SUBMISSION TO THE COMMITTEE ON ENFORCED DISAPPEARANCES (CED)

Call for inputs on Enforced Disappearances in the context of Transnational Repression

Cross Cultural Foundation (CrCF), Thailand
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1. Patterns of Enforced Disappearance in the Context of Transnational Repression

In the context of Southeast Asia, enforced disappearances increasingly occur through ***"Swap Mart"*** arrangements—informal, reciprocal agreements between authoritarian governments to exchange political dissidents.[1]

On 24 July 2025, A joint communication issued by several Special Procedures mandate-holders has been transmitted to Member States in South-East Asia Region (Cambodia, Lao People's Democratic Republic, Thailand and Vietnam) raising concerns about the apparent pattern of cooperation among some Member States in the region for the purposes of enforced disappearances, extrajudicial executions and rendition.[2] The experts explicitly remined the Thai Government about its obligations under human rights treaties and customary international law, particular the protection of non-refoulement principle which must be absolute.

According to CrCF's observations, there are at least two patterns of enforced disappearance in the context of transnational repression. **First, transnational coordination.** There is a disturbing trend of Thai political dissidents in exile being targeted in neighboring countries (Laos PDR, Cambodia, and Viet Nam), often in connection with alleged violations of Thailand's royal defamation law (lèse-majesté or Article 112 of Thailand Criminal Code) or sedition offences. Conversely, refugees from these countries fleeing to Thailand are frequently arrested and deported, as seen in cases involving Uyghurs, Vietnamese Montagnards, and Cambodian dissidents. **Second, short-term enforced disappearance.** A growing pattern involves police "momentarily disappearing" suspects by transporting them to undisclosed locations to coerce cooperation prior to formal processing. This tactic has been observed in cases involving Vietnamese dissidents such as Truong Duy Nhat (2019)[3] and Duong Van Thai (2023)[4], who were abducted in Thailand and later resurfaced in Vietnamese custody. The recent two incidents are the deportation of 40 Uyghurs from Thailand to China on 27 February 2025[5] and the extradition of Montagnards activist Mr. Y Quynh Bdăp in November 2025[6], To date, no accountability has been established for these short-term disappearances.

On 26 November 2025, Thailand's Court of Appeal upheld the Court of First Instance's decision authorizing the extradition of Mr. Y Quynh Bdăp, the Montagnards activist registered under UNHCR in Thailand and had been arrested and detained since June 2025, finding the safety assurances provided by the Government of Viet Nam to be credible and noting the absence of sufficient evidence that he had previously been harmed or threatened while in detention there. Following the ruling, Mr. Bdăp was held at Klong Prem Central Prison and, on 28 November 2025, custody was transferred to the Royal Thai Police in connection with the extradition process. After the transfer, his family and lawyers lost contact with him and were unable to verify his whereabouts until the morning of 29 November 2025, when his deportation was confirmed. On

[1] www.europarl.europa.eu/RegData/etudes/STUD/2026/775286/EXAS_STU(2026)775286_EN.pdf
[2] https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=29112
[3] https://cpj.org/tags/truongduynhat/
[4] https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=29582
[5] https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=29975
[6] Ibid 2

the same day, the Office of the Attorney General, through its Center for the Prevention and Suppression of Torture and Enforced Disappearance Act, confirmed to CrCF that the extradition had taken place on 28 November 2025.[7] Subsequently, on 29 December 2025, Vietnamese state media reported that the extradition had been carried out safely and broadcast images of Mr. Bdăp in prison uniform making a public confession consistent with his in absentia conviction, while also stating that he had received a family visit.[8]

Mr. Y Quynh Bdăp was requested to be extradited by Vietnamese Government through the application of the Extradition Act B.E. 2551 (2008). The request was processed in accordance with Thailand's domestic extradition framework, which governs the arrest, detention, judicial review, and surrender of individuals sought by foreign States for prosecution or enforcement of criminal sentences. Under the Act, Thai courts assess key legal criteria, including dual criminality and the sufficiency of supporting evidence, as well as assurances provided by the requesting State. In this case, the extradition proceedings moved forward following judicial consideration of the request and the diplomatic guarantees presented by the Vietnamese authorities regarding the individual's treatment and safety upon return.

Individuals most at risk of enforced disappearance in the context of transnational repression include several distinct but overlapping groups. Political dissidents in exile remain particularly vulnerable, especially those advocating for sensitive causes such as monarchy reform, decentralization, or environmental rights. These individuals often face stigmatization, surveillance, and judicial harassment, including the use of Strategic Lawsuits Against Public Participation (SLAPPs).[9] Members of political opposition movements are also at heightened risk. This includes individuals affiliated with opposition parties who have fled persecution in their home countries, such as members of Cambodia's Candlelight Party (formerly the Cambodia National Rescue Party – CNRP).[10] Human rights defenders (HRDs) face significant exposure to threats, particularly those working on issues affecting ethnic and religious minorities. This includes Muslim HRDs in Thailand's Southern Border Provinces, as well as Montagnard activists from Viet Nam who have sought refuge across borders. Refugees and asylum seekers without regular legal status are among the most vulnerable. Groups such as Uyghurs and Burmese migrants face heightened risks of extortion, arbitrary or prolonged detention, and forced deportation (refoulement), often without adequate access to protection safeguards.[11]

2. Legal Framework: Contributing and Preventive Factors

The legal and policy framework creates structural risk factors that may facilitate enforced disappearance and related violations.

