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Thailand: ICJ calls for justice in the disappearance of prominent Muslim lawyer

The International Commission of Jurists (ICJ) today once again called on the Thai Government to ensure a full and effective investigation into the enforced disappearance of Somchai Neelapaijit in March 2004 and to bring those responsible to justice.

The Criminal Court has convicted a senior police officer of direct participation in the coercion and assault of Somchai Neelapaijit in March 2004, and has found that he was involved with three or four others in this crime. He was sentenced to three years imprisonment. The other four accused police officers were acquitted. This result means that the investigation must be pursued immediately to determine the whereabouts and the fate of Somchai. Independent investigations must be diligently pursued to find the others involved.

ICJ Commissioner Justice Elizabeth Evatt, former expert on the United Nations Human Rights Committee and former Chief Judge of the Family Court of Australia, on behalf of ICJ observed the trial the five policeman accused of robbery and coercion of the prominent Muslim lawyer on the night of his disappearance.

„I have heard evidence during the trial that would indicate a more serious crime has been committed”, commented Justice Evatt referring to witness testimony that Somchai Neelapaijit was violently forced into a car and driven away. „The basic facts speak for themselves Somchai Neelapaijit was forcibly disappeared and yet the only offence established is that of coercion and possible assault. Who is responsible for the ultimate fate of Somchai? These people must be brought to justice” continued Justice Evatt.

Recalling the Thai Prime Minister’s new year pledge to ensure progress in the investigation into the disappearance of Somchai Neelapaijit, the ICJ called on the Thai Government to publicly clarify what progress has been made by the Ministry of Justice’s Department of Special Investigations since the announcement in August last year that a special panel would be set up to investigate the case. The ICJ understands that the special panel has not yet held a meeting. The conviction of a police officer of involvement means that all future investigation must be completely independent of the police.

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 ICJ also strongly urged the Thai Government to provide effective protection from reprisals or harassment to the Neelapaijit family and to witnesses, especially those who positively identified the convicted officer of having forced Somchai Neelapaijit into a car.

„In the post-trial period the ICJ will continue to closely monitor the safety of those involved in the trial, particularly given that even a local ICJ trial observer reported receiving threatening phone calls while carrying out her work as a trial observer“, the ICJ said.

Under Thailand’s Witness Protection Act, the Ministry of Justice is responsible for witness protection. Independent protection is particularly important in cases where witnesses have provided evidence involving serious allegations against state officials or other persons of influence.

„The obvious lack of witness protection provided in this case is of great concern. During one hearing the judge actually went out of his way to remind the prosecution to look after an eyewitness during the lunch recess. I was seriously troubled to hear that the same witness had travelled alone, across town by public bus to reach the court“, said Justice Evatt.

The conviction of a senior police officer of an offence against a leading human rights lawyer has important consequences for the independence of the legal profession in Thailand, and makes it imperative that the Thai Government act speedily and diligently in the full investigation of this case, and do all that is necessary to protect the rule of law.

The ICJ will issue a report of its findings on the trial observation mission.

For further information:

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