



CrCF | CROSS CULTURAL
FOUNDATION
มูลนิธิผสานวัฒนธรรม

**Cross Cultural
Foundation (CrCF)**

2024



Farewell to the Old Year, Welcome to the New Year

A Letter from the Chairperson

The Cross Cultural Foundation (CrCF) upholds the inherent dignity of every person, recognizing their value and advocating for their protection. This ensures that everyone can coexist peacefully in society.

The Foundation's work is guided by six core principles:

1. Human Rights
2. Rule of Law
3. Access to Justice
4. Democracy
5. Non-Violence
6. Cultural Diversity

CrCF focuses on assisting various marginalized groups across different regions who face human rights violations, ensuring they enjoy equal rights without discrimination.

In legal assistance, we have supported survivors and families subjected to ill-treatment, torture, and enforced disappearance. We also provide aid to human rights defenders who, despite their advocacy for justice, face threats, harassment, and lawsuits aimed at silencing them.



Simultaneously, to achieve justice and fairness in society, we have collaborated with various networks to push forward key legislation. Notably, the **Prevention and Suppression of Torture and Enforced Disappearance Act, B.E. 2565 (2022)**, while enacted, still requires close and continuous monitoring of its implementation by state agencies and officials. Additionally, we are advocating for the draft **Act on the Protection and Promotion of Ethnic Groups**, which is set to undergo its final consideration in Parliament in early 2025.

Beyond Thai nationals and ethnic groups, those residing in Thailand under various statuses must also be protected under the law without discrimination. This includes asylum seekers, refugees, migrant workers, Rohingya, Uyghurs, and other communities.

Improving the justice system is crucial to ensuring everyone has access to and receives fair treatment, contributing to a just society. This begins with the police, who enforce the law, and extends to investigators, prosecutors, courts, and the Ministry of Justice, which oversees the correctional system, the final phase of the justice process.

We also campaign to raise public awareness and encourage societal participation in addressing human rights violations. Together, we seek solutions and remedies through peaceful means aligned with democratic principles.

Throughout 2024, the Foundation has received significant collaboration from various organizations and individuals, who actively contributed to social development efforts. We extend our heartfelt gratitude to survivors of human rights violations and their families who have courageously spoken out to claim their rights and advocate for others.

We hope that 2025 and the years to come will bring a society where everyone's human rights are protected without violations, ensuring justice and peaceful coexistence for all.



Surapong Kongchantuk
Chairperson of the Cross Cultural Foundation

A Letter from the Executive Director

The year 2024 marked a significant period for the Cross Cultural Foundation (CrCF) as it steadfastly fulfilled its role as a human rights and legal aid organization. This year was the second year of enforcing the **Prevention and Suppression of Torture and Enforced Disappearance Act, B.E. 2565 (2022)**, a law that CrCF and its network—comprising state and civil society actors domestically and internationally—advocated for over a decade.

Another milestone from this achievement was Thailand’s ratification of the **International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)** in April 2024. This allowed Thailand to proudly participate in the **Committee Against Torture (CAT) Review** in Geneva in November. CrCF played an active role by contributing to alternative report submission and expanding discussions to help Thailand better meet its obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The alternative report can be accessed on our website.



The responsibilities of CrCF have grown significantly, with Tian Prakaidao, our Deputy Director, who continues to strengthen our organizational sustainability. Our staff’s schedule is tight with online, offline, domestic and international meetings with networks, state agencies, and other stakeholders.

Our legal team consists of only two in-house lawyers—Bee Pornpimol and Ake Preeda—and one paralegal, Toy Patcharakamol. A very small team but a big impact by collaborating with network lawyers across Thailand. Given the increasing number of human rights violation cases and strategic litigation aimed at aligning government policies with human rights principles, the Foundation plans to recruit more lawyers and paralegals in the coming year, despite receiving support from volunteers such as Nam Nasikarn and Yok Wilasinee this year.

CrCF's work remains deeply connected to its networks locally and globally, with a strong commitment to working directly with survivors. The legal and project teams have amplified survivors' voices, particularly concerning torture and enforced disappearances. This has resonated with the public, thanks to engagement across various media platforms, facilitated by our communication officer, Pheung Jidapa, and graphic designer, Mook Anyamanee, who make complex content accessible through compelling visuals.

Special mention goes to Gift Nattamon, who leads a key regional project on transitional justice, producing research that contextualizes Thailand's challenges and opportunities during a politically turbulent period. The project underscores the ongoing issues in Thailand, such as over 50 political prisoners detained on charges of lèse majesté, the death of activist Bung while in custody, conscripts dying due to abusive treatment, and refugees fleeing political suppression only to face transnational repression. Inhuman treatment, such as chaining detainees during court trials, persist. Serious human rights violations over the past five decades, including the Tak Bai case—where CrCF, along with the Muslim Attorney Center (MAC), played a crucial role—remain unaddressed, with 14 accused still evading justice. The situation in the southern border provinces also remains volatile, with peace negotiations nearly collapsing.

Despite these challenges, CrCF remains steadfast in prioritizing victims' voices and needs, ensuring their access to justice. At the same time, we are committed to supporting our staff and network to ensure they can work with passion, happiness, and well-being, recognizing their dedication with appropriate benefits. We extend our heartfelt gratitude to our management team—Nan Oraya and Somchai (Senior Advisors), Chairperson Surapong, board member Ratsada, and all board members—for their invaluable guidance and unwavering support.



Pornpen Khongkachonkiet
Executive Director

CrCF in Number

CrCF Team Overview



- Full-time staff: 10
- Volunteers: 2

Legal Team Overview:



26

Total cases represented

- ⚖️ Cases of cruel, inhuman, or degrading treatment: 10
- ⚖️ Extrajudicial killings by state officials: 3
- ⚖️ Torture: 3
- ⚖️ Refoulement of refugees: 1
- ⚖️ Enforced disappearances: 7
- ⚖️ Other cases (including SLAPP lawsuits): 4



22

Complaint letters submitted

Examples include: Complaints under Section 29 of the Prevention and Suppression of Torture and Enforced Disappearance Act, Requests for case updates, Letters urging investigations.

