

People’s Empowerment Foundation

 Alternative Report of

International Covenant on Civil and Political Rights – ICCPR

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| HUMAN RIGHTS COMMITTEE HRCtte |
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Methodology

People’s Empowerment Foundation ( PEF ) is a Thai National Human Rights NGO working closely with the grassroots in country Thailand.

PEF is a member of ANNI ( The Asian NGO Network on National Human Rights Institutions ) , ANNI produce an annual report “ANNI report on the Performance and Establishment of National Human Rights Institutions in Asia “ . PEF monitors the performance of NHRI and write ANNI report on Thailand chapter every year. So PEF has an information of NHRI Thailand.

Regarding the Uyghure asylum seeker, PEF monitors Uyghure case from 2013, because there are Uyghure friends came to ask for help. PEF went to visit IDC ( Immigration Detention center ) with Uyghure friends for years. Case of Uyghure is the most political sensitive case, no one wants to handle. PEF is a local Human Rights organization must takes responsibility to monitor situation in the country. This makes PEF is the only organization monitoring Uyghure case closely.

List of Issues 3, the National Human Rights Commission (NHRC)

1. The National Human Rights Commission of Thailand was downgraded to ‘B’ level in 2015. With sufficient funding, it operates with over 200 staff members based on around 220 million baht per year. But the NHRCT has never published its financial report and there is no transparency on this end.
2. The member selection process is incompatible with the Paris Principle[[1]](#footnote-1). As a result, the Human Rights Commissioners recruited are far from being independent, having the quality and the expertise to defend human rights in the country.
3. The monitoring and recommendations made by the NHRCT toward various agencies have hardly been put into practice. Even its report to the Parliament is merely for a ceremonial purpose.
4. The Office of the National Human Rights Commission is an agency affiliated with the Parliament, and thus, NHRCT is not independent in its operation.

Recommendations to the Royal Thai Government

1. The government is revising organic laws including the new National Human Rights Commission Act to ensure that its selection process is compliant with the Paris Principle.
2. The whole memberships of the NHRCT should be re-selected after the promulgation of the new Constitution and the new National Human Rights Commission Act.
3. Apart from publishing the yearly report on human rights situation, the NHRCT should also made public its financial report.
4. The Office of the National Human Rights Commission should be made an independent agency and affiliated with the National Human Rights Commission (NHRC).

The Uyghur asylum seekers in Thailand

Background

1. In 2013, about 500 Uyghur asylum seekers have arrived at the Thailand-Malaysia border. It should be noted that the asylum seekers have travelled with their families including women and children. All of them were put in custody at the Dan Nok and Padang Besar Immigration Detention Center in Songkhla. The Chinese authorities have been contacting the Thai authorities supplying them information to prove that these asylum seekers are Chinese nationals from Xinjiang region and asked that they be deported back to China. Meanwhile, the nongovernmental organizations in Thailand insist that these people warrant protection as asylum seekers and several of them have relatives in Turkey and want to travel there. The Turkish Embassy in Thailand and the Turkish Ministry of Foreign Affairs have expressed their intent to host all of the asylum seekers in the country.
2. Owing to the good relations between Thailand and China, the Thai authorities do not want to send these people on to Turkey. Throughout the time, the Thai government has been taking care of these asylum seekers based on human rights principle. Women and children are separated and hosted in the shelter of the Ministry of Social Development and Human Security (MSDHS) and some have made an escape from there. The Thai authorities are unable to track them. With campaigns from human rights organizations, the women and children have been released from custody. On 1 July 2015, 172 women and children boarded the flights to Turkey.[[2]](#footnote-2)
3. Uyghur were sent back to China ( ICCPR article 13)
4. But on 8 July, 109 Uyghur asylum seekers were sent back to China.[[3]](#footnote-3) It has been learned later that among them were some women. Even though the Thai government insisted that all of the 109 people were safe, but none believed in what they said. Civil society organizations here asked to join the trip of the Thai delegation to visit the 109 asylum seekers sent back to China, but their request was denied by the Chinese government.

The delegation from Thailand has gone to China to visit the 109 repatriated asylum seekers and come back to report that all of them were well take care of. The Chinese government has offered them jobs to help them raise their families. But many of us believe all of them might have been subject to executions or very strict custody.

