

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Cambodia; 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 rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

24 July 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Cambodia; 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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 54/14, 51/8, 54/36, 53/4, 52/9, 50/17, 52/4, 52/5, 58/5, 58/14, 52/7 and 50/18.

In this connection, we would like to bring to the urgent attention of your Excellency's Government information we have received concerning a **reported surge in human rights violations of a transnational nature in the Greater Mekong Subregion, including Cambodia, Lao Peoples' Democratic Republic, Thailand, and Viet Nam, Malaysia and China.**

Concerns regarding the abovementioned allegations were raised by Special Procedures mandate-holders on numerous occasions ([THA 3/2019](#), [THA 5/2019](#), [THA 8/2019](#), [THA 5/2020](#), [THA 6/2020](#), [THA 8/2020](#), [THA 2/2024](#), [THA 6/2024](#), [THA 15/2024](#), and [THA 1/2025](#)). We recall that, in December 2020, several Special Procedures mandate-holders raised concerns about the apparent pattern of cooperation among some Member States in the region (Cambodia, Lao People's Democratic Republic, Thailand and Viet Nam) for the purposes of enforced disappearances, extrajudicial executions and rendition (THA 8/2020). We regret that we have not yet received a detailed response to the concerns we highlighted.

On 12 August 2024, an [amicus curiae](#) brief was also submitted to the Supreme Court of Thailand by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, outlining the State's obligations under international human rights law with respect to the principle of non-

refoulement.

On 17 January 2025, we transmitted an urgent appeal to your Excellency's Government raising concerns about the situation of the detained Uyghur migrants, including several deaths in detention, and the risk of the remaining individuals imminent transfer back to the People's Republic of China (THA 1/2025), which was a follow up to an earlier letter sent on 22 February 2024 (THA 2/2024). We regret that to date your Excellency's Government has not responded to either of these letters and the detailed allegations, concerns and questions contained therein.

On 26 May 2025, several Special Procedures mandate-holders raised concern for the reported forced return on 27 February 2025 of 40 Uyghurs from Thailand to China (THA 6/2025). On 27 May 2025, the Working Group on Enforced or Involuntary Disappearances transmitted an urgent appeal to the Government of China, and a copy to Thailand, requesting information on the fate and whereabouts of 40 Uyghur men that were forcibly returned to China from Thailand on 27 February 2025, namely **Messrs. Abdulla Abdukerim, Muttelip Awut, Kewser Osman, Aishan Maimaiti, Aimaier Awuti, Abdurazak Abdulla, Abduwali Idris, Abudirezhake Yasen, Abudureheman Maitiruzi, Abudurexiti Tuersun, Abudurezhake Halike, Abudurusuli Wusiman, Abulaiti Kasimu, Aimaier Aizezi, Aimaierjiang MaimaitiAisa, Anwar Tilek, Imin Tohti Meydinahun, Keyimu Huojiaabudulla, Kurbanniyaz Toheti, Maimaiti Aihaiti, Maimaiti Aili Sulitan, Maimaiti Aili Niyazi Maimaiti, Maimaitiniyazi Maimaituoheti, MaimaitiTuersun Sawuti, Memet Karimu, Maimutimin Abula, Memet Tursun Eysa, Reheman Tuersun, Rejipuniyazi Ahongniyazi, SaidiMaimaiti Maiti Tuersun, Siyitiwumaier Kawuzi, Sulaiman Maimaiti, Tuerdi Maimait Balati, Tuerdi Tuoheti, Yasen Maimaiti, Yasen Keyoumu, Yasin Yusup Palta, Yusufu Aihemaiti, Naibijang Mamut and MaimaitiNiyazi Tuersun**. We look forward to your Excellency's response to the allegations and questions raised in those letters.

According to the information received:

Thai activists and members of the opposition

Killings and enforced disappearance in Cambodia, Lao PDR and Viet Nam

At least nine Thai political activists disappeared from Cambodia, Lao PDR and Viet Nam between 2016 and 2021. While all of them were politically active and critical of the authorities, several faced charges for *lese-majesté*/sedition or Strategic Lawsuits against Public Participation lawsuits; and most were also online journalists. Among them, two were found dead; two are suspected to be dead; four were presumably handed over to Thai authorities; and no information is available regarding the fate of the ninth person. None of them has ever been seen again, and the perpetrators remain unknown.

On 4 June 2020, Mr. **Wanchalearm Satsaksit**, a Thai pro-democracy activist who had lived in exile in Cambodia since 2014, was abducted by armed men outside his apartment building in Phnom Penh. Shortly after the abduction of Mr. Wanchalearm Satsaksit, his sister, Ms. Sitanun Satsaksit submitted the complaint to the Phnom Penh Municipal Court in Cambodia. Later, she was

summoned to provide testimony and submit additional evidence regarding her brother's whereabouts and the circumstances of his disappearance. On 27 February 2024 – nearly four years after the incident – the Cambodian Government stated that it had concluded its investigation and submitted a report to the Phnom Penh Municipal Court. However, the contents of the report have not been disclosed to the family or their legal representatives, and no official findings have been communicated.

In January 2019, Mr. **Siam Theerawut**, Mr. **Chuchep Chewasut** and another Thai political activist affiliated with the “United Front for Democracy against Dictatorship” (UDD) in exile in Lao PDR, disappeared while attempting to cross from Lao PDR into Viet Nam. In February 2019, unconfirmed reports were received that they had been arrested and detained on charges of illegal entry into Viet Nam. All three men were reportedly handed over to Thai authorities on 8 May 2019, although the Thai authorities denied these claims. Their whereabouts remain unknown.

On 12 December 2018, Mr. **Surachai Darnwatthananusorn**, Mr. **Chatchan Bubphawan**, and Mr. **Kraidej Luelert**, Thai political activists affiliated with the UDD in exile in Lao PDR, went missing from their house in Vientiane. On 27 and 29 December 2018, the bodies of two unidentified men were found on the banks of the Mekong River in Nakhon Phanom Province, in Northeast Thailand. The bodies were wrapped in sacks and nets, tied up with nylon ropes. They appeared to have been handcuffed, disembowelled and filled with concrete. On 22 January 2019, the official report of a DNA test identified the two bodies as that of Mr. Chatchan Bubphawan and Mr. Kraidej Luelert. On 24 January 2019, the Thai police announced the launch of an investigation into the killing of the two activists. No progress has been reported since, and the fate and whereabouts of Mr. Surachai Darnwatthananusorn remain unknown.

On 14 December 2018, it was reported that the Governments of the Lao PDR and Thailand released a joint statement signed by their respective foreign ministries indicating that both countries would strengthen their collaboration and “stand firm on the policy to not allow any person or group of people plan for disorder or anti-government activities in another country on their land.” Under this agreement, Lao committed to locating members of the “Thai Federation” group, which included the three Thai dissidents who had disappeared in Lao just three days before the pledge. The Thai Government had reportedly made several requests, since 2016, for the extradition of Thai political activists from the Lao PDR.