- ⚖️ Responses received from state agencies: 16



26

Court appearances (across 8 provinces)



24

Additional meetings and submissions

Activities included: Providing factual evidence and testimonies, Filing additional statements, Lodging formal complaints with entities such as The House of Representatives Standing Committees, The Center for Prevention and Suppression of Torture and Enforced Disappearance, Police stations, The Department of Special Investigation (DSI).

Areas of legal assistance operations in 2024

Chiang Mai

Ill-Treatment Case, Private Kittithorn Wiangbanpot

Bangkok

Chonburi

Ill-Treatment Case, Private Siriwat Jaidee

Samut Sakhon

Designations of Disappearance Case (Civil Court), Siam Teerawut

Phetchaburi

Strategic Lawsuit against Public Participation (SLAPP) Case, Noh Jor Mimi

Bangkok

Ranong

Death in Custody Case, Than Zin Oo

Songkhla

Ill-Treatment Case, Sergeant Pakorn Niemrat

Narathiwat

- Act of Liability for a Wrongful Act of the Officials B.E. 2539
 - Torture case, Rittirong Chuenjit
 - Enforced Disappearance Case, Porlajee "Billy" Rakchongcharoen
 - Torture Case, Attasith Nussa
 - Extra-Judicial Killing Case, Chaiyaphum Pasae
- Enforced Disappearance Case
 - Kraidet Luealert
 - Surachai Danwattananusorn
 - Wanchalerm Satsaksit
 - Chatchan Bupphawan
- Refoulment Case, Thol Samnang
 - Thol Samnang
- Complaint about the Wrongdoing of the Officials in the Case of Wan Natthida, an Eyewitness in the Case of Six People Shotdead inside Wat Pathum Wanaram in 2010
- Complaint on the Harassment of Sitanan Satsaksit, Sister of Wanchalearn

- Extra-Judicial Killing Case, Khao Tawe
- Death in Custody Case, Tak Bai Massacre
- Strategic Lawsuit against Public Participation (SLAPP) Case, Anchana Heemmina

Remarks: These cases are not an exhaustive list of all cases handled by CrCF.

CrCF Advocacy and Policy Work Overview (2024)

Events and Campaigns



24 Total events

Activities: 39+

- Campaigns: 4+
- Conferences/Seminars: 11+
- Workshops: 7+
- Film screenings: 3+
- Consultations with experts: 8+



Total participants: 1,400+



Partner organizations: 40+

Communications and Media Outreach:



160,000+

Video views (includes videos, podcasts, and live streams)



150 +

Press releases and statements issued



17+

Published articles (academic and other writings):



21,000+

Social media followers (Facebook, Instagram, YouTube, X)



3

Research reports

CrCF Highlights of 2024



CrCF Highlights of 2024

Thailand's Review of the Report on Situation of Torture and Other Cruel, Inhuman, or Degrading Treatment Submitted to the UN Committee Against Torture (CAT) After a Decade

- **Thailand as a State Party to the Convention Against Torture (CAT) and Its Second Periodic Report**

Thailand has been a State Party to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) since October 2, 2007, and the Convention came into force on November 1, 2007. Under CAT, Thailand was required to submit its initial report to the CAT Committee on its compliance and measures within one year of becoming a State Party. However, Thailand's first report was delayed by over five years and was eventually submitted on February 26, 2013.

Thailand's first review under CAT took place in Geneva from April 29 to May 1, 2014. After the review, the CAT Committee issued Concluding Observations consisting of 13 pages on May 23, 2014, just one day after the military coup by the National Council for Peace and Order (NCPO). Following the coup, the torture

situation worsened, as the military government failed to act on the Committee's recommendations to improve laws and practices to prevent torture. This inaction marked a missed opportunity for Thailand.

Thailand underwent its second review during the 81st session of the CAT Committee in Geneva on November 5–6, 2024, marking a 10-year gap since the first review. This time, Thailand presented progress, particularly the enactment of the Prevention and Suppression of Torture and Enforced Disappearance Act (2022), which came into effect in February 2023.



United Nations of Geneva

Thailand sent a robust delegation of 36 representatives from over 10 government agencies, including Ministry of Justice (Rights and Liberties Protection Department, Department of Corrections, Department of Special Investigation), Ministry of Foreign Affairs, Office of the Attorney

General, Judiciary Office, National Security Council, Royal Thai Police and Immigration Bureau, Ministry of Public Health, Ministry of Interior (Department of Provincial Administration), Permanent Mission of Thailand to the United Nations in Geneva.



81st Session, Committee Against Torture (CAT)

Subsequently, the CAT Committee issued its Concluding Observations to Thailand on November 22, 2024. This second review process marked a significant step forward, facilitating dialogue between Thai authorities, the CAT Committee, and other stakeholders. It created a platform for exchanging recommendations on CAT obligations and the implementation of the Anti-Torture and Enforced Disappearance Act. The review underscored the importance of bridging gaps between legislation and practice to ensure genuine adherence to the Convention.

At the same time, the United Nations must ensure that civil society organizations and human rights defenders who have contributed critical insights by submitting alternative reports,

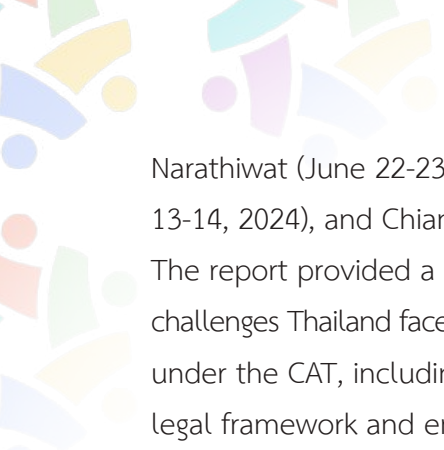
providing direct input to the CAT Committee and participating in the review process are protected from reprisals by state actors, including threats, intimidation, or legal actions.

