



**A joint statement by legal aid organizations:  
The military's extrajudicial killing of Mr. Chaiyaphum Pasae**

For immediate release on 29 March 2017

On 17 March 2017, a military official with war weapon has shot dead, the chairperson of an ethnic youth group, 'Ton Kla', Mr. Chaiyaphum Pasae. It was reported later that Chaiyaphum Pasae was allegedly having drugs in possession, was resisting the arrest of the official and was making an attempt on the life of the official.

The Cross Cultural Foundation (CrCF), the Center for Protection and Recovery of Local Community Rights (CPRLCR), and the Human Rights Lawyers Association (HRLA) have formed a team to provide legal aid to the affected persons in this case. Composed of human rights lawyers and activists, the team realizes the importance of such an extrajudicial killing and how it constitutes a gross violation to human rights and the rule of law and a breach to the Constitution of the Kingdom of Thailand B.E. 2550 (2007)'s Section 39 second paragraph. According to the laws, "everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to the law" (please read this in light of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014)'s Section 4). According to this principle, apart from protecting the rights of an alleged offender or a defendant in a criminal case by presuming the person is innocent until proven otherwise through the final judgment of the Court, it provides that the authorities are obligated to bring to justice the alleged perpetrators and to have the persons proven their innocence through a legal procedure. It is a safeguard against any abuse of power by the authorities arbitrarily against a suspect or an accused which may have led to an infringement on the rights and liberties of the people. In other word, the principle is there to prevent a 'kangaroo court'.

The effort to combat narcotic trade by the state and other practices have to be carried out along the legal framework, the rule of law and with respect on human rights. The state by the superior officials or the commanding officials have to oversee how their subordinates behave and should refrain from showing their appreciation or acquiescence to any act of violence or any illegal act. They are also obliged to have their officials prosecuted to ensure the standard practice of their officials and to ensure their officials would carry out their duties with utmost carefulness.

The undersigned human rights organizations and the legal aid team have the following opinions to make;

1. Eyewitnesses who were present during the extrajudicial killing of Mr. Chaiyaphum Pasae must enjoy protection provided for by the Department of Rights and Liberties Protection and/or the National Human Rights Commission (NHRC). This would make the witnesses feel safe and secure and would be willing to come out to present the account truthfully without fear of any reprisal or harassment. In addition, officials concerned with the incidence have to be removed from the area immediately to show their innocence and to prevent the tampering with evidence.

2. The military officials should be held accountable to the investigations of independent organizations including the NHRC, etc. An ad hoc inquiry committee must be set up, composed of independent experts with appropriate experience, to look into the case.

3. After the completion of the autopsy and the reporting of forensic investigation by forensic doctor, Mr. Chaiyaphum Pasae's mother should have access to such findings without delay. As his mother and as an injured party, she should be informed of the detailed causes of death of her son and other progress as to the investigation and relevant evidence.

4. The commanding officials or superior officials shall refrain from making any intervention, openly or discreetly, to the investigation by the inquiry official to ensure that the justice process can proceed fairly to all parties and independently.

The human rights organizations and the legal aid team pledge to provide legal aid and legal representation on the case of Mr. Chaiyaphum Pasae through the justice process until all the truths are uncovered and to ensure the protection of people's rights and liberties.

**For more information, please contact**

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