The Office of the Attorney General and the National Human Rights Commission of Thailand

On 25 October 2022, Thailand adopted the first domestic law on the “Prevention and Suppression of Torture and Enforced Disappearance” Act (B.E.2565, 2022). The law came into effect on 22 February 2023. Sections 14 and 19 of the Act allows the establishment of the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance to monitor and suggest the amendment of laws and policies to prevent and end torture and enforced

disappearance.

Despite the new law, several complaints submitted by the families of disappeared victims were dismissed by the Centre for the Prevention and Suppression of Torture and Enforced Disappearance established under the Office of the Attorney General of Thailand.

On 8 January 2024, the Centre informed Mr. Chatchan Bupphawan's and Mr. Wanchalearm Satsaksit's families that the complaints that they had submitted on 1 June 2023 were not accepted, and that the cases were closed. Regarding Mr. Chatchan Bupphawan, the decision was based on the reasoning that his enforced disappearance occurred prior to the entry into force of the Act and, therefore, the case fell outside the scope of their prosecutorial authority. As a result, the Public Prosecutor was not deemed to be an authorized investigator under the Criminal Code, in accordance with section 31, paragraph 1, of the Prevention and Suppression of Torture and Enforced Disappearance Act. The Centre also informed Mr. Wanchalearm Satsaksit's family that the case could only proceed under the Act if the perpetrator was confirmed to be a State official – an element that remains unverified to date. As a result, their fate and whereabouts remain unknown, and no effective remedy has been provided for the family.

On 26 June 2024, the Centre also informed Mr. Siam Theerawut's family that his case did not meet the criteria for an offense under the Prevention and Suppression of Torture and Enforced Disappearance Act, stating that there was insufficient proof to confirm the involvement of a State official. As a result, the Centre considered that the case did not fall under the jurisdiction of the Public Prosecutor pursuant to section 10 of the Act or section 20 of the Criminal Code for offenses committed outside of Thailand. The Attorney General therefore issued an order to terminate the case accordingly.

On 23 December 2024, the Centre informed Mr. Surachai Danwattananusorn's family that their complaint requesting an official investigation to be launched over his disappearance was dismissed due to insufficient evidence.

On 24 March 2025, the Centre also informed Mr. Kraidej Luelert's family that there was insufficient evidence to support the belief that his death was an act of enforced disappearance, according to section 7 of the Prevention and Suppression of Torture and Enforced Disappearances Act. Therefore, an order has been issued to terminate the case.

Additionally, it was also reported that the Thai authorities denied several requests for registration of disappeared individuals due to outstanding arrest warrants. For example, on 20 December 2024, Mr. Siam Theerawut's mother was informed by the Samut Sakorn Provincial Court that her request to have him declared a missing person under Thailand's Civil and Commercial Code had been dismissed. The Court held that since he had an outstanding arrest warrant (under section 112 of Thailand's Criminal Code), he was likely to still be in hiding.

On 10 June 2024, the National Human Rights Commission of Thailand (NHRCT) presented its investigation report on the nine cases of enforced disappearances of Thai refugees residing in neighbouring countries (Cambodia, Lao PDR and Viet Nam) between 2016 and 2021. The NHRCT concluded that the nine individuals are “believed to be cases of enforced disappearance” under the International Convention on the Protection of All Persons from Enforced Disappearance and related laws and that the officials may have been involved in the disappearances and deaths. The NHRCT also stated that “ineffective actions” of Thai Government authorities in the investigations and the lack of progress in prosecuting the perpetrators are considered negligent and a violation of human rights.

The NHRCT also pointed out that the “Damages for the Injured Person and Compensation and Expenses for the Accused in Criminal Case” Act (BE 2544, 2001) does not lay down criteria for compensation by the Government in cases of enforced disappearances and recommended to the Committee under the Prevention and Suppression of Torture and Enforced Disappearance Act to investigate these cases of enforced disappearances till the truth is established and take remedial measures for the families of the victims, including developing strategies and measures for physical and psychological rehabilitation and financial and psychological compensation for the victims. It also recommended that the Committee develop a guideline to investigate cases of enforced disappearances of Thai persons living abroad.

On 30 August 2024, the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance established a sub-committee to investigate the case of the nine Thai individuals disappeared abroad. However, no significant progress has reportedly been made so far.

On 21 March 2025, the “Regulation of the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance regarding Assistance, Remedies, and Rehabilitation for Victims” (B.E.2568) was published in the Royal Gazette and came into effect on the following day. The Regulation, which took almost two years to be completed, lays down instructions on the criteria and procedures for victims to request for both non-monetary and monetary compensation. A lump sum compensation will be granted to victims of enforced disappearance and torture, while those allegedly subjected to ill-treatment will be granted financial remedies in varying ranges.

Prior to the endorsement of the Regulation, none of the victims’ families received compensation from the State, either by the Damages for the Injured Person and Compensation and Expenses for the Accused in Criminal Case Act (B.E. 2544, 2001) or the “Justice Fund” Act (B.E.2558, 2015). For instance, the complaint submitted by Mr. Siam Theerawut’s family in 2022 under the Damages for the Injured Person and Compensation and Expenses for the Accused in Criminal Case Act was dismissed by the Committee, on the grounds that he was not considered a victim under the Act, as it has not been clearly established that he has died or suffered physical or mental harm.

Forced return from Malaysia

In May 2019, at Thailand's request, Malaysia returned Ms. **Praphan Pipattanamporn** – a recognized refugee by the UN High Commissioner for Refugees (UNHCR) – to Thailand, where she faced arrest for anti-monarchy activities, under section 116 of Thailand's Criminal Code. The Malaysian Prime Minister defended this as an act of “good neighbourhood”.

Ms. Praphan Pipattanamporn is a member of the “Organization for Thai Federation”, a civil society political movement advocating for the establishment of a republican form of government in Thailand.

Cambodian activists and members of the opposition

Killing in Thailand

On 7 January 2025, Mr. **Lim Kim Ya**, a 73-year-old former parliamentarian from the main dissolved Cambodian opposition party, the “Cambodia National Rescue Party” (CNRP), which was banned in 2017, and a national of France and Cambodia, was killed by an individual with accomplices believed to be associated with the ruling party, the “Cambodian People's Party” (CPP). According to the Thai police, he was hit in the chest by two bullets. He had just arrived in Bangkok with his wife on a bus from Cambodia. Mr. Lim Kim Ya had been active on his social media criticizing the Government of Cambodia. His last Facebook post was on 3 January 2025.

An investigation was initiated into Mr. Lim Kim Ya's death. On 8 January 2025, the Thai criminal court approved an arrest warrant for a Thai suspect, who was charged with premeditated murder, carrying a firearm in public without valid reason, and discharging a firearm in a public area. Later in January 2025, the Thai police issued an arrest warrant for two Cambodian nationals, one believed to have acted as a spotter in the killing and the other believed to have hired the gunman. Both suspects are believed to be in Cambodia.

