



## **“Broken Promises: One Year Since Thailand's Enforced Disappearance Law, Families Still Waiting for Justice”**

Families of the forcibly disappeared, together with the Justice and Peace Foundation, Forum-Asia, and Protection International, held a press conference on the occasion of the International Day of the Victims of Enforced Disappearances, reflecting on the issues that have arisen since the enactment of the Prevention and Suppression of Torture and Enforced Disappearance Act over a year ago, with many cases still seeing no progress.

Angkhana stated that there have been no visible efforts by the relevant agencies to locate lawyer Somchai, and the committee established under the Act has never listened to the families, even though the law stipulates that investigations should be conducted until the whereabouts and fate of the disappeared are known, and the perpetrators identified. Meanwhile, families of the disappeared continue to face ongoing threats and harassment. Angkhana also raised concerns about how Paetongtarn, Thaksin's daughter, now the Prime Minister, will restore justice to the families of the forcibly disappeared.

Munor highlighted that Billy's case is still pending in the Court of Appeals and urged that the enforced disappearance law should not impose time limitations on investigations. According to the law, the statute of limitations for such crimes remains in effect until the fate or whereabouts of the disappeared person is determined.

Silah, a Lahu human rights defender, revealed that 20 people in the area have been forcibly disappeared or tortured, and he urged the government to provide concrete reparations for the victims' families. Together, they presented seven demands to the new Prime Minister, calling for the truth to be revealed, justice to be restored, and reparations to be made to the families of the forcibly disappeared.

At the Student Christian Centre Hall in Ratchathewi on 30 August 2024, families of the forcibly disappeared, together with the Justice for Peace Foundation, Protection International, and Forum Asia, held a press conference on the occasion of the International Day of the Victims of Enforced Disappearances.

This year's event was titled "Faces of the Victims: A Long Way to Justice" and aimed to demand progress and present recommendations regarding the Thai government's handling of disappearance cases following the enactment of the Prevention and Suppression of Torture and Enforced Disappearance Act in 2022, which has now been in force for over a year.

The event was attended by Angkhana Neelapaijit, a woman human rights defender, former member of the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID), Senator, and wife of forcibly disappeared human rights lawyer Somchai Neelapaijit; Shui Meng, a woman human rights defender and wife of Sombath Somphone, a Lao civil society leader who was forcibly disappeared in 2012; Pinitnapa Rakchongcharoen, a woman human rights defender and wife of Karen human rights

defender Porlajee "Billy" Rakchongcharoen; and Silah Jah, a Lahu human rights defender and relative of victims of enforced disappearances from the Lahu ethnic group.

#### Munor's Remarks

Munor emphasised that Billy's case should be subject to a fact-finding investigation under the Prevention and Suppression of Torture and Enforced Disappearance Act, without time limitations based on when the crime occurred.

#### Pinitnapa's Statement

Pinitnapa stated that, even though more than a year has passed since the enactment of the Prevention and Suppression of Torture and Enforced Disappearance Act, Billy still has not received justice. She recalled attending a meeting with a state agency and asking if Billy's case could be investigated under this law. The officials responded that it could not because Billy's case happened before the law was passed. If Billy's case were to be investigated under the Act, new evidence would need to be presented. However, the family had already done everything they could, and there was no idea what further evidence could be provided to the authorities. In reality, Billy remains missing, and his case is still pending in the Court of Appeals. Since Billy's case is not yet concluded, the Act should serve the families of the forcibly disappeared without time limitations, enabling them to access justice.

#### Silah's Call for Justice

Silah revealed that over 20 Lahu individuals have been forcibly disappeared or tortured, yet they have not received justice or reparations. More than a year after the law was passed, the committee established under the law has not conducted in-depth investigations or provided reparations to the victims. Silah urged the committee to work proactively, investigating the facts and delivering tangible justice to the families.

Silah also provided additional information, stating that many Lahu people had been forcibly disappeared or tortured in the past. Among them were more than 20 individuals who had disappeared, and over 50 who had been tortured by state officials, including his 14-year-old nephew, Jafah Jah.

"I have been calling for justice since before this law was passed. I filed complaints with the National Human Rights Commission (NHRC), which sent a letter to Parliament. Parliament then sent a letter to the Ministry of Defence and the Army, requesting an investigation and compensation for the victims, but nothing concrete has come of it. I had hoped that with the enactment of this law, justice would finally come to the forcibly disappeared Lahu people, but nothing has happened yet. I, therefore, call on the committee established under the law to reveal the truth," said Silah, a Lahu human rights defender and relative of Lahu victims of enforced disappearance.

#### Shui Meng's Remarks

Shui Meng, the wife of Sombath Somphone, a Lao civil society leader who was forcibly disappeared, has not given up hope or despaired in her search for the truth, even after 10 years. Shui Meng recounted how Sombath was abducted in front of a police checkpoint in Vientiane, with no news of him since. The hope of seeing him again grows more distant, and the fear of never knowing the truth or receiving justice for what happened to him only increases. However, as his wife and as a victim herself, she vowed never to give up, no matter how hopeless the situation may seem. She will continue searching for the truth until her last breath. She owes it to Sombath and other victims of enforced disappearances. Such crimes and injustices must end.

