

Mandates of 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.: UA THA 5/2026

(Please use this reference in your reply)

22 July 2026

Excellency,

We have the honour to address you in our capacity as 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 61/22 and 61/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the risk of imminent extradition for human rights defender Bai Zhaodong**.

Mr. Bai Zhaodong is a prominent Chinese investigative journalist and human rights defender, who for over 25 years contributed to democracy and the rule of law in China by reporting on financial fraud, corruption, government debt, provincial poverty policies, and their direct effects on citizens' enjoyment of economic, social and cultural rights.

According to the information received:

Due to alleged persecution and repression that Mr. Bai suffered at the hands of the Chinese authorities, as a consequence of his human rights activities in China, in November 2023 he fled to the Kingdom of Thailand. At present, Mr. Bai is recognized as an asylum seeker.

In an effort to secure international protection, Mr. Bai applied for resettlement to a third country. However, it is reported that his departure was repeatedly obstructed by the Thai authorities on the grounds that he had overstayed his visa. It is also reported that scheduled resettlement flights on 5 February and 12 June 2026 were cancelled by the Thai authorities without any reasons provided.

The information received further indicates that Mr. Bai had encountered repeated obstacles in regularizing his immigration status in the Kingdom of Thailand over several years. As a result of immigration-related irregularities, he was sentenced by a court to two months' detention. He has remained in the custody of the Thai immigration authorities at the Suan Phlu Immigration Detention Centre in Bangkok since 21 January 2026, notwithstanding that his sentence expired on or around 20 March 2026. At present, he continues to be deprived of his liberty despite a bail application submitted by his legal representative.

Mr. Bai's health has reportedly deteriorated as a result of [REDACTED] and the reported lack of adequate medical care in detention. He has reportedly not

received appropriate attention from medical professionals and has instead relied on local civil society organizations to provide him with essential medication.

Official information indicates that Mr. Bai was listed as a wanted person by the Ministry of Public Security of Wulin City, China, and that an arrest warrant was issued against him on 30 September 2024 on charges of extortion. Following a request by the Embassy of China in the Kingdom of Thailand in October 2024, the Thai authorities were instructed to revoke Mr. Bai's permission to remain in the Kingdom and to initiate his removal under Thai immigration law.

On 16 July 2026, Reuters reported that the Ministry of Foreign Affairs of China had recently requested Mr. Bai's return to China. According to that report, the Chinese authorities stated that he was suspected of "extortion and bribery by a non-public servant."

The information received indicates that no formal extradition or removal proceedings affording Mr. Bai the opportunity to challenge his return have been initiated. Consequently, he has no effective judicial avenue through which to contest his transfer to China or invoke the principle of non-refoulement. Local sources further indicate that, in light of the recent public statements by the Chinese authorities, his transfer to China may be imminent.

While we do not wish to prejudge the accuracy of these allegations, we express our serious concern at the reported continuation of Mr. Bai's detention beyond the expiry of his judicial sentence, the repeated obstacles allegedly preventing his resettlement to a safe third country, and the imminent risk of his forcible return to China in the absence of adequate procedural safeguards and despite the reported risk that he would be subjected to persecution, arbitrary detention, enforced disappearance, torture and other serious human rights violations if returned to China. We are further concerned that these measures, taken together and viewed in light of his human rights activities, may amount to acts of retaliation for the legitimate and peaceful exercise of his rights to freedom of expression and to defend human rights.

We are concerned that the apparent absence of effective procedural safeguards, including access to judicial review prior to any removal, would be inconsistent with the Kingdom of Thailand's obligations under international human rights law. We are further concerned that any forcible return of Mr. Bai to China, if carried out despite a foreseeable, present, personal and real risk of torture or other irreparable harm, would be incompatible with the principle of non-refoulement as reflected, inter alia, in article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other applicable rules of international law.

The above-mentioned allegations indicate that, if returned to China, Mr. Bai would face a foreseeable, present, personal and real risk of political persecution, arbitrary detention, enforced disappearance, torture and other serious human rights violations on account of his legitimate and peaceful exercise of his rights to freedom of opinion and expression and to defend human rights.

We wish to recall the obligations arising from the principle of non-refoulement under international human rights law. Article 3 of the Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Kingdom of Thailand acceded on 2 October 2007, prohibits the expulsion, return ("refoulement") or extradition of any person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. In assessing such risk, the competent authorities must take into account all relevant considerations, including the existence of a consistent pattern of gross, flagrant or mass violations of human rights in the receiving State. Additionally, any decision to extradite, deport, expel or otherwise remove an individual must comply with the requirements of due process and effective judicial protection under international human rights law.

We further recall that the prohibition of torture is absolute and non-derogable and that the protection against refoulement applies whenever there are substantial grounds for believing that a person would face a real risk of torture or other irreparable harm upon return. In the present case, Mr. Bai is reportedly recognized as an asylum seeker and has consistently expressed a well-founded fear of persecution and torture if returned to China. We therefore express our serious concern that any forcible return, whether through deportation, extradition or any other form of transfer, would be incompatible with the Kingdom of Thailand's obligations under international law.