Mr. Lim Kim Ya's family has not been provided with any updated information on the status of the investigation.

Forced returns

In November 2024, Thailand forcibly returned five Cambodian political opposition activists, the adult daughter of one of the activists and a five-year old child back to Cambodia. The Cambodian political activists were members of the dissolved opposition Cambodia National Rescue Party the opposition Candlelight Party and activists. They had fled to Thailand in 2022, where the five activists had been recognised by UNHCR as refugees and the sixth adult was awaiting refugee status determination from UNHCR. They were charged with “plotting” under article 453 of Cambodia's Criminal Code on 15 August 2024, during widespread public opposition in July and August 2024 to a trade and cooperation agreement between Cambodia, Lao PDR and Viet Nam, and the subsequent crackdown by Cambodian authorities which led to mass arrests

in the country.

On return to Cambodia, the six adults were arrested under these charges and remain in prison on pre-trial detention. Two of them had difficulties accessing legal aid and, as of early 2025, were still being held without a lawyer.

The arrest and deportation of these persons of concern violates Thailand's obligations under national and international law, including the principle of non-refoulement, which prohibits the transfer, removal or deportation of persons to a country where there are substantial grounds for believing that the persons would face irreparable harm if returned, including persecution, torture, ill-treatment or other serious human rights violations, such as flagrant denial of the right to a fair trial and violations of the right to life.

Harassment and risk of refoulement in Thailand

In early November 2024, two members of the ruling Cambodian People's Party reportedly approached Ms. **Chhin Chou**, a Cambodian opposition leader with an offer to defect and take on a role within the commune administration. After she declined this proposal, police officers reportedly visited her home in Cambodia who informed her father that she needed to publicly apologize and confess to her alleged wrongdoing associated with a known activist and former politician. The police warned that failure to comply could result in her arrest. At the time, she decided not to return home.

On 10 November 2024, Cambodian opposition leader Ms. **Chhin Chou** fled to Thailand after experiencing close surveillance from unidentified individuals monitoring her daily activities and being accused by the Cambodian police of secretly engaging in political activism with Cambodian opposition leaders who were abroad. On 2 December 2024, she received a UNHCR refugee card.

It is reported that Ms. Chhin Chou was recently targeted by the Cambodian authorities for posting a video on Facebook criticizing the Cambodian Ministry of Commerce's recent trade negotiations with the United States of America. On 23 May 2025, Cambodia's National Police issued a press release stating that Ms. Chhin Chou is accused of disseminating a video via three social media accounts that is considered "false" and "inciteful." The authorities further allege that the video is intended to "poison and destroy society" and qualified her conduct as criminal. The police also reported that Ms. Chhin Chou had been previously charged in November 2024 for "conspiring to commit treason through activities with extremists rebel groups to attack the government" and that she evaded arrest by fleeing to Thailand. They informed that Cambodian and Thai law enforcement agencies are working together to apprehend and extradite her.

Based on the above, there are concerns that Ms. Chhin Chou is at risk of *refoulement*.

Lao activists and human rights defenders

Killings and enforced disappearances in Thailand

On 17 May 2023, Mr. **Bounsuan Kitiyano**, a Laotian national, former member of the group “Free Laos” and affiliated to the Germany-based organization “Alliance for Democracy in Laos” (ADL), was found dead in Ubon Ratchathani a province, in Northeast Thailand. Mr. Kitiyano was a UNHCR-recognized refugee in Thailand and was about to be resettled to a third country. Between 2020-2025, additional four ADL affiliates – three men and one woman – were found dead in unclear circumstances in Lao PDR, while another man has been missing since February 2024.

On 26 August 2019, Mr. **Od Sayavong**, a Laotian pro-democracy activist and human rights defender, member of Free Laos and one of the founders of the “Lao United Labour Federation” in Thailand, disappeared in Thailand. At the time of his disappearance, he was resident in Thailand as a UNHCR-refugee. The official investigation did not yield any further information as to the fate and whereabouts of Mr. Sayavong.

On 14 November 2019, Mr. **Phetphouthone Philachanh**, also a member of Free Laos and UNHCR-refugee in Thailand, disappeared in unclear circumstances, reportedly after returning to Lao PDR. His fate and whereabouts remain unknown. Mr. Phetphouthone Philachanh was one of the founders and former Vice- President, of the Lao United Labour Federation in Thailand, and the subtenant of Mr. Od Sayavong at the time of his disappearance. He was the last person to see Mr. Od Sayavong before he disappeared.

Vietnamese activists and human rights defenders

Enforced disappearances in Thailand

On 13 April 2023, Mr. **Duong Van Thai**, a Vietnamese independent journalist and UNHCR-recognized refugee, was allegedly abducted by Vietnamese security forces while driving his motorbike in the northern outskirts of Bangkok, along Lamphu Road, Thanyaburi district, Pathum Thani province, in Thailand. Prior to his enforced disappearance, Mr. Thai reportedly revealed his security concerns to an acquaintance right after posting videos of political infighting in Viet Nam. Mr. Thai also reportedly added that, on 6 April 2023, one of his neighbours spotted a man riding a motorbike with a Chiang Rai provincial number plate approaching his home to film and take photos. The man reportedly spoke Thai, although with a strange accent. Persons connected to Mr. Thai were able to put together a chronology of his movements on the day of his enforced disappearance through different CCTV camera footage, audio recordings and testimonies which purportedly confirm his abduction.

A few days later, it was reported that on 14 April 2023 Mr. Thai had allegedly been arrested by Vietnamese officials for entering Viet Nam without proper identification documents. No further information about his fate and whereabouts was reportedly shared with his family until 13 July 2023, when the family was

notified that Mr. Thai was detained in Hanoi on charges of “Propaganda against the state”, under article 117 of the 2015 Criminal Code. On 30 October 2024, the Hanoi People’s Court sentenced Mr. Thai to 12 years in prison and three years on probation in a closed trial and without defence counsel.

On 26 January 2019, Mr. **Truong Duy Nhat**, a refugee blogger and journalist in Thailand, was abducted in Bangkok after having been apprehended by the Thai police. On 20 March 2019, his family was notified that he was arrested on 28 January 2019, shortly after seeking refugee status with UNHCR, and imprisoned at T16 temporary detention facility in Hanoi. In June 2019, Mr. Nhat’s family was informed that the Ministry of Public Security (MPS) had opened a case against him for illegally purchasing a plot of land a decade prior. On 9 March 2020, the People’s Court of Hanoi tried Mr. Truong Duy Nhat for the crime of “abusing his position and authority”, under article 356(3) of the 2015 Criminal Code, and sentenced him 10 years in prison. On 14 August 2020, the Appeal Court upheld the 10-year sentence.

Detention of opposition member and risk of refoulement from Thailand

There are concerns that the Government of Viet Nam may be exchanging information with the Government of Thailand to identify Vietnamese Montagnard refugees in Thailand for their possible forced repatriation to Viet Nam, including those recognized as refugees by the UNHCR and being considered for resettlement in third countries.

