

**JOINT FOLLOW-UP REPORT TO THE CONCLUDING OBSERVATIONS OF THE UN COMMITTEE
AGAINST TORTURE ON THAILAND'S SECOND PERIODIC REVIEW**

**SUBMITTED BY CROSS CULTURAL FOUNDATION (CrCF) AND THE WORLD ORGANISATION
AGAINST TORTURE (OMCT)**

22 FEBRUARY 2026



Founded in 2002, the **Cross Cultural Foundation (CrCF)** is a Thailand-based nonprofit foundation working to ensure equal access to justice for all people in Thailand by monitoring and investigating human rights abuses; advocating for and promoting a vision of justice that empowers people to understand and realize their rights; and the direct protection of human rights through legal strategies. Within this integrated purview, CrCF has focused on initiatives that enhance access to justice for Thai citizens as well as indigenous and minority populations, including migrant workers, refugees, stateless persons, and victims of conflict; the prevention of torture of human rights defenders; and providing free legal aid and tangible assistance to vulnerable groups in Thailand's southern border provinces. We work closely with international human rights networks to empower and include indigenous and minority populations.

The **World Organisation Against Torture (OMCT)** works with 200 member organisations to end torture and ill-treatment, assist victims, and protect human rights defenders at risk wherever they are. Together, we make up the largest global group actively standing up to torture in over 90 countries. We work to protect the most vulnerable members of our societies, including women, children, indigenous peoples, migrants and other marginalized communities. To achieve this, we advocate with governments to change or implement their laws and policies, we help victims seek justice and strive to hold perpetrators to account. Because torture can never be tolerated, and human dignity is not negotiable.

Table of Contents

I. Introduction	3
II. Statute of limitations and Tak Bai Incident	3
III. Work of the new National Committee on the Prevention and Suppression of Torture and Enforced Disappearance	5
(a) Investigation of complaints of torture and ill-treatment.....	5
(b) Transparency, engagement with victims and civil society, and composition of the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance	7
(c) Interpretation and guidance on the Prevention and Suppression of Torture and Enforced Disappearance Act.....	7
(d) Funding, staffing, and capacity building	8
(e) Data collection and public dissemination.....	9
IV. Immigration detention and conditions in immigration detention	9

I. Introduction

1. This alternative follow-up report addresses the priority recommendations issued by the Committee against Torture (CAT) in its second periodic review of Thailand (CAT/C/THA/CO/2). The CAT specifically requested Thailand to provide updates on progress regarding the following key recommendations:
 - The statute of limitations;
 - Adequate resourcing of the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance;
 - The use of administrative detention;
 - Conditions in immigration detention.
2. The CAT requested that the Thai Government submit a follow-up report by 22 November 2025 detailing the measures taken to implement these recommendations. As of the date of this submission, the Government of Thailand has not yet provided its follow-up report.

II. Statute of limitations and Tak Bai Incident

3. As of February 2026, Thailand has yet to adopt substantive legislative, policy, or administrative measures to abolish statutes of limitations for the crimes of torture and enforced disappearance. The *Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565 (2022)* (the “Anti-Torture Act”) remains unamended, while Section 95 of the Criminal Code continues to prescribe limitation periods ranging from one to twenty years to these offences.
4. The most significant institutional effort toward reform originated within the Thai Parliament. In November 2024, a Parliamentary Subcommittee was established to study the impact of the Tak Bai crackdown case, in which the statute of limitations had expired. Reporting to the House Committee on Legal Affairs, Justice, and Human Rights, the Subcommittee recommended amending the Criminal Code to categorise “serious crimes” as imprescriptible due to their gravity, thereby aligning domestic law with international legal principles.
5. Following these recommendations, Members of Parliament from the People’s Party introduced [a draft bill](#) in October 2025 to amend Section 95 of the Criminal Code. The proposed amendment sought to suspend the statutory period in instances where a suspect or defendant absconds, preventing perpetrators from evading prosecution by merely “waiting out” the limitation period. While this initiative garnered cautious optimism among civil society actors and victims’ representatives, the process was truncated by the dissolution of Parliament in December 2025.
6. Concurrently, the Ministry of Justice reportedly engaged in a consultative dialogue in September 2025 involving government officials, civil society organisations, and victims to gather input on potential reforms; however, the concerns raised, particularly by victims and civil society, have yet to translate into any concrete legislative or policy action.

