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Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

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ICJ urges Thailand to ratify Convention against Enforced Disappearances

The International Commission of Jurists (ICJ) today urged the Government of Thailand to reaffirm its commitment to ending and preventing enforced disappearances by signing and ratifying the *International Convention for the Protection of All Persons from Enforced Disappearance* and pass enabling laws giving effect domestically to the provisions of the Convention. The Convention was adopted by the General Assembly of the United Nations on 20 December 2006.

Allegations of disappearances in the three southern border provinces, where emergency and martial laws apply, and in the North and North-East of Thailand have continued to be received. In the majority of cases the perpetrator has not been identified. The Government of Thailand should intensify efforts to prevent this heinous crime, investigate allegations and, where evidence is available, bring to justice before ordinary criminal courts those responsible for the crime.

“While we welcome the present Government’s indication that it intends to begin addressing past enforced disappearances, ratifying the Convention would be a major forward-moving step. It would send a clear political message, both domestically and internationally, that this heinous crime will not be tolerated by this Government”, said the ICJ.

The ICJ welcomes initiatives already begun by the Government, such as the establishment of the National Legislative Assembly’s committee to examine human rights violations in the southern border provinces. The ICJ also welcomes the work of the National Human Rights Commission and the Ministry of Justice in investigating cases of enforced disappearances during the past Government’s “war on drugs” in 2003-2004. Although there have been no prosecutions so far, the ICJ hopes the Government’s official policy on reform of the justice system and its stated commitment to restoring the rule of law, with agencies such as the Ministry of Justice already taking the lead, will result in prosecutions.

Thailand has a historical record of impunity for past enforced disappearances. The current violence in some provinces, combined with far-reaching Emergency Regulations, which now include the Emergency Decree on Administration in States of Emergency and Martial Law being applied concurrently in some areas, will contribute to an environment conducive to the return of the practice of enforced disappearance. Thorough and effective investigations of past enforced disappearances and bringing those responsible to justice, would not only bring justice for past victims, but help deter future enforced disappearances.

Background

The *International Convention for the Protection of All Persons from Enforced Disappearance* is the result of immense and sustained worldwide efforts by associations of relatives of disappeared persons and non-governmental organizations, since 1981, when the first conference on a United Nations treaty on enforced disappearances took place and in which the ICJ participated.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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The Convention states that enforced disappearance constitutes an international crime and establishes an absolute right not to be subjected to enforced disappearance. It sets out State obligations to prevent enforced disappearances, such as a prohibition on secret detentions; a requirement that people be detained only in officially recognized and supervised facilities that maintain records of all detainees; a requirement that the State ensure that all detainees are able to challenge in court the legality of their detention (*habeas corpus*) and the right to obtain information on detainees.

The Convention reaffirms the right to truth and reparation for victims and their relatives as well as the right to form associations and organizations to fight against enforced disappearances.

The Convention provides for the establishment of a Committee on enforced disappearances that, in addition to functions of monitoring and consideration of individual and inter-state complaints, has the power to undertake field inquiries and to alert the United Nations General Assembly of situations of widespread and systematic practices of enforced disappearance.

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