There is particular concern about Mr. **Y Quynh Bdap**, the co-founder of the organization “**Montagnards Stand for Justice**” (MSFJ), a non-violent organization advocating for the rights and freedoms of the Montagnard people in the Central Highlands of Viet Nam (VNM 4/2024 and THA 6/2024). Mr. Y Quynh Bdap is a UNHCR-recognized refugee residing in Thailand since 2018, and in the process of resettlement to a third country.

On 11 June 2023, a violent assault on the Police stations and Government headquarters situated in Ea Tieu and Ea Ktur communes, in Dak Lak Province in Viet Nam, reportedly claimed the lives of nine individuals, including police officers and civilians, while also leaving numerous others injured.

On 16 January 2024, 100 defendants – of whom, 99 ethnic Montagnards – were brought to trial in connection with this violent attack. On 20 January 2024, all defendants were tried by a ‘mobile court’ of five judges. The trial proceedings took place over a period of five days, with one day of deliberations. Nineteen lawyers were present at the trial to represent the 94 defendants, who were present at the trial. Six defendants, including Mr. Y Quynh Bdap, were tried and sentenced *in absentia*, and did not receive legal representation. Mr. Y Quynh Bdap received a 10-year prison sentence for “terrorism”, for his alleged involvement in the Dak Lak events.

On 4 June 2024, the Thai police visited Mr. Y Quynh Bdap’s former residence in Bangkok and questioned neighbours about his whereabouts. On 6 June 2024, the Thai police located the residence where he was staying and stationed

themselves out the front, waiting to arrest him, pursuant to an extradition request from Viet Nam. The National Human Rights Commission of Thailand intervened to prevent the arrest and remind the Thai Police of its *non-refoulement* obligations under international and domestic law.

On 11 June 2024, the Thai Immigration Police arrested Mr. Y Quynh Bdap under the Thai Immigration Act (1979) and placed him in judicial custody at the Bangkok Remand Prison. The arrest was made in connection with an extradition request from Viet Nam regarding his 10-year prison “sentence for terrorism”. On 13 June 2024, a Thai prosecutor filed an extradition case with Bangkok Criminal Court. On 30 September 2024, the Criminal Court of Bangkok delivered its verdict on the extradition request for Mr. Y Quynh Bdap. The Court found that there were sufficient grounds to proceed with extradition under section 19(1), (2), and (3) of the Thailand Extradition Act (2008) and ordered that Mr. Y Quynh Bdap be detained pending the execution of the extradition request. On 15 February 2025, his lawyer deposited an appeal. The Appeal Court is currently reviewing the case.

Mr. Y Quynh Bdap has denied involvement in terrorism. He and other MSFJ members, who are UNHCR-refugees in Thailand, have expressed fears that Vietnamese security forces may abduct them in Thailand and forcibly return them to Viet Nam, in light of previous cases where this has occurred to critics of the Vietnamese Government.

Terrorist designation of diaspora civil society organizations

On 6 March 2024, in connection with the Dak Lak assault, the Vietnamese MPS listed MSFJ as a “terrorist organization”. As a result of the listing, the authorities warned that “anyone who engaged in, propagated, enticed, incited others to participate, sponsored or receive sponsorship, or participated in training courses organised by’ MSFJ, or followed its direction, would be charged with ‘terrorism’ or ‘supporting terrorism’”.

On 14 February 2025, MPS listed the US-based organization “**Boat People SOS**” (**BPSOS**) as a “terrorist organization”. Furthermore, at least 43 individuals affiliated with BPSOS or MSFJ have reportedly been designated or are believed to have been designated, including the President of BPSOS and human rights defender, Mr. **Thang Dinh Nguyen**. According to MPS, BPSOS “works closely with MSFJ, the organization that carried out the terrorist attack on 11 June 2023 in Dak Lak Province and has been included in the list of terrorist organizations and individuals by the Ministry of Public Security”.

MSFJ and BPSOS deny involvement in terrorism and view the designation as a pretext for further suppressing Montagnard in Viet Nam and Vietnamese groups in exile, particularly those that document and expose human rights violations against ethnic and religious minorities and Indigenous Peoples.

Intimidation and harassment of Montagnards and Hmong refugees in Thailand

On 14 March 2024, a delegation of several Vietnamese public security police officials went to neighbourhoods with large concentrations of Montagnards refugees in Nonthaburi Province, north of Bangkok, and in the Bang Len district of Nakhon Pathom Province. The delegation was accompanied by the Thai police. The Vietnamese delegation included the director of the Public Security Department in Gia Lai Province, an investigative police officer from Dak Lak Province, two interrogators and official from the Vietnamese embassy. The Thai police pressured Montagnards to present themselves outside their residences for interviews with the Vietnamese delegation, who pressured them to return to Viet Nam and recorded videos of them on phones and cameras. The delegation accused them of having “illegally” left Viet Nam, promised leniency and support for returning, and threatened them with arrest and other repercussions if they refused to return.

The Vietnamese delegation asked about the location of the six Montagnards who were convicted *in absentia* on 20 January 2024. They were part of 100 defendants that were convicted in Viet Nam by a ‘mobile court’ trial in relation to a violent attack on Vietnamese police stations that took place on 11 June 2023 in Dak Lak Province, in the Central Highlands of Viet Nam. They also showed arrest warrants and photographs of the six individuals and declared that they would also arrest 100 other Montagnard activists. Just prior to the visit to Thailand, on 13 March 2024, Viet Nam’s Minister for Public Security met with the Thai Government to propose a bilateral extradition agreement.

On 23 February 2025, Bang Yai District authorities in Nonthaburi Province, detained 65 Montagnards, five of whom are UNHCR-recognized refugees, on charges of “illegal entry and stay” under the Thai Immigration Act (1979). On 25 February 2025, Nonthaburi Kwaeng Court sentenced 43 of them to 6 months in prison. The group was subsequently placed in two Immigration Detention Centres: women with children were moved to the Mothers and Children Immigration Centre in Bang Khen, while the remaining women and men were transferred to the Suan Phlu Immigration Detention Centre.

Bail requests have been filed for 40 out of 43 individuals. However, the bail request for three members of the Montagnard group, namely Mr. **Y Phuong Enuol**, Mr. **Y Duong Bkrong**, and Ms. **H Leo Nie**, were denied, reportedly due to existing arrest warrants against them in Viet Nam. On 13 March 2025, Vietnamese officials reportedly visited them in the detention centres. All three individuals are refugees registered with UNHCR and have expressed a fear of persecution by the Vietnamese authorities.

