

The Observatory for the Protection of Human Rights Defenders

Open letter to The President of the Criminal Court of Thailand

Monday 24 October 2005, by [FIDH](#), [OMCT](#) (Date first published: 20 October 2005).

Geneva-Paris,

* Re: Trial of suspects in the enforced disappearance of Mr. Somchai Neelapaijit.

Dear Sir,

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), would like to express its concern about the consequences of a possible change of Mr. Suwit Pornpanich, Principal Judge in the trial concerning the abduction of Mr. Somchai Neelapaijit, due to his promotion to a higher position.

The Observatory, which follows with great interest the progress of the case relating to the abduction of Mr. Somchai Neelapaijit, Chairman of the Muslim Lawyers Group and Vice Chairman of the Human Rights Committee of the Law Society of Thailand who disappeared in 2004, is aware that the present case has reached its mid point and that evidence have been detailed and technically complex. A change of judge at this stage and the advent of a new judge who has not personally heard the evidence and clarifications presented so far are likely to affect the outcome of this most important case. As a result, the Observatory would like to respectfully suggest a delay in the transfer of Mr. Suwit Pornpanich, so that he may preside over this trial until its conclusion.

On March 12, 2004, Mr. Somchai Neelapaijit was taken from his car, and was last seen in the Bang Kapi district. Before his disappearance, he had told close friends that he was receiving threatening anonymous phone calls and that he feared for his safety. He was informed in the last call he received that his name had been placed by security forces on a list of members of terrorists groups.

Mr. Somchai Neelapaijit had aimed at ending the martial law in the southern Thai provinces, and had defended Muslims charged with terrorism, revealing that they had been tortured during police interrogation. His various activities created tension between him and the security forces in these provinces and probably led to his enforced disappearance (See Observatory Annual Report 2004). Five policemen are currently being prosecuted in connection with Mr. Neelapaijit's disappearance.

The Observatory would like to recall that the official Thai delegation in presenting the State report to the UN Human Rights Committee in Geneva last July referred to this trial as evidence of the commitment of the Royal Thai Government to human rights issues.

While the Thai Constitution allows some exception to the right of judgement by a judge who has personally heard all the evidence, the Observatory submits the complexity and special interest of this case in pleading that the presently presiding judge be allowed to continue without interruption until a judgement is given.

In the hope you will take these considerations and requests into account,

Yours faithfully,

Sidiki KABA, President of FIDH

Eric SOTTAS, Director of OMCT

P.S.

* Fédération Internationale des Ligues des Droits de l'Homme
International Federation for Human Rights - FIDH
17, passage de la Main d'Or, 75011 Paris - France
tel : ++ 33 1 43 55 25 18 / fax : ++ 33 1 43 55 18 80. "www.fidh.org".