- **CrCF and OMCT Submit an Alternative Report**

The Cross Cultural Foundation (CrCF), in collaboration with the World Organisation Against Torture (OMCT), submitted an alternative report to the Committee Against Torture (CAT) during the 81st session in November 2024. For the review, this report highlights the challenges that Thailand continues to face in addressing torture, cruel, inhuman or degrading treatment and enforced disappearances by state officials.

Thailand submitted its second State Party report (CAT/C/THA/2) to the CAT Committee on January 4, 2021, under Article 19 of the Convention. The state report provided information on the progress made in fulfilling the obligations under the Convention. However, the alternative report highlighted critical gaps in the legal framework and structural challenges. Despite the enforcement of the Prevention and Suppression of Torture and Enforced Disappearance Act, structural issues such as the culture of impunity and the lack of victim protection persist.

The alternative report was prepared through an extensive and participatory process, involving consultations with stakeholders within the organization and partner organizations. National consultation forums were held in



Narathiwat (June 22-23, 2024), Bangkok (July 13-14, 2024), and Chiang Mai (August 6-7, 2024). The report provided a detailed analysis of the challenges Thailand faces in fulfilling its obligations under the CAT, including shortcomings in the legal framework and enforcement of the Prevention and Suppression of Torture and Enforced Disappearance Act. It also highlighted systemic failures that hinder access to justice and remedies for victims.

Key issues raised in the report include:

Torture and Ill-Treatment: Torture and cruel treatment often occur in police stations, military training camps, police training facilities, and detention centers, particularly during coercive interrogations. Methods of torture reported include both physical and psychological violence. Prolonged detention without judicial oversight increases the risk of torture and perpetuates a culture of impunity. Concerns were also raised about practices such as shackling detainees during pretrial detention and courtroom appearances, which may constitute inhumane and degrading treatment under international standards.

Human Rights Violations in the Military: Military training and disciplinary practices often result in severe human rights violations against conscripts, including incidents of torture or inhumane treatment leading to injuries or fatalities.

Enforced Disappearances: Enforced disappearances remain a pressing issue, particularly among human rights defenders and political dissidents. The lack of efforts to uncover the truth, coupled with trends of transnational repression against refugees, underscores the Thai state's failure to deliver justice and provide remedies for victims' families or hold perpetrators accountable.

Challenges in Complaint and Reporting Mechanisms: Many torture, ill-treatment and enforced disappearance allegations are dismissed or closed due to narrow interpretations of the crimes. The decisions to terminate these allegations lack transparency and participation of the survivors and families. Numerous obstacles in accessing remedies, such as bureaucratic complexity and documentation challenges put the survivors in difficulties. Additionally, human rights defenders, journalists, and families have increasingly faced threats, including violence and legal harassment, aimed at silencing dissent.

CrCF and OMCT have called on the CAT Committee to urge the Thai government to take urgent and decisive action to address these issues. The report recommends amending several domestic laws to be in accordance with international standards, conducting independent investigations into allegations of torture and enforced disappearance, and providing timely and comprehensive remedies and redress to victims and their families. It also highlights the need to protect human rights defenders and civil society organizations facing increased risk.

Full Report:

https://crcfthailand.org/2024/10/10/57034/?fbclid=IwY2xjawG7fYRleHRuA2FlbOixMAABHOnax-r3u-sMVA1dk4vL_SrY0YOoPZttAa6vDH6nvdL6h-buY-HaLaL1YjYA_aem_m8NVEvVNAW4Pgf-sT80eMTg

- **CrCF Collaborates with Southern Border Civil Society Networks to Submit Alternative Report**

The Cross Cultural Foundation (CrCF), in partnership with civil society networks in Thailand’s southern border provinces—Duayjai Group, Patani Human Rights Organization (HAP), Network of People Affected by Special Laws (JASAD), and the Muslim Attorney Center Foundation (MAC)—has submitted an alternative report to the CAT Committee for its review of Thailand’s torture situation. The report focuses on issues related to the enforcement of special laws, cases of torture, enforced disappearances, deaths in custody, and arbitrary detention in the southern border provinces (Pattani, Yala, Narathiwat, and parts of Songkhla). Key highlights of the report include:



Arbitrary Detention and Special

Security Laws: The report underscores the arbitrary detention enabled by security laws such as martial law and the Emergency Decree, which grant security officials (primarily the military) authority to detain individuals for up to 37 days. Many detainees face repeated detention and prosecution under various charges, often without judicial oversight. Detainees are frequently denied access to legal counsel or effective legal consultation due to restrictive regulations imposed by authorities, limiting their basic rights. Family visits, independent medical examinations, and access to lawyers are also hindered. Despite partial reforms, existing laws continue to facilitate torture and rights violations, disproportionately targeting Malay-Muslims. This includes the coercive collection of DNA samples from Malay-Muslims, including minors.

Torture and Ill-Treatment: The report documents cases of torture during detention, such as physical assault, psychological threats, and mock executions. Detainees are often held in solitary confinement and denied access to legal counsel or effective complaint mechanisms, further perpetuating the cycle of abuse.

Deaths in Custody: The report highlights cases of deaths in custody, such as that of Abdulloh Esomuso, which reflect systemic failures to ensure accountability. Courts often lack the capacity to thoroughly examine the role of state officials, leaving many cases unresolved.



Culture of Impunity: Impunity remains a significant problem, with only two criminal convictions over the past 20 years. Justice delays are exacerbated by laws and practices that shield perpetrators, such as the admissibility of evidence obtained through torture and inconclusive autopsy reports.

Risks, Threats, and Impact on Civil Society: Human rights defenders face threats and intimidation, both physical and legal. Cases such as the assassination of Roning Doloh and lawsuits against activists exercising their rights to freedom of expression and assembly highlight the risks faced by civil society in the region.

