



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE:CAT/Thailand/letter on reprisals

Geneva, 15 July 2014

Excellency,

I have the honour to address you in my capacity as rapporteur on reprisals under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this connection, I would like to draw the attention of Your Excellency's Government to information received regarding the intimidation of Ms. Pornpen Khongkachonkiet, the Director of Cross Cultural Foundation (CrCF). CrCF monitors and documents cases of torture and ill-treatment in Thailand and submitted an alternative report to the Committee, prior to the examination of Thailand's initial report during the 52nd session, held in Geneva from 28 April to 23 May 2014.

The Committee's concluding observations on the initial report of Thailand (CAT/C/THA/CO/1, paragraph 18) recommended the Thai authorities to immediately halt against harassment and attacks against human rights defenders and systematically investigate all reported instances of intimidation, harassment and attacks against them. Furthermore, during the interactive dialogue with the Thai Government's delegation, the Committee members stressed that human rights defenders and NGO representatives who had communicated with the Committee or been present at the current meeting must not be subjected to reprisals by the Thai authorities nor be threatened with criminal defamation cases (CAT/C/SR.1217, paragraphs 26 and 37).

According to the information received:

.../...

His Excellency  
Mr. Thani Thongphakdi  
Ambassador Extraordinary and Plenipotentiary  
Permanent Mission of Thailand  
Rue Gustave Moynier 5  
1202 Geneva  
Email: [mission.thailand@ties.itu.int](mailto:mission.thailand@ties.itu.int)



- On 2 May 2014, CrCF published an open letter to an Army Commander calling for an investigation into allegations that in late April, the Thai security forces had severely beat a man in the course of apprehending and questioning him on suspicion of carrying out a bombing in Yala. The timing of the publication of the open letter was motivated by expressions of concern from the man's family regarding his safety in detention. CrCF regularly engages in similar advocacy on behalf of alleged victims of torture and ill-treatment in detention but alleges that the authorities had never previously filed a criminal complaint against CrCF for engaging in such activity.
- While CrCF took actions for the above-mentioned case of torture, Ms. Khongkachonkiet was actively attending the review of the Thai initial report by the Committee and was disseminating the information about the Committee's work to the local media and human rights groups.
- On 20 May 2014, the same day that the Thai Army declared the martial law nationwide, the Army's Task Force 41 filed a complaint with the police against CrCF for damaging the reputation of the army by publishing the open letter with the torture claim. CrCF was not notified about the complaint until 27 May. It is alleged that the Army complaint was filed in an effort to intimidate Ms. Khongkachonkiet and CrCF and to deter them from undertaking similar advocacy in the future.

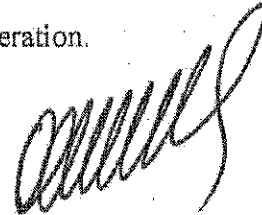
I am concerned that in accordance with the information received, the filing of the criminal complaint was undertaken for the purpose of intimidation and may be related to the peaceful activities of Ms. Khongkachonkiet and CrCF in monitoring and documenting the case of torture and ill-treatment, in the context of CrCF's cooperation with the Committee against Torture during the examination of Thailand's initial report in May 2014.

In regard to these allegations, I would like to refer to Your Excellency's Government the following articles of the Convention against Torture:

- Article 13: "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."
- Article 16, paragraph 1: "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment."

In view of the seriousness of the above-mentioned allegations, I would appreciate, as a matter of urgency, to receive information with regard to the exact above mentioned situation of Ms. Khongkachonkiet and CrCF as well as on the measures taken by Your Excellency's Government to implement articles 13 and 16 of the Convention to ensure that Ms. Khongkachonkiet and CrCF as well as any other persons or organisations are not subjected to any reprisals as a result of their legitimate activities, including providing information to the Committee against Torture in the context of procedures provided for in the Convention and under its Rules of Procedure.

Accept, Excellency, the assurances of my highest consideration.



George Tugushi  
Rapporteur on reprisals under  
article 19 of the Convention  
Committee against Torture

