

Publication of a judicial observation mission report on Thailand

“Somchai abduction trial : Justice granted or justice denied”

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THE OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS (FIDH-OMCT)

PRESS RELEASE

Paris - Geneva, January 9, 2006* : The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), released today a mission report on Thailand entitled /Somchai abduction trial : Justice granted or justice denied/ (1)

Mr. Somchai Neelpaphaijit, a Thai lawyer and human rights defender, disappeared on March 12, 2004 (See Observatory Annual Report). Up to now, his whereabouts remain unknown. Mr. Somchai, who was the Chair of the Muslim Lawyers Association and the Vice-Chair of the Human Rights Committee of the Lawyers Association of Thailand, may have been targeted for his efforts to peacefully advocate against violations of the rights of Muslims in southern Thailand.

Following international and domestic outcry over government inaction in connection with Mr. Somchai's disappearance, five policemen were eventually indicted in June 2004. The trial began in August 2005, and the judgment is expected to be handed down on January 12, 2006. Nevertheless, the five men are only charged with “gang-robbery” of Mr. Somchai's car, watch, pen and mobile phone and “physically forcing another person into submission”, charges that do not reflect the gravity of the crime of disappearance.

From December 14 to 18, 2005, the Observatory sent a representative to Bangkok to observe the hearings of the trial taking place that week. The mission gave rise to the report issued today.

There is insufficient evidence in this case due to a weak investigation: indeed, the police, including members of the same unit as the defendants, were entrusted to investigate the crime scene. They reportedly damaged important evidence.

The failure of Thailand to bring its police officers to account for grave human rights abuses is widely seen as systematic. Mr. Somchai's trial testifies more generally to the existence of significant obstacles

in the proper implementation by Thailand of its international human rights obligations.

As a consequence, the Observatory calls upon the Thai authorities to ensure that the authors of Mr. Somchai's disappearance be sanctioned as provided by law and proportionally to the gravity of their crime.

Parliament should also ensure that enforced disappearance constitutes a specific offence under Thai criminal law in conformity with the UN Declaration on the Protection of all* *Persons from Enforced Disappearance as well as with the Draft International Convention for the Protection of All Persons from Enforced Disappearance.

Finally, the Observatory submits that the Thai authorities should fully implement the recommendations issued in July 2005 by the UN Human Rights Committee with regard to Thailand's obligations under the International Covenant on Civil and Political Rights. They should also fully abide by the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998.

1. See http://www.omct.org/pdf/observatory/2006/report/thailande_obs_omct_437-2eng_090106.pdf and http://www.fidh.org/article.php3?id_article=2960

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