The recommendations of this report therefore propose to revoke the martial law and the emergency decree, end the enforcement of the Internal Security Act, initiate independent investigations into cases of torture, ill-treatment, and death in custody, protect human rights defenders, and enforce the Prevention and Suppression of Torture and Enforced Disappearance Act in accordance with international standards to address structural problems and protect the rights of survivors and ensure access to justice and compensation.

Full report:

https://crcfthailand.org/2024/10/17/57062/?fbclid=IwY2xjawG7fblleHRuA2FlbOixMAABHTahCxeDaCd1diS7YKnLX4FeyoKpCHhZtn_AMc7LTAmW4FFECyjOLvIb9O_aem_AsyW7yP-04mO10PLCSw9POO

- **CrCF's Engagement with United Nations Special Procedures**

From November 4–8, 2024, the Cross Cultural Foundation (CrCF) and its partner organizations held discussions with representatives of various United Nations Special Procedures to present issues related to human rights violations in Thailand. Key engagements included:

1. **Special Rapporteur on Freedom of Opinion and Expression**
2. **Special Rapporteur on Freedom of Peaceful Assembly and of Association**
3. **Special Rapporteur on the Situation of Human Rights Defenders**
4. **Working Group on Arbitrary Detention**
5. **Special Rapporteur on Extrajudicial Killing**
6. **Special Rapporteur on Counter-Terrorism and Human Rights**
7. **Working Group on Enforced or Involuntary Disappearance**
8. **Working Group on Discrimination against Women and Girls**
9. **Special Rapporteur on the Independence of Judges and Lawyers**

About UN Special Procedures

The UN Special Procedures serve as a mechanism to report and address human rights violations. They consist of independent human rights experts tasked with specific thematic or country-specific mandates. There are currently 46 thematic mandates, such as on the situation of human rights defenders, freedom of expression, torture, and enforced disappearances, and 14 country mandates, including Cambodia, Myanmar, and Korea.

These experts are unpaid and elected for a three-year term, renewable for an additional three years. Special Procedures work in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Their roles include:

- Communicating with governments to request information on alleged violations and express concerns.

- Making recommendations to address issues of concern.
- Conducting country visits to assess the human rights situation.
- Contributing to the development of international human rights standards.
- Raising public awareness about human rights issues.

In addition to the Special Procedures mechanism, civil society organizations can also report human rights violations through the Universal Periodic Review (UPR), a state-led process under the United Nations, and treaty-based mechanisms established under specific human rights conventions, such as the review of torture cases by the Committee Against Torture (CAT), which took place this year.

For more information, visit:

<https://www.ohchr.org/en/special-procedures-human-rights-council>



Promoting human rights can be achieved in many ways. We work with both domestic mechanisms, from local to national levels, and international mechanisms, including regional and UN frameworks. Collaboration and synergy from all sectors are essential to ensure that the human rights of everyone are protected, respected, and promoted



Prakaidao Phurksakasemsuk
Deputy Director, CrCF



As for our expectations, CrCF has already submitted a shadow report that highlights both the strengths and weaknesses of the Prevention and Suppression of Torture and Enforced Disappearance Act, which has recently come into effect. This includes examining the understanding and conduct of state officials in implementing the Act. We hope that the Thai government will address these issues and rigorously enforce the Act to create a society free from torture, cruel treatment, extrajudicial killings, and enforced disappearances



Pornpimol Mukkuntod
lawyer, CrCF

Complaint Mechanisms under the Prevention and Suppression of Torture and Enforced Disappearance Act: Successes, Challenges, and the Case of Kittithorn Wiangbanpot

- **Complaint Mechanism under Section 29 of the Prevention and Suppression of Torture and Enforced Disappearance Act**

In 2024, the Cross Cultural Foundation (CrCF) filed complaints under Section 29 of the **Prevention and Suppression of Torture and Enforced Disappearance Act**, a crucial measure aligned with international principles that ensure complainants of torture are protected from reprisal if their actions are carried out in good faith.

This mechanism aims to reinforce the principles of the Act and the Convention Against Torture (CAT), affirming the absolute prohibition of torture. Section 29 states that “Anyone who finds or learns of an act of torture, cruel, inhuman, or degrading treatment, or enforced disappearance shall make a notification to an administrative official, a public prosecutor, an inquiry official, the Commission, or an authorised sub-commission without delay.” Such reports, when made in good faith, do not subject the complainant to civil, criminal, or disciplinary liabilities—even if the reported incident is later found to be unfounded. This provision encourages individuals, including those within closed or confidential environments, to report incidents, as torture and enforced disappearances often occur in

secret and in places inaccessible to outsiders.

The provision also protects relatives or members of the public from retaliatory lawsuits, acting as a form of witness protection. Moreover, CrCF sees this as a means to initiate investigations that allow multiple state agencies to collaborate in evidence collection, providing internal checks and balances among authorities with arrest and detention powers under the Act.

In practice, CrCF filed a complaint with the **Office of the Attorney General (Central Office)**, which hosts the **Center for the Prevention and Suppression of Torture and**

Enforced Disappearance—a national-level agency tasked with receiving arrest-related complaints. Similar centers have been established at 113 provincial attorney offices and at the district level, with 878 district offices nationwide serving as reception points for complaints under the Act.

However, the implementation of this mechanism faces challenges. Investigations often experience delays of at least two to three months before the attorney general’s office coordinates further inquiries or requests additional information. This lag can hinder the timely collection of crucial evidence, such as medical examinations of torture survivors or autopsy reports. In some cases, such evidence is not gathered at all.

While the complaint mechanism under Section 29 is a significant step forward, these delays and gaps in evidence collection highlight the need for more robust and efficient implementation to achieve justice and prevent future incidents of torture and enforced disappearances.

