Her Excellency Yingluck Shinawatra  
Prime Minister of the Royal Thai Government of the Kingdom of Thailand  
Office of the Prime Minister  
Government House  
Thanon Phitsanulok, Dusit  
Bangkok 10300, Thailand  

17 March 2014  

Open Letter to Thai Prime Minister Yingluck Shinawatra calling for an investigation into and an end to the continual arbitrary executions of Cambodian illegal loggers  

Your Excellency Ms Yingluck Shinawatra,  

The Cambodian Center for Human Rights ("CCHR") expresses its deep concern regarding the continued arbitrary executions of Cambodian civilians and calls on your government to immediately put an end to these killings and to promptly, independently and publicly investigate the reported human rights violations.  

According to the Royal Cambodian Armed Forces, fifteen Cambodians were shot dead by Thai security forces between 5 March and 12 March 2014 near Preah Vihear Province in Cambodia and two are still missing. This is not a recent or isolated incident. In 2013, the Ministry of Interior reported that at least 69 Cambodians were shot dead by Thai security forces, showing a continuous increase with 45 reported deaths in 2012, 15 in 2011, and 9 in 2010.  

The shooting of Cambodian civilians resulting in death or serious bodily harm constitutes an unlawful act and a grave violation of the Kingdom of Thailand's ("Thailand") human rights obligations. Regardless of where the shootings took place, international human rights standards apply, as does Thai law regulating the conduct of the military. Thailand is a party to the International Covenant on Civil and Political Rights (the "ICCPR"), to which it acceded on 29 October 1996, and is therefore legally bound by its provisions. Article 6 and Article 9 (1) of the ICCPR guarantees the right to life and the right to liberty and security of the person to all individuals within Thailand's territory and under its jurisdiction.  

In addition, CCHR notes – as per the Thai Code of Criminal Procedure as well as international standards – that the use of lethal force and firearms is justified only when used against a real, imminent and grave threat of death or serious injury, or to prevent the commission of particularly grave crimes involving such threats, or to arrest a person presenting such grave danger – in other words in self-defense. In addition, the use of lethal force can only be used as a measure of last resort and must be proportional to legitimate objectives.
Since the casualties are civilians who found themselves in Thai territory while logging, and who in no way posed a real and imminent threat to anyone, such actions cannot be justified legally, and were neither necessary nor proportional. As such, these killings amount to extra-judicial and arbitrary executions and violate Thailand's human rights obligations.

Despite CCHR's previous call, there is thus far no evidence of either the Thai law enforcement authorities or the National Human Rights Commission of Thailand taking any steps to investigate these arbitrary executions. Such inaction not only constitutes a serious violation of the duty to investigate human rights abuses, but also violates the right to truth, justice and remedies of victims of gross human rights violations. In fact, such total impunity must be a key contributory factor in the continuing perpetration of these gross human rights violations.

It is therefore incumbent upon the Royal Thai Government to conduct a thorough, prompt and impartial investigation of all shootings of Cambodian civilians and of all suspected cases of extra-judicial or arbitrary executions committed by Thai law enforcement officials. Its outcome should be subject to public scrutiny, and the casualties, their families and representatives should be kept informed of the investigative process and its outcome. Those suspected of criminal responsibility should be prosecuted, tried and duly punished. Finally, in future, any Cambodians caught logging on either side of the ill-defined Thai-Cambodian border should be arrested and tried in a proper court of law – rather than executed on the spot.

Such human rights abuses have been ongoing for a number of years now, but seem to have deteriorated rapidly in recent times. However, CCHR hopes that, in this period of closer Thai-Cambodian relations, this issue – as well as the connected border dispute – can be resolved peacefully and in line with international law and human rights principles.

Yours Sincerely,

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CC:
- Prayuth, Chan-ocha, Commander in Chief of the Royal Thai Army
- The National Human Rights Commission of Thailand
- Ambassador of Thailand in Cambodia H.E. Mr Touchayoot Pakdi
- Samdech Techo Hun Sen, Prime Minister of the Kingdom of Cambodia
- H.E. Hor Namhong, Minister of Foreign Affairs of the Kingdom of Cambodia
- The Asian Intergovernmental Commission on Human Rights
- The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

1 Letter to Thai Prime Minister Yingluck Shinawatra concerning the continual shooting to death of Cambodian civilians in Thai territory and the lack of any investigation, 24 April 2013, http://bit.ly/1fV8W