7. Amid this lack of progress, civil society organisations have continued to play an active role in sustaining momentum for reform, consistently advocating for the implementation of the UN Committee Against Torture’s Concluding Observations. On 19 November 2025, the Cross Cultural Foundation, in collaboration with the House Committee on Law, Justice, and Human Rights and other human rights groups, hosted a high-level [seminar](#) at the Parliament Building. The event served as a critical forum for civil society, lawmakers and government agencies to evaluate progress since the issuance of the Committee Against Torture’s Concluding Observations and identify persistent structural impediments hindering the prevention of torture and enforced disappearance and victims’ rights to truth, justice, and reparation.
8. Statements delivered during the seminar by representatives of key state institutions suggested that international human rights standards have yet to be fully internalized within Thailand’s domestic framework, while also reflecting a cautious institutional posture toward advancing concrete reforms. A representative of the Ministry of Justice’s Rights and Liberties Protection Department acknowledged that enforced disappearance is a continuing crime incompatible with limitation periods. However, the representative characterized the removal of such periods for torture as a “new issue” within the domestic legal order. Furthermore, they argued that the Convention Against Torture does not explicitly mandate the removal of statutes of limitations. This position appears difficult to reconcile with well-established international jurisprudence, which asserts that statutes of limitations for torture are fundamentally inconsistent with a State Party’s obligations to ensure prompt and effective prosecution.
9. Similarly, a representative of the Office of the Attorney General underscored the perceived “sensitivity” of the issue, citing potential disruption to core criminal law mechanisms and capital punishment protocols. They recommended that the legislature conduct further comparative studies of other States parties before pursuing amendments. While comparative analysis can serve as a valuable tool in the design of rights-compliant legislation, the continued emphasis on additional study, absent parallel measures signaling a commitment to reform, suggest a lack of institutional readiness to operationalize Thailand’s international commitments.
10. As of February 2026, there are no indications of renewed formal consultation processes, legislative reviews, or executive initiatives aimed at rectifying these legal gaps. This ongoing state of inaction underscores a persistent divide between Thailand’s international human rights obligations and its domestic practice. Ultimately, the lack of progress reflects an absence of the political and institutional will necessary to eliminate the statutes of limitations that continue to facilitate a climate of impunity for torture and enforced disappearance.

Developments related to the Tak Bai incident

11. There have been no developments in the Tak Bai case since the issuance of the Concluding Observations. As of February 2026, criminal proceedings remain

permanently discontinued following the expiry of the statute of limitations on 25 October 2024, and no alternative accountability mechanisms have been established.

12. Families of the victims, together with civil society organisations, have continued to seek acknowledgment, truth, and reparations through public advocacy and continued engagement with local authorities and international human rights mechanisms, using the Tak Bai incident as a paradigmatic case demonstrating the consequences of maintaining statutes of limitations for torture and other serious human rights violations. Civil society has also continued to document the long-term impact of the incident on affected communities and to call for guarantees of non-repetition through legal reform.

III. Work of the new National Committee on the Prevention and Suppression of Torture and Enforced Disappearance

(a) Investigation of complaints of torture and ill-treatment

13. Civil society organisations continue to report that complaints submitted under the Anti-Torture Act are either not acted upon in a timely manner or are dismissed at an early stage, often on procedural grounds, including restrictive interpretations of jurisdiction or evidentiary thresholds.
14. Since the submission of previous reports, civil society organisations have documented additional cases in which complaints alleging torture or ill-treatment by security officials were referred to other bodies or declined without a full and impartial investigation. In several instances, complainants were not informed of the status of their case or the reasoning behind decisions not to proceed.
15. In 2025, the Cross Cultural Foundation (CrCF) was involved in 31 cases concerning allegations of torture, cruel or inhuman treatment, enforced disappearance and deportation. Judicial processes remained slow, with 76% percent of cases still pending, primarily stalled in investigation or appeal stages.
16. Of the 31 documented cases, only five entered the judicial process in 2025, and just two have led to criminal prosecutions under the Prevention and Suppression of Torture and Enforced Disappearance Act: the deaths of conscripts [Kittithorn Wiangbanphot](#) in July 2023 and [Worapratth Phadmasakul](#) in August 2024.
17. In the Kittithorn case, two military instructors were [sentenced](#) in December 2025 to one year in prison, later reduced to eight months, for cruel and inhumane treatment. In the Worapratth case, the Criminal Court for Corruption and Misconduct Cases Region 2 in Rayong Province [sentenced](#) two Army instructors and 11 senior conscripts in May 2025 for their roles in the conscript's death, imposing prison terms ranging from 10 to 20 years.