- **The Case of Private Kittithorn Wiangbanpot: A Success Story under Section 29 of the Prevention and Suppression of Torture and Enforced Disappearance Act**

The case of Private Kittithorn Wiangbanpot involves the tragic death of a conscript who fell ill and passed away during military service at Mengrai Maharaj Military Camp. CrCF filed a complaint with the **Center for the Prevention and Suppression of Torture and Enforced Disappearance** under Section 6 of the Act, addressing allegations of cruel, inhumane, and degrading treatment.

Private Kittithorn began his military conscription on May 15, 2023, at the Mengrai Maharaj Military Camp, Chiang Rai Province. On July 14, 2023, his wife visited him and observed that he was pale, weak, and suffering from fever and alternating hot and cold symptoms. Kittithorn informed his wife that he had been ill for several days and had requested medical treatment at a hospital, but his request was denied. Despite his condition, he was still subjected to training and collective disciplinary punishment like other conscripts. His wife, noticing his deteriorating condition, took him to

the camp hospital. He was hospitalized on July 14-15, 2023, but tragically passed away on July 16, 2023, due to septicemia (blood infection).

The deceased's family raised suspicions about the circumstances of Kittithorn's death. They sent his body for autopsy at a hospital in Chiang Mai and, on August 4, 2023, filed a complaint with the Center for the Prevention and Suppression of Torture and Enforced Disappearance in Chiang Rai. They requested an investigation into whether Kittithorn was subjected to torture, inhumane treatment, or a violation of his dignity, as stipulated under the Act.

The case involves allegations against military personnel, who are typically under the jurisdiction of military courts. However, under Section 34 of the Prevention and Suppression of Torture and Enforced Disappearance Act, jurisdiction for such cases is transferred to the Criminal Court for Corruption and Misconduct Cases, a civilian court. This includes cases where the alleged perpetrators were under military jurisdiction at the time of the offense.

Following this legal advancement, the Chiang Rai Prosecutor's Office conducted an investigation, interviewing witnesses and gathering evidence, including on-site inquiries at the Mengrai Maharaj Military Camp. Two military instructors were charged under **Section 6 of the Act** for cruel, inhuman, or degrading treatment. The case was filed with the Criminal Court for Corruption and Misconduct Cases, Region 5, Chiang Mai Province, and is currently under judicial consideration.



Private Kittithorn Wiangbanpot

“I don’t know what the future holds, but I’ll keep fighting. I want to see if ordinary people like us can take on such a powerful system. I want accountability and to ensure no one else suffers like this. Those who have never experienced such loss don’t know how painful it is. We’ve been through it, and we don’t want anyone else to face the same pain.” - **Wife of Private Kittithorn**

“Kittithorn was the pillar of our family. After graduating, he worked tirelessly. Before enlisting, he taught language classes. When he was back from Korea, he continued to teach language online, he always supported our family. Since he’s gone, our family has collapsed. It took months for his parents to recover and return to work.” - **Mother and father of Private Kittithorn**



“I don’t know what the future holds, but I’ll keep fighting. I want to see if ordinary people like us can take on such a powerful system. I want accountability and to ensure no one else suffers like this. Those who have never experienced such loss don’t know how painful it is. We’ve been through it, and we don’t want anyone else to face the same pain.”

Wife of Private Kittithorn



“Kittithorn was the pillar of our family. After graduating, he worked tirelessly. Before enlisting, he taught language classes. When he was back from Korea, he continued to teach language online, he always supported our family. Since he’s gone, our family has collapsed. It took months for his parents to recover and return to work.”

Mother and father of Private Kittithorn

#Case.PrivateKittithornWiangbanpot

- **Complaint Mechanism under Section 26 of the Prevention and Suppression of Torture and Enforced Disappearance Act**

Section 26 of the Prevention and Suppression of Torture and Enforced Disappearance Act allows “any person acting for the benefit of the victim” to file a complaint with the court in the jurisdiction if they witness or are aware of acts of torture, ill-treatment, or enforced disappearance. The court can then issue an immediate order to halt such actions.

An example of such treatment includes the shackling of detainees’ legs during court proceedings, which constitutes an unacceptable violation of human dignity. This practice conflicts with the presumption of innocence principle that defendants are considered innocent until proven guilty.

CrCF filed complaints with the court of first instance to highlight that the Act explicitly criminalizes ill-treatment and to remind judges presiding over criminal cases to adhere to this new legislation.

While no precedents have yet been set by court rulings nearly two years after the Act’s implementation, the petition under Section 26 aims to raise judicial awareness about safeguarding defendants’ fundamental rights and to challenge societal and systemic biases, including the stigmatization of detainees in prison uniforms and shackles during trials.

CrCF has filed a total of **6 petitions to 2 courts**, namely Thonburi Criminal Court and Ratchadaphisek Criminal Court. All 6 petitions were dismissed by the judges of the court of first instance. The Thonburi Criminal Court called for prompt hearings on two petitions, and dismissed all of them. The Ratchadaphisek Criminal Court dismissed the case without hearings on four petitions. Two cases are still in the process of appealing the orders: Case No. 732/2566, the pre-trial detainee is Mr. **Sopon Surariddhidhamrong** (the judge ordered the consolidation of the case to the main criminal case, the petition of Section 26 in this case was filed together with 6 petitions filed by Sopon’s parents and friends) and Case No. 4/2567, the pre-trial detainee is Mr. **Anon Nampa**.