Similarly, between 28 March and 22 April 2025, 13 Hmong individuals, all registered as refugees with UNHCR in Thailand, were arrested by the Thai Immigration Police. Since their arrests, all have been sentenced for “illegal entry and stay” under the Thai Immigration Act (1979) and moved to the Suan Phlu Immigration Detention Centre. Reportedly, the individuals are affiliated with the “Hmong Human Rights Coalition”, a Hmong a non-violent organization monitoring and reporting on human rights violations against the Hmong

community in Viet Nam. On 27 April and 7 May 2025, Vietnamese officials undertook two visits to the Suan Phlu Immigration Detention Centre and met with the Hmong individuals. Reportedly, the group was invited to voluntarily return to Viet Nam, and they were asked to sign repatriation forms. All of them refused to sign the document. On 1 May 2025, one of the Hmong individuals was physically assaulted by another detainee of Vietnamese nationality. Although the victim reported some injuries, he was refused medical care after reporting the incident.

The abovementioned Montagnard and Hmong individuals in Thailand are UNHCR-refugees in Thailand. They fear persecution by the Vietnamese authorities, and they are entitled to protection from *refoulement* under international human rights law. In such circumstances, visits to immigration detention facilities by the Vietnamese authorities pose serious protection concerns. These individuals may be at risk of *refoulement*. Their forced return may expose them to serious human rights violations, including torture, arbitrary detention and enforced disappearance, on account of their activities defending the human rights of ethnic minorities and Indigenous Peoples in Viet Nam, as well as the freedom to practice minority Christian religions, which are not officially recognized by Vietnamese law.

Without prejudging the veracity of the allegations, we wish to express our profound concern regarding the reported rise in transnational repression, including acts conducted or directed by a State, or its proxy, to deter, silence or punish dissent, criticism or human rights advocacy towards it, expressed from outside its territory. This includes serious claims of extrajudicial executions, enforced disappearances, and the arbitrary detention of activists, dissidents, human rights defenders, and members of ethnic and religious minorities, for the purpose of rendition. We are deeply troubled by reports that many individuals are currently deprived of their liberty – frequently held incommunicado, without access to legal representation, due process or contact with the outside world – simply for exercising their fundamental rights, such as freedom of opinion and expression, freedom of religion or belief, or for engaging in legitimate human rights advocacy. In this respect, we recall that Thailand has an obligation to prevent violations by foreign states in its territory of the freedoms of religion or belief, expression, association and peaceful assembly in Thailand, pursuant to articles 18, 19, 21 and 22 of the ICCPR. In some instances, these actions appear to be driven by discriminatory motives related to migratory status or minority identity. Such practices have a profound chilling effect, deterring individuals from freely expressing their views or pursuing their work as journalists, lawyers, or social activists.

We are alarmed that the reported incidents of reprisals and intimidation against ethnic minorities, including Montagnard and Hmong activists and human rights defenders in Thailand and alarmed at the undue restrictions imposed on Montagnard diaspora organizations are designed to further discourage cooperation with the United Nations, and to prevent individuals from seeking access or provide information to United Nations mechanisms, including Special Procedures. We note further that Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28, 48/15 and 54/24 reaffirm the right of everyone, individually or in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the

Human Rights Council urges States to refrain from all acts of intimidation or reprisals and to take all appropriate measures to prevent the occurrence of such acts.

We are equally alarmed by the reported forced return of at least 40 Uyghurs to China, despite repeated appeals urging your Excellency's Government to delay such action until appropriate procedures were in place and international organizations had access to the individuals. In the absence of individualized, transparent assessments of the risk of *refoulement*, this decision and its execution may constitute a breach of both the substantive and procedural safeguards against *refoulement*. We remain concerned about the continued imprisonment of five Uyghurs in Klong Prem Central Prison in Bangkok since 2020, and the risk of deportation upon completion of their sentences in 2030 and 2031.

We reiterate that, under international law, the failure or refusal to acknowledge a deprivation of liberty by State agents or persons acting with their authorization, support, or acquiescence constitutes enforced disappearance, regardless of the duration or type of concealment involved. State authorities are thus obliged to take all necessary measures to effectively protect the rights of persons deprived of their liberty, as they automatically assume responsibility for their lives, physical integrity, and wellbeing. State authorities are also obliged to promptly provide accurate information on the detention of persons deprived of liberty and their place or places of detention, including transfers, to their family members, counsel, or any other persons with a legitimate interest. The State should also fully recognize the legal personality of disappeared persons and their families, thus protecting them, bearing in mind their special vulnerability. It should also respect their rights to reparation, including adequate compensation for any damage (physical or mental injury, lost opportunities, material damage and loss of income, damage to reputation, and costs incurred in obtaining legal or expert assistance) resulting from an enforced disappearance.

Moreover, we emphasize the profound and devastating impact that enforced disappearances have on the families of the disappeared individuals and their communities. Enforced disappearances not only cause immense personal suffering but also disrupt the social fabric and cohesion of communities. The enforced disappearances of religious believers, ethnic and Indigenous minorities, activists and human rights defenders, in particular, violate the economic, social, and cultural rights of those involved in related activities; they harm the larger community that depended on the disappeared individuals to advocate for and defend their rights.

We further emphasize that the right to life gives rise to an obligation to investigate all cases of unlawful killings. Such investigations should comply with international standards including the [Minnesota Protocol on the Investigation of Potentially Unlawful Death](#) and must be independent, impartial, prompt, thorough, effective, credible and transparent. The failure of the State promptly to 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. States also have a duty to cooperate internationally in investigations of potentially unlawful death, in particular when it concerns an alleged international crime such as extrajudicial execution.

We are deeply concerned about reports of forced repatriation and extradition of individuals who face serious risks in their countries of origin. This includes human

rights defenders, political dissidents, Indigenous peoples, minority groups, and those seeking protection as refugees. Under treaty and customary international law, Thailand has an obligation not to return any individual to a country where there is a well-founded fear of persecution or substantial grounds for believing that the person would be at risk of irreparable harm, including torture, enforced disappearance, or other grave human rights violations. This principle of non-refoulement is absolute and without any exception, regardless of nationality or legal status. Returns must be voluntary and free from any form of physical, psychological or material pressure (UNHCR Handbook on Voluntary Repatriation (1996), ch. 2.3). We reiterate our concern that the invitation extended to Vietnamese security authorities to visit refugee communities in Thailand may compromise the voluntariness of any returns.

We stress that any removal must follow fair and transparent procedures. International law requires that each person's case be assessed individually, with access to legal safeguards and the right to appeal. Without these protections, forced returns may violate the prohibition against arbitrary expulsion and Thailand's obligations under international law. Under 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 protection needs, including in relation to the obligation of *non-refoulement* and the right to family life. 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. In view of the above, we urge your Excellency's Government to ensure that all decisions involving removal, deportation, or extradition fully respect the principle of *non-refoulement* and uphold the rights of those at risk.

We welcome the entry into force of Thailand's Prevention and Suppression of Torture and Enforced Disappearances Act on 22 February 2023, particularly Section 13, which prohibits removal to states where individuals risk torture or enforced disappearance. We urge full implementation in line with the principle of non-refoulement under international human rights and refugee law.