18. However, the camp's chief commander was not prosecuted in the latter case. This has raised concerns regarding the application of Section 42 of the Anti-Torture Act, which establishes command responsibility by imposing legal liability on superior officials who fail to prevent or address acts of torture, cruel, inhuman or degrading treatment, or enforced disappearance committed by their subordinates.
19. As of March 2026, Woraprach's family plans to work with CrCF's legal team to file a separate criminal complaint against the camp's chief commander, seeking to hold all responsible parties accountable rather than limiting prosecution to lower-ranking officials.
20. Other cases encountered significant procedural and substantive obstacles, particularly those seeking to benefit from the Act's "swift hearing" provisions under Section 26. For instance, a [petition](#) aimed at stopping the alleged ill-treatment of activist [Anon Nampa](#) – who was handcuffed and shackled while being brought to court - was dismissed by the Criminal Court. The court held that, although the use of restraints limits personal freedom and impacts both physical and mental health, it was carried out in accordance with the law. The ruling is currently under appeal.
21. Investigations into [enforced disappearances](#) also faced serious setbacks. While the case of Wanchalerm Satsaksit remains active, investigations into the disappearances of Surachai Danwattananusorn, Chatchan Bupphawat and Kraidej Luerlert were terminated by prosecutors, leaving families without judicial recourse.
22. in the case of Surachai Danwattananusorn, authorities terminated the investigation on the basis of "insufficient evidence" of state involvement and a claimed "lack of knowledge" regarding the circumstances of the disappearance.
23. Similarly, in the cases of Chatchan Bupphawat and Kraidej Luerlert, the Attorney General terminated investigations on the basis that the disappearances "occurred before the Act entered into force". Civil society organisations, including CrCF, challenged this interpretation, urging the authorities to apply Sections 10, 30, and 43 of the Act. They argued that these provisions impose ongoing investigative obligations and allow the retroactive application of certain procedural aspects of the law. Section 10 explicitly requires that, in cases of enforced disappearance under Section 7, investigations must continue until the disappeared person is located or there is credible evidence of death, and until the circumstances of the offense and the identity of the perpetrator are established.
24. On 22 December 2025, CrCF lawyers, acting on behalf of Gorgarn Bupphawat, the son of Chatcharn Bupphawat, received a response from the Office of the Attorney General regarding his appeal against the order of the Center for the Prevention and Suppression of Torture and Enforced Disappearances (CPTS) to terminate the investigation into his father's enforced disappearance and murder. The Attorney General concluded that there were no grounds to grant Gorgarn's request for justice and therefore no basis to revise the original opinion and order. The request for justice was accordingly dismissed.

25. Due to the slow pace of judicial proceedings, CrCF dedicated substantial effort to administrative advocacy in 2025. A total of eighty-two formal complaints and follow-up letters were submitted to relevant government agencies to exert pressure in the absence of timely judicial outcomes. At present, 54% percent of cases are contesting court orders or undergoing appeal, while 22% percent are awaiting the results of state investigations. These figures highlight persistent systemic delays in investigating, prosecuting, and adjudicating allegations of torture and other serious human rights violations.

(b) Transparency, engagement with victims and civil society, and composition of the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance

26. As of January 2026, the concerns previously raised by the Committee regarding the slow progress, composition, transparency, and resourcing of the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance (“National Committee”) remain largely unaddressed. Since November 2024, no publicly reported reforms have been introduced to strengthen its independence, effectiveness, or victim-centred approach. The Committee continues to be dominated by representatives of security and law-enforcement institutions, with no inclusion of victims of torture or enforced disappearance, despite repeated recommendations from civil society and international bodies.