Complaints under Section 26 in 2023 - 2024

Order	Case	Ill-treatment criminalized under the Section 6	Institution	Province	date
1	Case Yor.Tor 1/2566 Court conduct inquiry (v. Correctional Department) Dismissed the petition	Cease acts of cruel, inhumane, or degrading treatment or punishment against Mr. Sapon Surariddhidhamrong	Correctional Department	Thonburi Criminal Court, Bngkok	18 September 2023
2	Case Yor.Tor 2/2566 Court conduct inquiry (v. Correctional Department) Dismissed the petition	Cease acts of cruel, inhumane, or degrading treatment or punishment against Mr. Sapon Surariddhidhamrong	Correctional Department	Thonburi Criminal Court, Bngkok	19 September 2023 (Filed by Mr. Sapon's father)
3	Case Por.Tor 1/2567	Cease acts of cruel, inhumane, or degrading treatment or punishment against Mr. Y Quynh Bdap, a Vietnamese refugee.	Correctional Department	Ratchadaphisek Criminal Court, Bangkok	1 August 2024
4	Black case Aor 732/2566 Red case Aor.3373/2567	Cease acts of cruel, inhumane, or degrading treatment or punishment against Mr. Sapon Surariddhidhamrong	Correctional Department	Ratchadaphisek Criminal Court, Bangkok	29 October 2024 Submit a request for the first extension of the appeal period.
5	Por.Tor. 3/2567 Court dismissed the petition without hearing.	Cease acts of cruel, inhumane, or degrading treatment or punishment against Mr. Y Quynh Bdap, a Vietnamese refugee.	Correctional Department	Ratchadaphisek Criminal Court, Bangkok	30 August 2024
6	Por.Tor. 4/2567 Court dismissed the petition without hearing.	Cease acts of cruel, inhumane, or degrading treatment or punishment against Mr. Anon Nampa.	Correctional Department	Ratchadaphisek Criminal Court, Bangkok	28 November 2024

20 Years: The Tak Bai Criminal Case



20 Years: The Tak Bai Criminal Case

- **The Tak Bai criminal case represents a historic moment in Thailand, as victims stepped forward to sue high-ranking former state officials.**



The Tak Bai incident occurred on October 25, 2004. It began with the arrest of six members of the village security team (Chor Ror Bor) following an armed robbery of their firearms by insurgents. The arrests triggered a protest by locals demanding the release of the arrestees.

Military, police, and civilian officials used force to disperse the protest, resulting in the immediate deaths of six protesters and one more in the hospital, bringing the total to seven. Additionally, the arrest, detention, and transport of over a thousand protesters from Tak Bai Police Station to Ingkhayuthboriharn Military Camp in Pattani province were carried out

under overcrowded and inhumane conditions, leading to the deaths of another 78 individuals. In total, 85 protesters lost their lives due to the violent crackdown at Tak Bai.

Over nearly two decades, annual commemorative events have been held to remember the Tak Bai tragedy, on October 25 according to the Gregorian calendar and on the 11th of Ramadan in the Islamic calendar. While injured survivors and the families of the deceased have received some financial compensation from the government, there has been no other form of redress, including disciplinary or criminal action against the officials responsible. Survivors and their families continue to demand justice and accountability.

Following the 19th anniversary of the Tak Bai incident on October 25, 2023, survivors and the families of the deceased called for justice, marking the final year before the criminal case's statute of limitations expired. During discussions in the House of Representatives and events in Tak Bai, these demands were reiterated. Subsequently, the Muslim Attorney Center Foundation (MAC) submitted a petition to the House of Representatives' Committee on Law, Justice, and Human Rights to follow up the progress of the criminal case

At the Committee’s first meeting on December 13, 2023, police and prosecutors admitted they were unaware of the case’s status. A month later, it was revealed that the investigation had been dropped, and the case was terminated in 2009.

On April 24, 2024, 48 plaintiffs, including relatives of the deceased and injured parties, filed charges against nine officials believed to be responsible for the violations, including high-ranking military, police, and administrative officials from the time of the incident. They filed the case with the Narathiwat Provincial Court, charging the officials with offenses such as intentional homicide. Legal support for the plaintiffs was provided by the Cross Cultural Foundation (CrCF), the Muslim Attorney Center Foundation (MAC), and the Lawyer Council’s Southern Border Provinces Justice Reconciliation Center. This lawsuit, initiated with survivors and the families, aims to uncover the truth, the inherent right of the survivors, and hold perpetrators accountable for human rights violations.

On August 23, 2024, the Narathiwat Provincial Court accepted the case, indicting seven state officials for charges including intentional homicide and attempted homicide, as well as unlawful detention. The Tak Bai criminal case became one of Thailand’s historic cases, where high-ranking officials responsible for serious human rights violations were brought before the justice system.

The year 2024 marked a turning point for the Tak Bai incident where families of the deceased and survivors pursued justice by filing criminal charges against high-ranking former state officials after nearly 20 years of inaction by the state’s justice system, particularly the police and prosecutors. This revived public and media attention throughout 2024.

CrCF played a key role in providing legal assistance to the plaintiffs, in collaboration with the Muslim Attorney Center Foundation (MAC) and the Lawyer Council’s Southern Border Provinces Justice Reconciliation Center. CrCF also contributed significantly to public advocacy by disseminating information about the Tak Bai case, human rights principles, and transitional justice to national and international audiences, including the legal, academic, and judicial communities.

However, on October 28, 2024, the Narathiwat Provincial Court dismissed the case due to the inability to arrest the seven defendants before the statute of limitations expired on October 25, 2024. The efforts of the



23 Aug 2024, Awaiting the Narathiwat Provincial Court's Decision on Whether the Tak Bai Criminal Case is Merited to Trial

families of the deceased, survivors, communities, and legal teams to pursue justice through this lawsuit were courageous and monumental. Their pursuit of truth and justice for such grave human rights violations serves as both a form of redress and a testament to the collective desire to address and resolve conflicts in the region. This effort seeks to ensure that incidents like Tak Bai never occur again.

CrCF believes that the Tak Bai case will have far-reaching and lasting implications. It will be a key factor in systemic reforms, particularly in ending the culture of impunity for state agencies and officials responsible for serious human rights violations.



Image : Muhammad Duramae

What legal cases arose from the Tak Bai incident?

2004

October 25: The Tak Bai incident occurred.

2005

Civil Cases:

Relatives of the deceased and injured filed lawsuits demanding compensation from state officials. Between 2005 and 2009, multiple cases were settled through court mediation, with the Royal Thai Army agreeing to pay damages.