We wish to draw the attention of your Excellency's Government to article 9 of the International Covenant on Civil and Political Rights, which guarantees the right to liberty and security of person and prohibits arbitrary arrest or detention. We also recall article 9 of the Universal Declaration of Human Rights, which provides that no one shall be subjected to arbitrary arrest, detention or exile.

We further recall the jurisprudence of the Working Group on Arbitrary Detention, according to which deprivation of liberty is arbitrary where it lacks a legal basis, including where a person remains detained after the legal basis for detention has ceased to exist, such as following the completion of a custodial sentence. We are therefore concerned by the information indicating that Mr. Bai continues to be deprived of his liberty despite the expiry of his judicial sentence. Furthermore, under principle 2 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, arrest, detention or imprisonment may only be carried out strictly in accordance with the law and by competent authorities.

We further wish to draw the attention of your Excellency's Government to the Working Group on Arbitrary Detention's Deliberation No. 5 on deprivation of liberty of migrants (A/HRC/39/45, annex). The Working Group has emphasized that immigration detention must remain an exceptional measure of last resort, for the shortest period, justified as reasonable, necessary and proportionate in the individual case, and subject to periodic judicial review. It has further stated that detention should not be maintained where less intrusive alternatives are available or where there is no realistic prospect of removal within a reasonable period. In light of the information received, we are concerned that Mr. Bai has remained in immigration detention beyond the expiry of his judicial sentence, despite reportedly seeking international protection and while awaiting resettlement to a third country, raising serious concerns as to the necessity, proportionality and legal basis of his continued deprivation of liberty.

We are further concerned by the reported deterioration of Mr. Bai's health while in detention. In this regard, we recall that, under article 10 of the International Covenant

on Civil and Political Rights, all persons deprived of their liberty must be treated with humanity and with respect for their inherent dignity. We also recall article 12 of the International Covenant on Economic, Social and Cultural Rights, which recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. We further draw attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular rules 24 to 27, which require States to ensure that persons deprived of liberty enjoy access to health-care services equivalent to those available in the community, without discrimination, including appropriate treatment for chronic medical conditions.

We also wish to refer your Excellency's Government to 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 (Declaration on Human Rights Defenders). In particular, article 1 affirms that everyone has the right, individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms. Article 2 recognizes the primary responsibility of States to protect, promote and implement all human rights and fundamental freedoms. We further recall article 9(3), which guarantees the right to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defence of human rights, and article 12(2), which requires States to take all necessary measures to protect human rights defenders against any violence, threats, retaliation, discrimination, pressure or any other arbitrary action as a consequence of their legitimate human rights activities.

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 as soon as possible on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) 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 also 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 factual and legal basis for Mr. Bai's continued deprivation of liberty following the expiry of his two-month judicial sentence on or around 20 March 2026. Please explain how his continued detention complies with the Kingdom of Thailand's obligations under international human rights law, including the principles of legality, necessity, proportionality and periodic judicial review applicable to immigration detention.
3. Please explain what measures your Excellency's Government has taken, or intends to take, to ensure full compliance with the principle of non-refoulment and to guarantee that Mr. Bai is not transferred to any country where there are substantial grounds for believing that he would face a

real risk of torture, enforced disappearance, arbitrary detention, persecution or other serious human rights violations.

4. Please provide information on the arrest warrant and requests transmitted by the authorities of China's concerning Mr. Bai. Please explain whether your Excellency's Government has independently assessed the risk that any request for his return may be connected to his legitimate and peaceful exercise of his rights to freedom of expression and to defend human rights.
5. Please provide detailed information regarding the legal and factual grounds on which Mr. Bai's resettlement to a third country has reportedly been prevented, including the reasons for the cancellation of his scheduled departures on 5 February and 12 June 2026. Please explain whether any measures are being taken to facilitate his safe departure to a third country willing to receive him.
6. Please provide information on Mr. Bai's current legal status in the Kingdom of Thailand, including his asylum-seeker status, and indicate whether any deportation, expulsion, extradition or other removal proceedings have been initiated or are under consideration. If so, please explain what procedural safeguards are available to him, including access to legal counsel, the opportunity to challenge any extradition decision before an independent authority, and the availability of an effective remedy with suspensive effect.
7. Please provide detailed information on the medical care currently available to Mr. Bai while in detention, including the treatment provided for his [REDACTED] and any other health conditions. Please indicate what measures have been taken to ensure that his conditions of detention comply with the Kingdom of Thailand's obligations under international human rights law and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).
8. Please indicate what measures your Excellency's Government has taken to ensure that human rights defenders, including asylum seekers and refugees at risk of transnational repression, are able to seek international protection, pursue resettlement, and carry out their legitimate human rights activities without fear of intimidation, arbitrary detention, reprisals or refoulment.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

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 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.

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

Andrea Bolaños Vargas
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