

Statement

Thailand: Two years after the adoption of the Anti-Torture and Enforced Disappearance Act, justice for victims and survivors remains unattainable

As Thailand marks the second anniversary of the adoption of the landmark [Prevention and Suppression of Torture and Enforced Disappearance Act \(the Act\)](#) on 22 February 2025, the International Commission of Jurists (ICJ) calls on the Thai authorities to take immediate measures to ensure its effective enforcement.

The Act's slow and inadequate enforcement — marred by continued delays in delivering justice, holding perpetrators accountable and providing effective remedies and reparation to victims and their loved ones — remains a serious concern. In light of this, notwithstanding the implementation of some measures under the Act, the ICJ remains concerned that several key provisions have not been properly enforced, and that the Thai authorities appear unaware of their obligations under the law.

Delays in prosecuting cases of torture or other ill-treatment and enforced disappearance

"In 2024, on the first anniversary of the Act's adoption, we reminded the Thai authorities of their obligation to conduct prompt, thorough, independent and impartial investigations with a view to bringing to justice those responsible for cases of alleged torture and enforced disappearance. Yet, incredibly, another year has passed and, to our knowledge, only a single new case of alleged torture has reached the courts—bringing the total to two cases since 2023," said Melissa Upreti, ICJ Regional Director for Asia and the Pacific.

According to [statistics submitted by Thailand](#) to the UN Committee Against Torture, between 22 February 2023—when the Act took effect—and 31 October 2024, 125 complaints were filed through all reporting channels. Of these, 56 involved allegations of torture, 36 of other ill-treatment, 14 of enforced disappearance, and 19 cases involved multiple offences.

These figures exclude the majority of cases of alleged enforced disappearances recorded by the [UN Working Group on Enforced or Involuntary Disappearances](#), which transmitted 94 cases to Thailand between 1980 and August 2024, of which 77 remain unresolved.

Yet, only two cases have reached the courts since the Act's entry into force, while the rest have made minimal or no progress. In light of this, the ICJ is concerned that Thailand is failing to comply with its duty to conduct effective investigations capable of resulting in the prosecution of perpetrators for these crimes in accordance with international law and

standards, including the [Minnesota Protocol on the Investigation of Potentially Unlawful Death](#).

The most recent case to reach a Thai court arises from the death of a military conscript who died after sustaining injuries inflicted to punish him during military training. Two military trainers and 11 other conscripts face charges for jointly fatally injuring another person, as well as charges under Articles 5 and 6 of the Act for torture and cruel, inhuman or degrading treatment or punishment.

Lack of adequate compensation or other forms of reparation

Currently, Thailand lacks specific redress mechanisms for victims of torture, other ill-treatment or enforced disappearance, forcing many to seek reparation through costly and lengthy civil lawsuits.

The Prevention and Suppression of Torture and Enforced Disappearance Committee has drafted the Regulations on Assistance, Remedy, and Rehabilitation; however, with minimal consultation with victims and affected families, the draft primarily adopts the format of compensation frameworks applied in other contexts.

Notably, the draft regulations propose an “initial financial compensation” of 500,000 THB (14,835 USD) for victims of torture and enforced disappearance; 100,000-250,000 THB (2,970–7,417 USD) for ill-treatment victims; and 100,000 THB (2,970 USD) for relatives of enforced disappearance victims. Victims could also receive non-monetary support, including rehabilitation, restitution, legal and social assistance, guarantees of non-recurrence, and public apologies.

The draft regulation has been pending approval by the Ministry of Finance for over a year.

"Two years have passed since the Act's adoption, yet not a single victim has received compensation or other forms of reparation under the legislation. We urge Thailand to promptly adopt the necessary legal framework to remedy this failure, while ensuring meaningful consultation with victims and their families to give effect to legal mandate as envisioned under Act," added Upreti.

Shortcomings under the Act and the issue of statutes of limitations

A number of provisions of the Act still fail to comply with Thailand's international human rights obligations, particularly under the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). For example, the crimes of torture and enforced disappearance should not be subject to statutes of limitations.

“What happened last year in relation to the [2004 Tak Bai massacre](#) is a graphic illustration of the unacceptable consequences of allowing perpetrators to ‘run out the clock’. As a result of the expiration of the 20-year statute of limitations on 25 October 2024, [no one could be held accountable for the deaths of 85 people](#) in connection with the protest,” said Upreti

A [joint analysis](#) by ICJ and Amnesty International has identified significant gaps in the Act that must be addressed to bring it in line with international law and standards.

The UN Committee Against Torture, in its [Concluding Observations on Thailand's Second Periodic Report](#) dated 9 December 2024, also called on Thailand to amend the Act to bring it into compliance with the UNCAT, reiterating many recommendations made by the ICJ and Amnesty, including calling on Thailand to ensure that torture and enforced disappearance are not subject to any statute of limitations.

Currently, the Act fails to repeal the statute of limitations for crimes under the legislation, meaning a statute of limitations of between one and 10 years apply to such crimes.

Violations of the *non-refoulement* principle

Thailand has failed to comply with the *non-refoulement* provision under the Act. The authorities have deported or extradited refugees to countries where they would be at a real risk of torture, other ill-treatment or other irreparable harm.

Under Section 13 of the Act and the UNCAT, among others, Thailand is prohibited from removing individuals to countries or other places where they face a real risk of torture, ill-treatment, enforced disappearance or other irreparable harm, in any manner whatsoever.

Despite this, the authorities failed to apply Section 13 and a number of refugees were [allegedly deported](#) in 2024. In the case related to the extradition request for UNHCR-recognized [Vietnamese refugee Y Quynh Bdap](#), the Thai court ruled last year that it had no responsibility to assess the risk of torture or other ill-treatment upon granting the extradition request, instead deferring such responsibility to the executive branch.

Ratifying the Optional Protocol to the Convention Against Torture (OP-CAT)

Thailand took a welcome step by [ratifying the International Convention for the Protection of All Persons from Enforced Disappearance \(ICPPED\)](#) in May 2024.

The Optional Protocol to the Convention Against Torture (OP-CAT) would require Thailand to allow official visits to places where people are deprived of liberty by the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to establish, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

Thailand accepted recommendations to ratify OP-CAT on several occasions, including during its [third cycle of the Universal Periodic Review](#) in 2021. However, since then, it has failed to take any concrete action towards becoming a party to the Protocol.

The ICJ urges the country to accede to the OP-CAT.