The Special Rapporteur on extrajudicial summary or arbitrary executions reiterates his willingness to provide technical assistance to your Excellency's Government in relation to the investigation of potentially unlawful deaths in line with international standards including the Minnesota Protocol. Other mandate-holders remain available to offer technical assistance on matters falling within the scope of their respective mandates.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law and standards** 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 also provide updated information on the status of investigations and search activities concerning all cases of enforced disappearance, including of Mr. **Wanchalearm Satsaksit**, Mr. **Siam Theerawut**, Mr. **Chucheap Chewasut**, Mr. **Surachai Darnwatthananusorn**, Mr. **Od Sayavong** and Mr. **Phetphouthone Philachanh** whether any perpetrators have been identified or prosecuted. Please also provide updated information on the status, measures or plan that ensure the victims' families of disappeared persons access to redress, particularly under the Regulation of the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance regarding Assistance, Remedies, and Rehabilitation for Victims (B.E.2568).
3. Please provide information on the steps taken to investigate the killings of Mr. **Chatchan Bubphawan** and Mr. **Kraidej Luelert** in 2018 and of Mr. **Bounsuan Kitiyano** in 2023, including their compliance with international standards including the [Minnesota Protocol on the Investigation of Potentially Unlawful Death](#).
4. Please confirm whether officials from the Government of Viet Nam were granted access to Vietnamese nationals held in immigration detention centres in March and April 2025. Please provide information on what safeguards were in place to prevent intimidation, coercion, or reprisals during such visits.
5. Please indicate what steps your Excellency's Government has taken, or plans to take, to prevent and address any threats, harassment, intimidation, coercion, cross-border abductions, or violations of the rights to liberty, security, privacy, and the home by foreign authorities operating within Thailand. Additionally, please explain what measures are in place to ensure that foreign authorities do not interfere with the rights to freedom of religion or belief, expression, association, and peaceful assembly, and to safeguard an enabling environment for all individuals, including ethnic and Indigenous minority communities, activists and human rights defenders.
6. Please provide updated information on any measures undertaken to ensure that acts of torture and enforced disappearance are reported to the authorities in accordance with section 29 of the Prevention and Suppression of Torture and Enforced Disappearance Act (B.E.2565, 2022), as well as steps undertaken to enforce section 13 of the Act to uphold the principle of *non-refoulement*.
7. Please indicate the measures in place to ensure compliance with the absolute and non-derogable principle of *non-refoulement* under international human rights law, particularly with respect to individuals who may face a risk of torture, ill-treatment, enforced disappearance, arbitrary detention, or persecution upon return.

8. Please explain how your Excellency's Government ensures that any return is genuinely voluntary, based on free, prior, and informed consent. In this regard, kindly provide information on any steps taken to guarantee a fair, individualized assessment of each person's circumstances with adequate procedural safeguards and before any decision is made to repatriate individuals not found to be in need of international protection, including any request for protected person status under National Screening Mechanism established under the "Regulation of the Office of the Prime Minister on the Screening and the Protection of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin" (B.E. 2562). If such steps have not been taken, please explain why.
9. Please provide detailed information on the legal and institutional framework governing cooperation between your Excellency's Government and other Member States in relation to immigration enforcement, deportations, extraditions, and transfers of foreign nationals, including migrants and refugees. Please kindly provide information on any bilateral or multilateral extradition, mutual legal assistance, security cooperation, or migration-related agreements that may facilitate transfers of individuals across borders, including in the Greater Mekong Subregion, and copies of the agreements. Please also explain if any independent mechanism exists to oversee that the decision of transfers of individuals across borders will not violate human rights principles and domestic legislation, particularly the Prevention and Suppression of Torture and Enforced Disappearance Act (B.E.2566, 2023).
10. Please provide information about measures taken to ensure an enabling environment for human rights defenders in Thailand, including nationals of third countries, in order to be able to carry out their legitimate work without fear of threats, attacks, reprisals, enforced disappearances and refoulement.

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 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.

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 case 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. Similarly, the Working Group on Enforced or Involuntary Disappearances may also consider the cases under its humanitarian

procedure. The Government is required to respond separately to the present communication and the procedures of each Working Group.

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 to clarify the issue/s in question.

Please note that similar letters were transmitted to the Association of Southeast Asian Nations, China, Cambodia, Lao PDR, Malaysia and Viet Nam. Copies of this letter were also transmitted to France and Germany.

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

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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

Vitit Muntarbhorn
Special Rapporteur on the situation of human rights in Cambodia

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

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Nicolas Levrat
Special Rapporteur on minority issues

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Ben Saul
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law and standards

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 standards applicable to this communication, including under the International Covenant on Civil and Political Rights (ICCPR), acceded to by Thailand on 29 October 1996.

We would like to refer to articles 3, 6, 7, 9, 10, 14, 16, 18, 19, 21 and 22 of the ICCPR, read alone or in conjunction with article 2.3, which guarantee the right to non-discrimination; the right to life; the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; the right to liberty and security of person and the prohibition on arbitrary detention, which includes the right to challenge the legality of the detention before the courts and to be released subject to guarantees to appear for trial; the right to be recognized as a person before the law; the right to a fair and public trial before an independent and impartial tribunal without undue delay and with legal assistance of their choosing; the right to be treated with humanity and with respect for the inherent dignity of the human person; the right to freedom of religion or belief, the right to freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; and the right to an effective remedy.

We would like to remind your Excellency's Government of the obligation to investigate gross human rights violations, punish them and provide reparations to the victims. Article 2 of the ICCPR states that states must take measures to ensure that persons whose rights or freedoms are violated have an effective remedy and that competent authorities ensure the enforcement of such a remedy when it is granted.

As established by the Human Rights Committee in its general comment No. 31, States have an obligation to investigate and punish serious human rights violations, such as torture, extrajudicial executions and enforced disappearances ([CCPR/C/21/Rev.1/Add.13](#)). The failure to investigate and prosecute such violations is in itself a violation of human rights treaty norms (paragraph 18). Principle 2 of the Updated set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity calls on States to undertake prompt, thorough, independent and impartial investigations into violations of human rights and international humanitarian law and to ensure that those responsible for serious crimes under international law are prosecuted, judged and duly punished ([E/CN.4/2005/102/Add.1](#)).

Right to life

We stress that the duty to protect the right to life requires States parties to adopt special measures of protection for persons in situations of vulnerability whose lives are at particular risk due to specific threats or pre-existing patterns of violence. Such persons include human rights defenders. The obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life ([CCPR/C/GC/36](#)). In this regard, enforced disappearance is a serious violation of the right to life, which involves the deprivation of liberty followed by concealment or denial, depriving people of any

legal protection and exposing them to constant risk. It also violates other rights set forth in the ICCPR, including the prohibition of torture, liberty and security, and legal recognition. States must prevent such acts, investigate promptly and impartially, prosecute alleged perpetrators, and ensure that victims and families receive full reparations. Families should not be forced to declare the disappeared dead in order to access remedies and should be supported in regularizing their legal status after a reasonable period of time.