27. There is no indication that the National Committee has conducted systematic consultations with victims and their families. No formal mechanisms exist to ensure regular communication with victims regarding the handling of their complaints, and clear procedures for victim participation have not been adopted. Public outreach is also absent: the Committee has not held press briefings, awareness-raising campaigns, or other activities to explain its mandate, procedures, or work, and information on meetings, decisions, or case handling remains scarce and fragmented, limiting public scrutiny.

28. Moreover, no comprehensive or disaggregated official data has been made public regarding complaints received, investigations conducted, or outcomes achieved. There is also no indication that the National Committee has addressed concerns about the lack of institutional independence, particularly in cases involving allegations against police, military, or other security personnel.

(c) Interpretation and guidance on the Prevention and Suppression of Torture and Enforced Disappearance Act

29. While some guidelines and regulations exist, practitioners and civil society organisations continue to report inconsistent and overly narrow interpretations of key concepts under the Act, including the definition of torture, the principle of non-

refoulement, command responsibility, and the obligations of officials to act upon allegations.

30. A recent development is the promulgation of the *Regulations of the Committee on Prevention and Suppression of Torture and Enforced Disappearance concerning Assistance, Remedy, and Rehabilitation of Victims, B.E. 2568 (2025)* on 21 March 2025, which came into effect the following day, 22 March 2025. The Regulations define eligible victims and affected family members, set specific financial compensation amounts (up to 500,000 THB for torture and enforced disappearance; 100,000–250,000 THB for other ill-treatment; and 100,000 THB for close relatives of disappeared persons), and provide additional non-monetary remedies, including rehabilitation, legal and social support, restoration of rights, and formal public apologies. They also establish procedures for submitting and processing claims and empower a subcommittee to review and determine entitlement.
31. However, the Regulations were drafted with little to no consultation with victims and affected families. While they represent a positive step, their practical implementation and capacity to fully meet victims' needs remain uncertain.

(d) Funding, staffing, and capacity building

32. As of February 2026, there is no publicly available information confirming that the National Committee has been provided with sufficient funding or permanent staffing to effectively discharge its statutory mandate. Significant gaps persist in the implementation of key safeguards under the Act, notably the mandatory audio and video recording of arrests, detentions, and interrogations—particularly outside major urban centres and in the southern border provinces, where special security laws remain in force.
33. Although the Act explicitly provides that no exceptional circumstances, including states of emergency, may be invoked to justify torture or enforced disappearance, and despite the issuance by the National Committee of *Guidelines on Video and Audio Recording During Arrest, Notification of Arrest, and Recording Information about Arrestees*, reports suggest limited understanding among authorities regarding its application in contexts governed by special laws. In practice, compliance with recording requirements cannot be independently verified, and lawyers have reportedly been denied access to such footage, undermining transparency and accountability. Resource constraints further hinder implementation, with officials acknowledging insufficient equipment during operations.
34. Civil society organisations also note that the centralised complaints mechanism foreseen under the Act is not yet fully operational or accessible to victims. While some agency-level trainings have been conducted, there is no indication of a coordinated, nationwide capacity-building strategy or systematic evaluation of its effectiveness, raising concerns about the Act's full and consistent enforcement.

35. Concerns have also been raised about the handling of enforced disappearance cases in Yala province, where families submitting petitions to the National Committee have reportedly received no substantive updates on the status of their complaints despite repeated follow-up. Regular communication is essential to uphold victims' rights to information and participation. Civil society further observes that, after more than two years of operation, the Committee has made limited publicly accessible information available on its activities or progress, raising serious concerns about transparency and effectiveness.

(e) Data collection and public dissemination

36. Access to comprehensive and disaggregated data remains limited. To the best of the authors' knowledge, the National Committee has neither compiled nor made publicly available disaggregated statistics on complaints of torture and ill-treatment, including enforced disappearance, nor on related investigations, disciplinary proceedings, prosecutions, convictions, or reparations. This information therefore remains inaccessible to victims, civil society, and the general public. Although the Committee publishes an annual report on the Rights and Liberty Protection Department and Ministry of Justice websites, the report covers a broad range of issues and does not provide detailed documentation or disaggregated data specifically on allegations of torture or enforced disappearance. Occasional press releases and social media posts—primarily highlighting positive developments, such as the award of compensation to survivors and affected families—do not remedy the absence of systematic, transparent, and comprehensive reporting.

