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Amsterdam, 12 March 2012

Subject: eight anniversary disappearance Mr. Somchai Neelapaijit

Your Excellency,

Lawyers for Lawyers (L4L)¹ and European Democratic Lawyers (AED-EDL)² would like to express their grave concerns about the situation of our respected colleague Mr Somchai Neelapaijit.

As you might be aware of, our foundations are closely monitoring the case of Mr Somchai Neelapaijit, who was abducted today exactly eight years ago. We would like to express our concern regarding the lack of progress in thoroughly and objectively investigating the case and undertake necessary follow up action based on the rule of law.

We have been informed that, shortly after the disappearance of Mr Neelapaijit, five police officers were arrested and prosecuted for their alleged involvement in the disappearance. Although there were severe suspicions against all five suspects, in January 2006 the court convicted one officer to a three year prison sentence, but acquitted the other four.

On 11 March 2011, the Appeals Court acquitted all of the five suspects. Furthermore, the court ruled that Mr Neelapaijit's wife and children are not eligible to exercise his rights as an aggrieved party, thereby shutting the door for Mr Neelapaijit's family to uncover the truth and to seek justice in court.

National and international human rights organizations which observed the trials closely, believe that the verdicts were the result of an utter failure of the judicial apparatus.

¹ The Dutch Lawyers for Lawyers Foundation (*Stichting Advocaten voor Advocaten*) is committed to helping lawyers around the world who are prevented from exercising their profession without any improper interference.

² The Avocats Européen Démocrates - European Democratic Lawyers is a federation of 9 democratic lawyer organizations residing in six European countries (Belgium, France, Italy, Germany, Spain and the Netherlands). Among its aims are to uphold the right of defense, preserve the physical integrity and freedom of lawyers from all threats that they may suffer, and ensure that citizens have real access to legal remedies and legal protection, either domestic and international. The AED works - inter alia - on the basis of the Preamble on the function of the lawyer in the society adopted by the CCBE (council of the Bars and Law Societies of the European Union).

Out of solidarity for our esteemed colleague, we urge the Thai government to continue investigating the disappearance of Mr. Neelapaijit fully and objectively. Furthermore, we call on the authorities to take decisive steps to show that such crimes will not be tolerated.

We would like to remind the Thai government of its obligations under the provisions of the **International Convention for the Protection of All Persons from Enforced Disappearance**, adopted by the UN General Assembly on 20 December 2006. The Thai government signed this Treaty on 9 Jan 2012, which means it is obliged to refrain, in good faith, from acts that would defeat the object and purpose of the treaty.

Furthermore, we call on the Thai government to recognize the valuable role played by human rights lawyers and to promote and support their work in line with the **Basic Principles on the Role of Lawyers**, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, that provides for a number of rights and responsibilities for lawyers acting in their professional capacity.

In particular, we refer to the paragraphs 16 and 17 of the United Nations Basic Principles on the Role of Lawyers which states that your government is under an obligation

'to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference'.

Further:

'Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities'.

These principles are universally applicable. Therefore, the Government of Thailand is under an obligation to adequately protect and support its lawyers.

Finally, we urge the Government of Thailand to abide by **international obligations** in order to meet the universal standards of legal and judiciary administration and to make possible effective witness protection to enhance efforts to end enforced disappearances in Thailand.

We thank you for your attention to this very important matter. We are confident of your good will and sense of justice. We will continue to monitor the abovementioned case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Sincerely,

Lawyers for Lawyers



Adrie van de Streek
Executive director

European Democratic Lawyers



Hans Gaasbeek
Vice - President