We would also like to highlight that, as stated in Human Rights Committee general comment 36, an important element of the right to life 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. 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 impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. Investigations into allegations of violations of article 6 must always be independent, impartial, prompt, thorough, effective, credible and transparent.

Prohibition of torture

We reiterate the absolute and non-derogable prohibition of torture is an *erga omnes* and *jus cogens* norm, as expressed as a principle of customary international law, including article 7 of the ICCPR. The prohibition of other cruel, inhuman or degrading treatment or punishment is also a well-established rule of customary international law.

Furthermore, torture and cruel, inhuman or degrading treatment or punishment are prohibited in 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. Accordingly, pursuant article 2 of the CAT, Thailand has undertaken to ensure to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

Prohibition of arbitrary detention

Furthermore, we would like to refer to article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law.

As interpreted by the Human Rights Committee in general comment No. 35 ([CCPR/C/GC/35](#)), the notion of “arbitrariness” is not to be equated with “against the law” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality. According to the same General comment and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary. Further, 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. In this respect, the Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

We would like to further remind your Excellency's Government that the right to challenge the lawfulness of detention before a court, protected under article 9 of the ICCPR, is a self-standing human right and a peremptory norm of international law, which applies to all forms of arbitrary deprivation of liberty.

The prohibition of enforced disappearance

We wish to reiterate that the prohibition of enforced disappearance has also attained the status of *jus cogens*. It is a particularly aggravated form of arbitrary detention, and it may amount to torture or other cruel, inhuman or degrading treatment or punishment both regarding the disappeared and their family members, due to the anguish and uncertainty concerning the fate and whereabouts of loved ones.

In this regard, we wish to recall articles 1, 2, 12, 16, 17, 18, 19, 20, 21 and 24 of the [International Convention on the Protection of all Persons from Enforced Disappearance](#) (ICPPED), ratified by Thailand on 14 May 2024, particularly as regards the right to report a disappearance, the obligation to undertake a thorough and impartial investigation, the prohibition of refoulement, the prohibition of secret detention, the right to obtain information and the right to an effective remedy. We further highlight that that the [United Nations Declaration on the Protection of all Persons from Enforced Disappearance](#) establishes that “all acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness” (article 4); “no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance” (article 6). Furthermore, “no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances” (article 7), and “the right to a prompt and effective judicial remedy must be guaranteed as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances” (article 9).

In this regard, the Working Group on Enforced or Involuntary Disappearances has noted the increasing practice of forced returns by States in violation of article 8 of the Declaration. It further underlined the importance of preventing human rights violations by ensuring procedural safeguards upon detention and during the first hours of deprivation of liberty, including immediate registration, judicial oversight of the detention, prompt notification of family members, and the availability of a defence lawyer of one's choice. The Working Group observes that transnational transfers embody a denial of justice insofar as individuals are deprived of liberty in the form of secret detention and are removed from the protection of the law. They are, as such, deprived of the rights to an effective remedy and fair trial, in denial of the presumption of innocence. In addition, the individuals concerned are unable to challenge the

lawfulness of their detention, denied access to legal representation, and often induced to forced confession of guilt under duress. The Working Group recalls that such practices can also facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment under certain circumstances ([A/HRC/48/57](#)).

Moreover, the Declaration further sets out the necessary protection relating to the rights to “be held in an officially recognized place of detention”, and to “be brought before a judicial authority promptly after detention”; to “accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest”; and to “the maintenance in every place of detention of official up-to-date registers of all detained persons” (articles 10 and 12). The Declaration further stipulates that “any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority” (article 13), that “States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance” (article 14), and that “the persons responsible for these acts shall be tried only by ordinary courts and not by other special tribunal, notably military courts” (article 16); “not benefit from any amnesty law” (article 18); and that “the victims or family relatives have the right to obtain redress, including adequate compensation” (article 19).

We also wish to recall that the [Guiding Principles for the Search for Disappeared Persons](#) establish that the search for the disappeared should be undertaken without delay (principle 2); respect the right to participation of the family of the disappeared (principle 5); be considered a continuing obligation (principle 7); and be interrelated with the criminal investigation (principle 13).

In its General Comment on the right to recognition as a person before the law in the context of enforced disappearance ([A/HRC/19/58/Rev.1](#)), the Working Group noted that when a person deprived of liberty is not acknowledged by the State, the legal rights of this person are placed in a legal limbo, a situation of total defencelessness. The crime of enforced disappearance puts the detainee outside of the protection of the law, denies the person of legal existence and prevents the enjoyment of their rights, including due process rights and judicial safeguards, and other fundamental rights and freedoms.

In its report on standards and public policies for an effective investigation of enforced disappearances ([A/HRC/45/13/Add.3](#)), the Working Group recommended that States define enforced disappearance as an autonomous crime in national legislation and establish different modes of criminal liability, including abetting, instigating, acquiescing and actively covering up an enforced disappearance, as well as criminal liability for command or superior responsibility; and create mechanisms that can promptly receive and process complaints of enforced disappearances, under the responsibility of authorities who are independent of the institutions to which the alleged perpetrators belong or may be linked. These mechanisms should be empowered to trigger prompt investigations of the complaints received.

Additionally, in the study on enforced disappearances and economic, social and cultural rights, the Working Group observed that the enforced disappearance of

journalists, religious leaders or persons actively promoting the enjoyment of economic, social and cultural rights, are used as a repressive tool to deter the legitimate exercise, defence or promotion of the enjoyment of these rights. Due to their collective character, such measures also violate their economic, social and cultural rights, the rights of others engaged in related activities, and of the larger community of people who relied on the disappeared person to represent and fight for their rights ([A/HRC/30/38/Add.5](#)). Similarly, in its General Comment on Women and enforced Disappearances, the Working Group also noted that States have an obligation to recognize the particular types of harm women suffer based on their gender and the resulting psychological damage and social stigma as well as the disruption of family structures ([A/HRC/WGEID/98/2](#)).

Freedom of thought, conscience and religion

Article 18 of the ICCPR recognises the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and 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. Furthermore, article 18(2) bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the Covenant, are similarly inconsistent with article 18(2). The same protection is enjoyed by holders of all beliefs of a non-religious nature (Human Rights Committee General Comment 22, para. 5). According to article 18(3), freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Freedom of expression

Article 19 of the ICCPR guarantees the right to freedom of expression. Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” ([CCPR/C/GC/34](#)). The Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks

should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress”.

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order, or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. While certain restrictions may be placed on freedom of expression, for the protection of national security or of public order, or of public health or morals, they may not be arbitrarily imposed on those sharing legitimate concerns, observations or opinions on health or Government policy.

In this regard, as indicated by the Human Rights Committee, attacks against individuals for exercising their right to freedom of expression, including through arbitrary detention, torture, inhuman or degrading treatment or punishment, and enforced disappearance is incompatible with the ICCPR. We would like to further remind Your Excellency’s Government that the right to challenge the lawfulness of detention before a court, protected under article 9 of the ICCPR, is a self-standing human right and a peremptory norm of international law, which applies to all forms of arbitrary deprivation of liberty.

