passing of significant time (Minnesota Protocol, para. 23).

### Right to an effective remedy

We wish to bring to the attention of your Excellency's Government the right to an effective remedy established by article 2.3(a) of the ICCPR and article 14 of the ICCPR, which enshrines the right to a fair trial and due process. In particular,

article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent, and impartial tribunal established by law; article 14(2) establishes the presumption of innocence; and, article 14(3) details the due process guarantees including access to an interpreter free of charge, to adequate facilities and time for the preparation of one's defence, and to legal assistance and representation.

*Ethnic and religious minorities*

We wish to refer to international standards with regards to the rights of persons belonging to ethnic, religious or linguistic minorities, including article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

In addition, reference is made to article 18 of the ICCPR which guarantees the right of everyone to freedom of thought, conscience and religion. This right includes the freedom to have or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Reference is also made to the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,<sup>2</sup> which states in its article 2(1) that “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” Furthermore, article 4(2) of the Declaration states that “[A]ll States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs.”

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<sup>2</sup> UN Res. 36/55.