

Cambodia: Probe into Thai exile's enforced disappearance moving at snail's pace, has glaring gaps

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The Cambodian authorities must redouble their efforts to thoroughly, independently and impartially investigate the disappearance of Thai dissident Wanchalearm Satsaksit and determine his fate and whereabouts, said Amnesty International today.

The 37-year old activist was abducted by unknown persons from outside an apartment building in Phnom Penh on 4 June this year, having previously been sought for arrest by the Thai authorities for expressing criticism of the Thai government.

Sitanun Satsaksit, Wanchalearm's sister, is being questioned by an investigating judge at the Phnom Penh Municipal Court today as part of the Cambodian authorities ongoing investigation into the case.

Over six months since he was disappeared, the Cambodian authorities have demonstrated negligible progress in the investigation, despite important pieces of evidence coming to public light in the intervening months. To this day, Wanchalearm's fate and whereabouts remain unknown.

"The investigation has moved at a snail's pace and key evidence appears to have been ignored."
Yamini Mishra, Asia-Pacific Regional Director

"So far, the glaring inadequacies of this probe make a mockery of Cambodia's obligations to conduct a thorough, impartial, and independent investigation," said Yamini Mishra, Amnesty International's Asia-Pacific Regional Director.

"It has moved at a snail's pace and key evidence appears to have been ignored. The Cambodian authorities need to show that they are undertaking a credible investigation or serious questions will be asked about whether they are acting in good faith."

Amnesty International calls for the Cambodian authorities to urgently address the apparent failures of the investigation to date, to immediately disclose any information they may have about Wanchalearm's fate and whereabouts, and to ensure truth, justice and reparations for Wanchalearm and his family.

The Cambodian authorities' failure to make adequate progress in the investigation calls into question their compliance with the Convention on Enforced Disappearances (CED), to which Cambodia is a state party.

Slow moving investigation

The lack of progress in the investigation six months after the enforced disappearance suggests the

Cambodian authorities are failing in their obligation under the CED to determine the fate and whereabouts of people forcibly disappeared and conduct prompt, thorough, impartial and independent investigations with a view to bringing to justice in fair trials all those suspected of criminal responsibility.

“The Cambodian authorities must be fully transparent about the investigation’s progress with Wanchalearm’s family. Their responses to the UN suggest they may not have spoken to potentially key witnesses visible on CCTV footage that captured the moment Wanchalearm was abducted. They must take all appropriate witness protection measures to ensure witnesses do not suffer any retaliation,” said Yamini Mishra.

The pace of the investigation has been a particular cause for concern for the family and civil society organizations. Six months after the disappearance, little or no progress has been reported by the authorities to determine who was behind the disappearance and where Wanchalearm is.

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Notably, the Prosecutor of the Phnom Penh Municipal Court only sent his request for an investigation to the court in September 2020 – over three months after Wanchalearm’s disappearance – despite the fact that the complaint forming the basis for the investigation from Sitanun Satsaksit was filed with the Prosecutor since July. These delays are inconsistent with Cambodia’s obligation to ensure a prompt investigation into allegations of enforced disappearance.

Moreover, the Cambodian authorities’ previous responses to UN inquiries regarding the investigation suggest a lacklustre and inadequate approach to the investigation. On 19 June, the Cambodian government stated that it had “neither knowledge nor any lead on the alleged abduction of Mr. Wanchalearm”.

On 12 August, the Cambodian government reported that it had interviewed three “witnesses” who allegedly “confirmed” that there were “no reports of abduction” in the relevant location, and that they had “tried to find evidence through security cameras where the incident reportedly took place”, but found “no clue”.

However, the publication of relevant evidence in the media appears to contradict claims that the CCTV footage provided “no clue” and highlight the fact that the authorities could be doing much more to investigate the case thoroughly. CCTV footage which has been shared by various media sources shows at least two male eyewitnesses who appear to have observed Wanchalearm’s abduction. The Cambodian authorities should develop an investigation strategy that ensures the capture and systematic analysis of all relevant material, including CCTV footage.

All potential witnesses should be interviewed as a priority and appropriate witness protection measures should be put in place to safeguard their participation in the investigation, as required under Article 12 of the CED.

Moreover, authorities should regularly provide Wanchalearm’s family with information about the progress and results of the investigation in a manner that also ensures the effectiveness of the investigation. As noted by the UN Working Group on Enforced Disappearances, “the active participation of victims and their families in the investigation is also the best means to guarantee transparency and accountability of the investigative process”.

Enforced disappearances are not explicitly criminalized under Cambodian law, despite Cambodia being obliged to introduce such an offence under Article 4 of the CED. Amnesty International calls upon the Cambodian authorities to criminalize enforced disappearances in accordance to the Convention, in order to facilitate the prompt, thorough and impartial investigation of all cases of disappearances.

Background

Wanchalearm Satsaksit, 37, is a Thai activist in exile in Cambodia. His sister, Sitanun, reported his abduction on 4 June. CCTV footage published in the media following the abduction shows a blue Toyota Highlander leaving the scene soon afterwards. The footage also shows two men who appear to have witnessed the abduction.

Thai authorities previously filed outstanding criminal charges against Wanchalearm, most recently in 2018 under the Computer Crime Act, alleging that he had posted anti-government material on a satirical Facebook page. Thai authorities reportedly requested Wanchalearm's extradition from Cambodian authorities at the time, though the Cambodian authorities have not publicly acknowledged receiving any such request. The Thai authorities also filed charges against him for failing to report to a summons issued in 2014 to a wide range of activists and political figures after the military coup in May of that year.

Amnesty International has previously expressed concern for the safety of Thai exiles in neighbouring countries whose extradition has been sought by the Thai authorities. Wanchalearm Satsaksit's disappearance corresponds to a deeply alarming pattern of abductions and killings since June 2016 of at least nine Thai activists in exile by unknown persons in neighbouring countries, namely Laos and Viet Nam.

In each case, the Thai authorities had sought the individuals' arrest or extradition in relation to criminal charges filed in connection with their exercise of the right to freedom of expression, often online and in some cases while in exile.

In light of this pattern of disappearances, killings and prevalent impunity in the region, Amnesty International has previously urged the ASEAN Intergovernmental Commission on Human Rights (AICHR), the over-arching human rights body of the Association of Southeast Asian Nations (ASEAN), to exercise its mandate "to obtain information from ASEAN member states on the promotion and protection of human rights" in order to shed light on enforced disappearances such as that of Wanchalearm. AICHR should take a more active role in facilitating cooperation among different ASEAN countries to afford the greatest measure of mutual assistance in assisting victims of enforced disappearance, and in searching for, locating and releasing forcibly disappeared persons in Southeast Asia.

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