



มูลนิธิวัฒนธรรม Cross Cultural Foundation

111 ซอยสิทธิชน ถนนสุทธิสารวินิจฉัย แขวงสามเสนนอก เขตห้วยขวาง กรุงเทพฯ 10310

โทรศัพท์ (+66) 02-693-4939, 02-693-4831 โทรสาร (+66)-02-275-3954 อีเมลล์: crcf.justice@gmail.com

111 Soi Sithichon Samsenok Huaykhwang Bangkok Thailand 10310

Telephone: (+66) 02-693-4939, 02-693-4831 Fax: (+66) 02-275-3954 E-mail:crcf.justice@gmail.com

Duplication

IAJ-CRCF 2-2-2012

An Open Letter

2 February 2012

Re: Inquiry urged on the latest disappearance of Mr. Nasuelan Pi

Your Excellency,

Cross Cultural Foundation (CrCF) is a nongovernmental organization that works for promotion and protection of human rights and democracy. CrCF has been working towards facilitating vulnerable groups to access to justice and access to rights mechanism in national and international level as well as to address enforced disappearances committed by state officials or committed with their acquiescence. We are writing to you today to express our concern about the issue of disappearances in Thailand.

1. CrCF appreciates and congratulates the Royal Government of Thailand's commitment previously made toward implementing measures adopted by civilized nations around the world to combat enforced disappearance and to criminalize the act of enforced disappearance. On 9th January 2012, Thailand signed the International Convention for the Protection of All Persons from Enforced Disappearance, following its voluntary commitment expressed at the Human Rights Council on 5th October 2011. In this context we would like to bring to your attention the fact that the practice of enforced disappearances committed directly by law enforcement officials or with their acquiescence is still widespread throughout Thailand and more particularly in the southernmost provinces, namely Yala, Pattani, Narathiwat and four districts in Songkhla. The problem has been happening prior to and even after the disappearance of Mr. Somchai Neelapaijit, a human rights lawyer in 2004. These include the case that took place on 30th April 2011, in which Mr. Ibroheng Kahong and Mr. Dulhami Marae disappeared after they had gone to reclaim their boat from a Border Police Unit in Bannangsta District, Yala Province. Despite the fact that a case has been filed with the police, and investigation has been conducted by several agencies, till date, there is no progress and no information of whereabouts of the two villagers. CrCF has sent a letter dated July 26th, 2011, requesting your good office's attention.

The case reflects how families of the disappearance victims are left at their own devices even though attempts have been made to complain with concerned authorities or even after the cases have been filed with the Court. No genuine effort has been made by concerned authorities to investigate the cases, or it has been done so without any transparency and as a mockery. The problem becomes even more acute in areas under the enforcement of the Martial Law Act B.E. 2457 (1914) and the Emergency Decree on Government Administration in States of Emergency B.E. 2548 (2005). In addition, no existing government scheme provides for redress and compensation for families of disappeared persons, save

for around 2006, the government disbursed some funds as part of the remedies for 16 families of the disappeared, which can neither be considered proper nor sufficient. There are still many families of the disappeared who have received no compensation at all from the State, even though credible documentation of 36 cases of disappearances has already been submitted to the authorities.

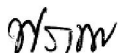
2. Lately, on 17th Jan 2012, Mr. Nasuelan Pi was abducted from the local tea shop near his house at Juab Sub district, Joh-i rong District, Narathivat province by two men clad in military uniform and local people believed they were military officers. Fully armed, the two officers got off the car and went into the tea shop to look for Mr. Nasuelan. They would call out the name of Mr. Nasuelan, and he replied to the call. Then, Mr. Nasuelan was taken into the car and driven away. The family has reported to the local police and has not yet received updates on the case or any information about the abducted person. CrCF urges that the case be investigated promptly and effectively.

3. CrCF is highly concerned that none of the state officials involved with the commission of the act of enforced disappearances or those giving their acquiescence to such a criminal act has been brought to justice. Such impunity reflects how ineffective and incompetent the State has been in carrying out its duties to protect and promote human rights. **And if the situations are let to continue unabated and repeatedly without any officials involved being brought to justice, it could not then be construed otherwise, but the lack of willingness of the state to take action against offenders who are governmental officials, and it could also mean the State becomes a perpetrator of the crime of enforced disappearance themselves.** It could also show how Thailand has failed to observe its obligations toward the International Convention for the Protection of All Persons from Enforced Disappearance.

4. The practice of enforced disappearances, torture and impunity that prevails in the southernmost provinces are in complete contradiction with peaceful resolution of the conflict, as such practices provoke resentment and mistrust among the people.

Therefore, CrCF urges the Royal Thai Government to encourage the Parliaments to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and criminalise enforced disappearance. In addition, all necessary measures should be implemented immediately to put an end to enforced disappearances and impunity, to provide for redress of the victims and/or their families mentally and financially and to help them to have immediate access to justice process. Thank you very much.

Yours Faithfully,



Pornpen Khongkachonkiet

Director