IV. Immigration detention and conditions in immigration detention

37. Despite recommendations from the Committee following Thailand's last review in November 2024, significant concerns persist regarding immigration detention and the treatment of non-nationals in the Thai immigration system. Immigration authorities retain broad discretionary powers under the Immigration Act, B.E. 2522 (1979), to arrest and detain foreign nationals with minimal procedural safeguards and no clearly defined maximum duration of administrative detention. In practice, this continues to enable prolonged and effectively indefinite detention of migrants, asylum seekers, and refugees without timely judicial review or access to legal counsel. The lack of oversight by the Department of Corrections, whose mandate does not extend to immigration facilities, exacerbates transparency gaps and accountability deficits in these centres.

38. According to statements from Immigration Bureau officials the Bureau has taken some steps in response to the Committee's recommendations, particularly regarding deaths in detention and the treatment of minors. Deaths in detention are reportedly subject to criminal investigations, and the National Committee on Detention is notified after autopsy completion. For minors, alternative detention measures have been

established, and children may be released without posting bail under certain conditions.

39. However, civil society reports persistent practical obstacles. In Mae Sot and other detention facilities, detainees have extremely limited access to telephones or computers, preventing communication with family or legal representatives. Families often remain unaware of deportation dates, and in some cases, deported individuals have disappeared entirely. Reports further indicate chronic overcrowding, inadequate medical care, insufficient access to basic services, and limited contact with legal representatives, conditions that may amount to cruel, inhuman, or degrading treatment. Human rights monitors have specifically [noted](#) that detainees have inconsistent access to healthcare and that poor conditions have contributed to multiple deaths in custody, including at least five ethnic Uyghur detainees, among them young children, since 2014. While no instances of physical abuse have been reported in certain centers since the Act's enactment, structural conditions continue to place detainees at risk.
40. Serious concerns persist regarding the effective implementation of the principle of non-refoulement. Although the Immigration Bureau has reportedly received training from the National Committee on this issue, significant gaps remain in both the authorities' application of the principle and their understanding of the scope of protection, including what constitutes persecution and other forms of serious harm.
41. A stark illustration of these systemic issues occurred on 27 February 2025, when Thai authorities forcibly [deported a group of at least 40 Uyghur men](#) from an Immigration Detention Center in Bangkok to China, notwithstanding clear and credible evidence that they faced a substantial risk of torture, arbitrary detention, and enforced disappearance upon return to Xinjiang. This action was widely condemned by human rights groups and [UN experts](#) as contravening Thailand's obligations under the Convention against Torture and the principle of non-refoulement now codified in Section 13 of Thailand's Prevention and Suppression of Torture and Enforced Disappearance Act. Many of these men had been held in immigration detention for more than a decade, during which their health deterioration and access to adequate access to medical care remained insufficient.
42. The recent extradition of [Y Quynh Bdap](#), a Vietnamese Montagnard defender and UN-recognized refugee, further underscore these gaps. Mr. Bdap was arrested in Thailand on 11 June 2024 pursuant to an extradition request from Viet Nam, following his conviction in absentia on terrorism charges widely regarded as politically motivated. Despite his recognised refugee status, he was extradited on 28 November 2025, with his family and lawyers unaware of his whereabouts for several hours. The Court of Appeal upheld a [30 September 2024 ruling](#) by the Criminal Court authorizing his extradition, holding that refugee status does not constitute an exception under Thailand's Extradition Act. In justifying the extradition, the Court relied on principles of reciprocity and concluded that there was "no real risk" of torture or enforced disappearance upon Mr Bdap's return to Viet Nam, based on diplomatic assurances provided by the Vietnamese Ministry of Public Security, while disregarding extensive

documentation of systemic repression, including extrajudicial killings, arbitrary detention, torture and ill-treatment of Montagnard activists.