1. 2 Uyghurs who were arrested related to the Rachaprasong Explosion on 17 August 2015 ( ICCPR article 7,14, )
2. On 17 August 2015 at 18.55, a bomb exploded at the Ratchaprasong Erawan Shrine causing 27 deaths including four foreign nationals and 81 injuries. It was believed by the Thai government that the bomb was a retaliation to the deportation of the 109 Uygurs to China. Two suspects were arrested by the police on 29 August 2015[[4]](#footnote-4) including Mr. Adam Karadag and Mr. Usufu Bilal at the Thailand-Cambodia border. On 1 September 2015[[5]](#footnote-5), the two of them were arraigned at the Military Court. And on 16 February 2016, Mr. Usufu Bilal asked to have a civilian legal counsel ( lawyer). The People’s Empowerment Foundation has thus provided him an attorney to ensure that the defendant would be treated fairly in the justice process. Nowadays, both still remain in tight custody in the temporary prison at the 11th Military Circle. No other visits are allowed, except for their attorneys.
3. A major problem in the trial against the two suspects is a lack of interpreter. Despite their conversational English, but during the trial, the defendants have asked for an Uygur translator to ensure the accurate rendition of the evidence and their understanding. Hearings have been rescheduled as a result of a lack of able translators. The Thai government has also disallowed a request by an Uygur in exile who offered to help as the interpreter. At present, the Court relies on an Uygur supplied by the Chinese Embassy despite the protest from the two defendants. The next hearing is scheduled to take place on 6-7 March 2017.
4. A defendant alleged that he had been subject to torture while in custody[[6]](#footnote-6) Mr. Adem shouted to the press while being brought to the Court for the second time pleading for torture not to be inflicted on him.
5. 50 Uyghurs remain in custody at the Immigration Bureau
6. Despite reports that the remaining Uyghurs would be sent back to China, but after the Ratchaprasong Erawan Shrine blast, everything about the Uyghurs has become silent. The government did not want to take the chance of getting the second bomb. At present, about 50 Uyghurs remain in custody at the Dan Nok and Nong Khai Immigration Detention center. No visits to them have been allowed, even for the UNHCR or the National Human Rights Commission (NHRC).
7. On 20 September 2016, ten Uyghurs have escaped from the Nong Khai Immigration Detention Center. They were, however, brought back and have been subject to strict custody. There are still no clear policies about the remaining Uyghurs despite their being held in custody for over three years already.
8. Attorney filing cases for release of newborns from custody ( ICCPR article 24 )
9. Attorney Worasit Piriyawiboon has filed a case requesting for a release of 17 Uygurs who have been subject to unlawful detention including two newborns who were born in the Immigration Detention Center. The case was accepted by the Court as the Black Case no. 221 / 2558 (2015)[[7]](#footnote-7) . The Court did not recognize the right of the toddlers to grow outside the custody as requested by their moms, and ruled that the authority has the right to put in custody the suspects as long as possible and that custody is not unlawful.

Recommendations to the Royal Thai Government

1. The remaining Uyghurs should not be sent back to China as they might have faced the same danger as the 109 Uyghurs sent back earlier.
2. UNHCR should be allowed to visit and interview the remaining Uyghurs to arrange for them safe resettlement.
3. The trial of the suspects in the Ratchaprasong Erawan Shrine blast should be conducted based on a due process of law, publicly, and transparently and impartial interpreter must be provided.
4. No torture or other ill treatment should be inflicted on the suspects during their custody.

People’s Empowerment Foundation

 Bangkok , 6 February 2017

**Annexes:**

Annex 1: PEF’s Press Statement on Uyghure

Annex 2: Black Case no. 221/ 2558 (2015), South Bangkok Criminal Court

 ( คำร้อง ศาลอาญากรุงเทพใต้ คดีดำที่ 221/ 2558 ( 2015 ) )

1. According to the 2007 Constitution, five or seven members of the selection committee are representatives from the Judiciary. [↑](#footnote-ref-1)
2. Press statement of People’s Empowerment Foundation [↑](#footnote-ref-2)
3. Ibid [↑](#footnote-ref-3)
4. Kom Chad Luek, …2015 [↑](#footnote-ref-4)
5. https://pantip.com/topic/34129266 [↑](#footnote-ref-5)
6. In the submission to the Court made by Attorney Chuchart Kanphai, he alleges that his client, Mr. Adam Karadag had been subject to torture while in custody including having icy drops of water dripped into his nasals, having a dog brought closer to him, (Adem is a Muslim), etc. [↑](#footnote-ref-6)
7. Black Case no. 221/ 2558 (2015), South Bangkok Criminal Court [↑](#footnote-ref-7)