2006

Criminal Case – 7 Deaths:

Seven individuals died during the dispersal of the protest by security forces. The prosecutor ordered a halt to the investigation, citing no evidence of wrongdoing.

No judicial inquest into the deaths of the seven individuals was conducted, though the Tak Bai Police Station had registered the case.

Criminal Charges Against Protest Leaders: Prosecutors withdrew charges against the protest leaders.

2009

Judicial Inquest – 78 Deaths: An inquiry into the deaths of 78 individuals who suffocated while being transported from Tak Bai to the Inghayutthaborihan Camp was conducted. In Case No. Ch.16/2548, the Songkhla Provincial Court ruled that the cause of death was asphyxiation while in custody of officials acting in the line of duty.

Police concluded that the deaths of the 78 individuals were not caused by criminal acts and reported this to the Pattani Governor, who agreed to close the case under Section 156 of the Criminal Procedure Code.



#TakBai

What legal cases arose from the Tak Bai incident?

2012

- The National Human Rights Commission (NHRC) attempted to act on behalf of the victims by filing a criminal case, but the effort stalled.
- The government provided additional monetary compensation: 7.5 million baht for each death and varying amounts for injuries, totaling over 651 million baht, as per an order by the Prime Minister.
- Monetary compensation became the primary remedy, with the Southern Border Provinces Administrative Center (SBPAC) standardizing reparations from 2012 to 2014.

2023

- Families of victims petitioned the House of Representatives' Committee on Law, Justice, and Human Rights, requesting updates on case statuses and explanations from agencies such as the Tak Bai and Nong Chik Police Stations, the Regional Prosecutor's Office 9, SBPAC, and Regional Police 9.

2024

January 25

Regional Police 9 established a working group to reopen the criminal case involving 78 deaths, naming eight state officials as defendants.

April 25

After a three-month investigation, the working group submitted a non-prosecution recommendation to the Attorney General. Simultaneously, victims' families filed a direct lawsuit in the Narathiwat Provincial Court against nine officials, including military, police, and administrative personnel (Black Case No. Aor.578/2567).

June 24-25, July 19

The Narathiwat Provincial Court held preliminary hearings.

July 31

The Attorney General ordered further investigation into several aspects, setting a deadline for additional findings.

August 20

Investigation findings were submitted to the Attorney General.

What legal cases arose from the Tak Bai incident?

August 23

The Narathiwat Provincial Court accepted the criminal case, indicting seven senior state officials for murder, attempted murder, and unlawful detention. Summonses were issued, but no arrest warrants were yet filed.

September 12

The Attorney General has ordered the indictment of eight state officials responsible for overseeing the vehicle and driver transporting protesters in front of Tak Bai Police Station, charging them with the crime of joint murder. One of the defendants is also named in the case before the Narathiwat Provincial Court. Subsequently, in early October, police officers submitted a request to the Pattani Provincial Court for arrest warrants to locate the suspects, ensuring that the Pattani Provincial Prosecutor could file the case before the statute of limitations expired.

September 12

The Narathiwat Provincial Court scheduled a plea hearing, but the seven defendants failed to appear. As a result, the hearing was postponed, and arrest warrants were issued for defendants 3-6 and 8-9. Additionally, an urgent letter was sent to the Chairperson of the House of Representatives requesting permission to arrest defendant 1 and summon defendant 1 to court for the next hearing.

October 1

The Narathiwat Provincial Court issued an arrest warrant for General Pisal Watthanawongkhiri following the request of the plaintiffs' lawyer.

October 9

Relevant agencies, including representatives from the Army Commander-in-Chief, the National Police Chief, the Director of Internal Security Region 4, the Chief Prosecutor of Region 9, and the Commander of Provincial Police Region 9, provided factual updates to the Committee on Law, Justice, and Human Rights of the House of Representatives. These updates concerned the progress in apprehending the 14 suspects and defendants in the Tak Bai case, as per the arrest warrants issued by the Narathiwat Provincial Court and Pattani Provincial Court.

October 15

Defendants failed to appear for hearings on evidence examination and trial scheduling.

October 25

The statute of limitations for the Tak Bai incident reached 20 years.

October 28

The Narathiwat Court dismissed the case as the defendants could not be apprehended within the statute of limitations, which expired on October 25, 2024.



- **Way Forward**

The Tak Bai tragedy reflects the failure of the Thai state to deliver justice to the victims, particularly in terms of the judicial process. A key question arises: How can we end the culture of impunity? Furthermore, when future instances of human rights violations by state officials abusing their power occur, how can we address and learn from the past, and how to prevent such serious violations from recurring?

Looking ahead, although the Tak Bai case will inevitably conclude due to the statute of limitations, the pursuit of justice by survivors, communities, and civil society organizations, especially in the affected areas, has created significant momentum in Thai society. This has sparked discussions and debates about future approaches, leading to efforts to improve the justice system and address conflict and violence in Thailand's southern border provinces.

One of the most frequently discussed issues is the amendment of the statute of limitations law. According to international human rights law, serious human rights violations by state officials should not be subject to a statute of limitations. Events like the Tak Bai tragedy and other serious human rights violations, such as the October 6, 1976, Thammasat University massacre, serve as stark reminders of the impunity culture among Thai state officials. In the Tak Bai case, even if the court accepted the case, the statute of limitations continued to run. This raises the question of whether Thailand should review

and amend Section 95 of the Criminal Code to ensure that serious human rights violations, such as Tak Bai, torture, enforced disappearances, and extrajudicial killings, are classified as crimes without a statute of limitations.

If we want to prevent cases like Tak Bai in the future, reviewing and amending the statute of limitations law is a critical issue that requires change.

During the second review of Thailand's report on torture and other cruel, inhuman, or degrading treatment before the UNCAT at its 81st session in Geneva on November 5-6, 2024, the CAT Committee raised questions about the Tak Bai criminal case. The committee asked Thailand whether it would reconsider its policies to ensure that crimes involving torture or serious human rights violations would not be subject to a statute of limitations.