“Over the years, I have learned that silent suffering is not an option. I must tell Sombath’s story to the world and speak out against the crime of enforced disappearance. Silence will not stop these crimes; it will only embolden the perpetrators,” said Shui Meng, a woman human rights defender and wife of Sombath Somphone, who was forcibly disappeared in 2012.

#### Angkhana's Reflection on Somchai's Case

Angkhana pointed out that Somchai was forcibly disappeared during Thaksin's government, and 20 years have passed with no progress in the case. She questioned how Paetongtarn, Thaksin’s daughter, now the Prime Minister, would restore justice to the families of the disappeared. She criticised the committee established under the Prevention and Suppression of Torture and Enforced Disappearance Act, stating that they had never listened to the families or sought to locate the disappeared, even though the law gives them the power to do so.

#### Pranom Somwong's Remarks

Pranom Somwong from Protection International revealed that, according to data from the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID), as per the latest report, Thailand has several unresolved cases of enforced disappearances. However, the exact number of cases may vary depending on the sources and timeframes considered.

In recent years, WGEID has recorded approximately 80 to 90 cases of enforced disappearances in Thailand. This figure reflects the cases reported and acknowledged by the United Nations for investigation. However, this number may not fully capture the entire scope of the issue, as some cases may go unreported or be classified differently.

On this International Day of the Disappeared, budget constraints or staffing shortages should not be used as excuses to avoid effectively enforcing the law. Silence and inaction can no longer be tolerated. The state has a responsibility not only to pass laws to protect the rights of the disappeared but also to ensure these laws are genuinely implemented to restore dignity and justice to the victims and their families. We will not stop demanding answers until the truth is revealed and the disappeared are reunited with their families, along with the arrival of true justice.

#### The Case of Y Quynh Bdap

In addition, the event also addressed the case of Mr. Y Quynh Bdap, a member of the Montagnard indigenous community in Vietnam, a group that has long faced oppression and persecution. He fled Vietnam as his life was under constant threat and sought asylum in Thailand in 2018, hoping to find a safe place for himself and his family. He was granted refugee status by the UNHCR.

"On June 11, 2024, he was arrested by Thai police. The Vietnamese government is currently requesting that Thailand extradite him back to Vietnam, and his trial is still ongoing, with a final decision expected next Monday — September 2. We cannot imagine the severe consequences he and his family would face if he were sent back to Vietnam."

"Human rights organisations are urging the Thai government not to extradite Mr. Y Quynh Bdap, as doing so would clearly violate Thailand’s Prevention and Suppression of Torture and Enforced Disappearance Act."

#### Seven Demands from Families of the Disappeared

The families of the disappeared presented seven key demands to the new Prime Minister:

The right to know the truth must be upheld, as enforced disappearances are continuous crimes. The state must investigate until the whereabouts and fate of the disappeared are known, and the perpetrators are brought to justice.

The government must comply with international conventions and sincerely seek to locate the disappeared and return them to their families. The search should follow the UN's guidelines, focusing on finding individuals, not remains, as this can help reveal the full story and identify the true perpetrators.

The safety of the families must be guaranteed throughout the process of seeking justice, especially when the perpetrators remain in power.

Families must be openly involved in the investigation process to ensure transparency and fairness.

The government must strictly enforce Article 13, which prohibits the return of individuals to countries where they face the risk of enforced disappearance or torture.

Negative attitudes towards the families of the disappeared must be addressed, as this creates stigma and impacts their safety and dignity, particularly for women and children.

The families will not stop raising their voices until the truth is revealed, and justice is served.

#### Symbolic Actions

Later, the families of the forcibly disappeared expressed their demands symbolically by submitting a large letter to the new Prime Minister, stamped with the faces of the disappeared. They also read their demands publicly, which included the following points:

On this occasion of the International Day of the Victims of Enforced Disappearances 2024, we call on the Thai government to reveal the truth and restore justice to all the disappeared. We emphasise our concerns about preventing and suppressing enforced disappearances, ending impunity, and restoring justice to the families.

In addition to the reading of the demands, a video clip was played showing the feelings of Wae Rokiyah Baneng, the sister of Wae Abdulwahem Baneng, who was forcibly disappeared in the southern border provinces. At the time of his disappearance, Wae Abdulwahem was just a youth attending a well-known Islamic school in Yala province. He was forcibly disappeared on 17 October 2005 from a cemetery in Pattani province during a period when the government at the time was suppressing unrest in the southern border provinces. Throughout the 18 years of his disappearance, his family has continuously sought justice for their son, despite being threatened and harassed during their search for truth and justice for Wae Abdulwahem.

The families of the disappeared concluded the event by reading a poem in memory of their loved ones who have been forcibly disappeared. Additionally, all participants laid flowers representing their ongoing fight in front of the photographs of the disappeared.