Human rights defenders

We would further like to recall 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, which state that everyone has the right to promote and 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. We would like to also refer to article 6 paragraph (b), which guarantees the right to freely publish, impart or disseminate views, information and knowledge on human rights and fundamental freedoms. Furthermore, we would also like to make explicit reference to article 9 of the Declaration, which states that everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of their rights, and that “everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person’s rights or freedoms, as well as enforcement of the eventual

decision and award, all without undue delay”. Finally, we would like to reference article 11 of the Declaration, which states that everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession.

Discrimination against women and girls

We would also like to reiterate to your Excellency’s Government the obligations of Thailand through its accession in 9 August 1985 of the International Convention on the Elimination of Discrimination against Women, and in particular article 7, which provides that States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

The Working Group on discrimination against women and girls, in one of its reports to the Human Rights Council ([A/HRC/23/50](#)), stated that stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women human rights defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group on discrimination against women and girls, recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women’s human rights and to improve the enabling conditions for women’s participation in political and public life.

In a joint declaration, the Working Group on discrimination against women and girls emphasized that women human rights defenders face unique challenges, driven by deep-rooted discrimination against women and stereotypes about their appropriate role in society. In its report on girls’ and young women’s activism ([A/HRC/50/25](#)), the Working Group on discrimination against women and girls expressed that girls and young women are mobilizing worldwide to demand and catalyse change on critical global issues. They are at the forefront of initiatives aimed at transforming societies towards social justice, gender equality and sustainability. The realization of girls’ and young women’s human right to participate in public and political life, including organizing and engaging actively with a variety of State and non-State actors, is essential for the protection of their human rights. The Working Group on discrimination against women and girls has called on States to ensure that mechanisms are in place to solicit the views of girls and young women in all matters of public interest affecting them directly or indirectly and to give due weight to those views.

Furthermore, in its thematic report on women deprived of liberty ([A/HRC/41/33](#)), the Working Group on discrimination against women and girls underlined the increasing risk faced by women human rights defenders of criminalization and detention as a result of their legitimate work and recommended States to support and protect women’s engagement in public and political life, including the work of women human rights defenders. Women who work specifically to combat gender stereotypes and advance women’s rights are most likely to be targets for criminal persecution and imprisonment. Certain laws, including “complicity” laws, and

“public order” laws or even anti-terrorism laws, may be particularly instrumentalized to target women human rights defenders. The Working Group recommended States to support and protect women’s engagement in public and political life, including the work of women human rights defenders, and eliminate any laws or policy measures designed to criminalize the public roles of women.

We would also like to refer to General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

Counter-terrorism and human rights

In relation to the use of counter-terrorism and national security grounds to restrict the legitimate exercise of freedom of expression, we underline that any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (general comment No. 34). We stress that counter-terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of association and of peaceful assembly. These rights are protected under the ICCPR, and non-violent exercise of these rights must not be a criminal offence. Counter-terrorism legislation should not be used as an excuse to suppress peaceful minority groups and their members (general comment No. 34).

The definition of terrorism must be appropriate and precise, based on relevant provisions of international counter-terrorism instruments, and strictly guided by the principles of legality, necessity, and proportionality. State action should be guided by the acts of terrorism defined in sectoral treaties on terrorism, Security Council resolution 1566 (2004) (“ criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury or to take hostages with the purpose of provoking a state of terror in the general public, in a group of persons or in particular persons, intimidate a population or compel a government or an international organization to do or abstain from doing any act, which constitute offenses as defined in the conventions, covenants, and protocols relating to terrorism and covered by their scope”) and " the model definition of terrorism developed by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51).

We draw your Excellency's Government's attention to the "principle of legal certainty" according to international law (article 15(1) of the ICCPR) which requires that criminal laws be sufficiently precise so that it is clear what types of behavior and conduct constitute a criminal offense and what the consequence of committing such an offense would be. This principle recognizes that poorly defined and/or overly broad laws are open to arbitrary application and abuse, including stifling legitimate activities protected by international law (A/73/361, para. 34). Moreover, the Special Rapporteur

on the promotion and protection of human rights and fundamental freedoms while countering terrorism "[e]xhorts States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, to prevent its possible use against civil society for political or other unjustified reasons" (A/70/371, para. 46(b)). In this regard, we recall that Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security comply with their obligations under international law and do not impede the work and safety of individuals, groups, and organs of society engaged in promoting and defending human rights (Human Rights Council Resolution, Protection of Human Rights Defenders; A/HRC/RES/22/6).

The principle of non-refoulement

Interconnected with the issues raised above, *non-refoulement*, embodying the rule that no one should be sent back to areas where their life or freedom is threatened, is a long-established principle of international law and is considered binding on all States and other stakeholders as part of customary international law. It applies universally to all individuals, including migrants and refugees, at all times and under all circumstances, irrespective of their citizenship, nationality, statelessness, or migration status. The norm strictly prohibits the removal or transfer of any individual - regardless of their legal status - when there are substantial grounds to believe that such action would expose them to a real risk of irreparable harm. This includes, but is not limited to, risks of death, torture, cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance, or other serious violations of human rights in the destination country.

The principle of *non-refoulement* interrelates with the Universal Declaration on Human Rights, and is inherent in article 3, 5 and 14 relating to the right to life, liberty and the security of person; the prohibition of torture or to cruel, inhuman or degrading treatment or punishment; and the right to seek and to enjoy in other countries asylum from persecution.

Moreover, the principle of *non-refoulement* also interrelates with the ICCPR – to which several ASEAN countries are State parties, including article 13 which provides that “[an] alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.”

General comment No. 31 of the Human Rights Committee specifies that article 2 of the ICCPR entails ‘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’ (para. 12). General comment No. 36 adds that the duty to respect and ensure the right to life under article 6 of the ICCPR requires States parties to refrain from deporting, extraditing or otherwise transferring individuals to countries in which there are substantial grounds for believing that a real risk exists that their right to life would be violated (para. 30). In this regard, State parties to the ICCPR must adopt special measures and respond urgently and effectively in order to protect individuals who find themselves under a specific threat (para. 23).

Non-refoulement is an absolute rule under the CAT - to which several ASEAN countries are State parties – and this is underlined in article 3 which states that: “[no] State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture”, and that “[for] the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”

Moreover, article 16 of the ICPPED – to which several ASEAN countries are parties – stipulates that “[no] State Party shall expel, return (“refouler”), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance.”, and that “[for] the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law.”

Lastly, in the ASEAN region, there are two countries which are parties to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, key international instruments which incorporate the principle of *non-refoulement*. This reiterates the universal significance of *non-refoulement* as part of customary international law, obliging States and other stakeholders to respect and abide by it as *lex lata* (existing, binding law) at the national and other levels.