Moreover, in its **Concluding Observations**, the CAT Committee expressed profound regret that the Tak Bai prosecution had to be terminated due to the statute of limitations. It also noted with disappointment that the Prevention and Suppression of Torture and Enforced Disappearances Act does not eliminate the statute of limitations for crimes under this law. The committee recommended that Thailand abolish the statute of limitations for such crimes to prevent future violations.

For over two decades, the people in Thailand's southern border provinces have endured conflict and violence, suffering from

severe and widespread human rights abuses. The Tak Bai tragedy represents a significant loss for the local population. Yet, the state's justice system has ignored and distorted justice, failing to prosecute offending officials. The Thai state must provide answers on how it will discipline and prosecute officials within the justice system who neglected and distorted legal proceedings.

Additionally, for more than 20 years, people in the southern border provinces have lived under three special laws: the Emergency Decree, the Internal Security Act, and martial law. This prolonged period raises questions about the necessity and legitimacy of these special laws, which significantly restrict the rights and freedoms of the local population—especially the Emergency Decree, which is renewed every three months.

Regarding the Tak Bai incident, survivors, communities, and society continue to seek justice from the state, particularly from the government and parliament. This aligns with the **Right to Truth**, a right that survivors of human rights violations and society as a whole deserve from the state. Justice also requires the state to consult with those affected by the event and the community to provide adequate remedies based on human rights principles. Additionally, the state must take full measures to prevent future massacres and serious human rights violations.

Looking forward, other measures the Thai state could take include disciplining offending officials, reviewing and repealing

martial law and the Emergency Decree, and amending these laws, which have been critical factors contributing to the Tak Bai tragedy. Similarly, the Internal Security Act should be reviewed and reformed based on respect for human rights.

On the legislative front, significant progress has been made. The House of Representatives' Committee on Law, Justice, and Human Rights resolved to establish a subcommittee to study the impact of the Tak Bai suppression case, which has exceeded the statute of limitations. The subcommittee aims to find solutions to the unrest in the southern border provinces and restore the legitimacy of the state. Members of this subcommittee include representatives from the Muslim Attorney Center Foundation (MAC) and the Cross Cultural Foundation (CrCF).



The Muslim Attorney Center, and the Southern Border Provinces Legal Reconciliation Center, Lawyers Council and CrCF

Our Publications in 2024

- **Booklet:** “Diary of Ordinary People: Past, Present, and Our Dreams” by the Cross Cultural Foundation (CrCF), the Museum of Popular History, and Asia Justice and Rights (AJAR).

https://crcfthailand.org/2024/05/31/54981/?fbclid=IwZXh0bgNhZW0CMATAAR1KNeLkM-be74zZdXOOieNGZ4amv4i9BPaztpwaJ5cYAGDbdT0dicaWErT0_aem_Ak6nnBPONT_6DYGkshxXoA

- **Research:** “I Just Want to Live in Peace: Transitional Justice: Voices from Those Affected by Political Violence and Policy Recommendations” (available in Thai and English) by Cross Cultural Foundation (CrCF), Duay Jai Group, and Asia Justice and Rights (AJAR).

https://crcfthailand.org/2024/05/24/54773/?fbclid=IwZXh0bgNhZW0CMATAAR1VO37-7lM4VGFhvVs-gYvMr0WtKfYhh2_wTy8lHy3MeAxwlcnm1LoqpN8E_aem_lakwvRdt8eCLDd8OqLp-SO

- **Research:** “Transitioning to Justice: Policy Recommendations from People Affected by Political Violence Between 2014-2023” (Thai version) by CrCF.

https://crcfthailand.org/2024/05/24/54773/?fbclid=IwZXh0bgNhZW0CMATAAR1VO37-7lM4VGFhvVs-gYvMr0WtKfYhh2_wTy8lHy3MeAxwlcnm1LoqpN8E_aem_lakwvRdt8eCLDd8OqLp-SO

- **Research:** “Monitoring and Reporting Mechanism (MRM) on Grave Human Rights Violations Against Children in Armed Conflict Situations in Southern Thailand, 2020-2023” (available in Thai and English) by CrCF and Duay Jai Group.

https://crcfthailand.org/2024/07/05/55521/?fbclid=IwZXh0bgNhZW0CMATAAR1VO37-7lM4VGFhvVs-gYvMr0WtKfYhh2_wTy8lHy3MeAxwlcnm1LoqpN8E_aem_lakwvRdt8eCLDd8OqLp-SO

CrCF Highlights of 2024



Panel Discussion “7th Anniversary of Chaiyaphum Pasae: State Violence and Justice” 17 March 2024



Community Event “10th Anniversary: Billy Porlajee Rakjongcharoen, the Human Rights Defender of Bangkok Jai Pan din” 17-18 April 2024



“Hope In The Midst of Pain: The Endless Loop of Political Violence Through the Experience of Affected Individuals 24-25 May 2024



Panel Discussion “ Still Missing You: 4 Years of Wanchalearm Satsaksit Enforced Disappearance” 4 June 2024



Press Conference on the Case of Mr. Y Quynh Bdap, a Vietnamese Refugee at Risk of Extradition

CrCF Highlights of 2024



*Public Event “Justice has No Boundary: Uniting Against Enforced Disappearances and Confronting Transnational Repression”
5 September 2024*

*Panel Discussion
“Remembering 20 years of Takbai: The fight against impunity and the rule of law”
22 Oct 2024*



*Submit a letter to the Committee on Legal Affairs,
requesting an investigation into the return
of Cambodian refugees and asylum seekers,
12 Dec 2024.*



CrCF | CROSS CULTURAL
FOUNDATION
มูลนิธิผสานวัฒนธรรม

Cross Cultural Foundation (CrCF)

*89 Soi Sittichon, Sutthiwinichai Rd.
Samsennok, Huaykwang, Bangkok 10310 Thailand
Tel: +66 2 1015481 Fax: +66 2 1015482*