Special security laws, including the Martial Law Act B.E. 2457 (1914) (Martial Law Act) the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005) (Emergency Decree) the Emergency Decree, authorize detention without a warrant for extended periods—up to 37 days in total (seven days under Martial Law and 30 days under the Emergency Decree)—without judicial oversight. According to local CSOs working in the Southern Border Provinces (SBPs), at least 192 individuals were

[7] Prachatai, https://prachatai.com/journal/2025/11/115672 (in Thai)
[8] https://vtv.vn/dan-do-y-quynh-bdap-doi-tuong-cam-dau-vu-khung-bo-tai-dak-lak-1002512292241224.htm (in Vietnam)
[9] https://prachatai.com/journal/2025/10/115007 (in Thai)
[10] https://crcfthailand.org/en/2023/07/11/53665/
[11] https://progressivevoicemyanmar.org/2025/12/12/thai-authorities-myanmar-junta-cooperating-in-forced-return-conscription-of-myanmar-nationals

detained under those special laws in 2025.[12] Such provisions create a heightened risk of incommunicado detention and increase vulnerability to torture and enforced disappearance.

Immunity provisions embedded within these special laws, as well as within the Penitentiary Act B.E. 2560 (2017) (Penitentiary Act, notably Sections 17, 28, and 30), grant broad legal protections to security and prison officials. In practice, these provisions risk fostering a culture of impunity by shielding officials from accountability for acts committed in the course of duty. Administrative detention frameworks present additional loopholes. Under the Narcotics Act B.E. 2522 (1979) (Narcotics Act, notable Section 15), authorities may detain individuals beyond the standard 48-hour limit applicable in ordinary criminal procedures. Similarly, the Immigration Act B.E. 2522 (1979) (Immigration Act, notable Section 54) grants officials wide discretionary powers to detain foreign nationals for prolonged or indefinite periods, without a clearly defined maximum duration, thereby heightening protection risks. Extradition and deportation processes also raise serious concerns. The Extradition Act B.E. 2551 (2008) (Extradition Act) lacks explicit human rights safeguard provisions, focusing primarily on the principle of dual criminality rather than assessing risks of torture or enforced disappearance upon return. Furthermore, the Royal Decree on the Management of Foreign Workers Employment B.E. 2560 (2017) (Alien Working Decree) criminalizes undocumented migrant status, increasing migrants' exposure to arrest, detention, and potential refoulement, and thereby compounding their vulnerability to coercion and abuse.

Laws Preventing Disappearances

Thailand has taken important legislative steps to prevent and address enforced disappearance, most notably through the enactment of the Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565 (2022). This landmark legislation formally criminalizes enforced disappearance under Section 7 and confirms its nature of continuous application under Section 10 while introducing a range of preventive safeguards aimed at reducing the risk of abuse in situations of deprivation of liberty. These include requirements such as the mandatory audio-visual recording of arrests and detention procedures under Section 22, intended to enhance transparency, accountability, and evidentiary protection and provisions under Sections 26–27 on habeas corpus, which enable detainees or their representatives as well as state agencies to petition the court to review the lawfulness of detention and order their immediate appearance. The Act also incorporates an explicit non-refoulement safeguard. ***Section 13*** prohibits the expulsion, deportation, or return of any person to a State where there are substantial grounds for believing they would be at risk of torture or enforced disappearance. This provision constitutes a critical legal protection, particularly in the context of transnational repression, by establishing a domestic legal barrier against transfers that may expose individuals to serious human rights violations.

3. Mechanisms for Investigation and Justice

3.1. Existing Mechanisms:

In Thailand, transparency, accountability, and access to justice in cases of torture and enforced disappearance are primarily governed by the Prevention and Suppression of Torture and Enforced Disappearance Act, which entered into force in February 2023. The Act introduced a range of oversight bodies, investigative pathways, and procedural safeguards designed to strengthen prevention, monitoring, and accountability frameworks.

[12] Confidential information provided by JASAD dated 31 December 2025.

At the policy and oversight level, the Act established ***the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance*** as the principal high-level coordinating body. Chaired by the Minister of Justice and comprising senior officials—including the Permanent Secretary for Justice, the Attorney General, and the Commissioner-General of the Royal Thai Police—alongside independent experts in human rights, medicine, and psychology, the Committee is mandated to formulate national policies, develop rehabilitation measures for victims, review reported cases, and submit annual public reports to the Cabinet, the House of Representatives, and the Senate.

The National Human Rights Commission of Thailand (NHRCT), an independent constitutional body, also plays a central role in the protection framework. It serves as a key channel for receiving complaints from victims and families and has been designated to assume the functions of Thailand's National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT), including the authority to conduct visits to places of detention, although full operationalization remains in progress.

The Act further introduced procedural transparency safeguards during the critical period of arrest and detention. Authorities are required to conduct continuous audio-visual recording throughout arrest and custody processes and must notify local prosecutors and administrative officials immediately upon detention according to its Section 22. These measures aim to ensure multi-agency oversight and reduce the risk of incommunicado detention.

On 10 June 2024, the National Human Rights Commission of Thailand (NHRCT) presented its investigation report on the nine cases of enforced disappearances of Thai refugees residing in neighbouring countries (Cambodia, Lao People's Democratic Republic or Laos PDR, and Viet Nam) between 2016 and 2021. The NHRCT concluded that the nine individuals are ***"believed to be cases of enforced disappearance"*** under the International Convention on the Protection of All Persons from Enforced Disappearance (ICPPED) and related laws and that the officials may have been involved in the disappearances and deaths. The NHRCT also stated that ***"ineffective actions"*** of Thai Government authorities in the investigations and the lack of progress in prosecuting the perpetrators are considered negligent and a violation of human rights. [13] On 30 August 2024, the National Committee on the Prevention and Suppression of Torture and Enforced Disappearance (the National Committee) established a sub-committee to investigate the case of the nine Thai individuals disappeared abroad. However, no significant progress has reportedly been made so far.

In terms of investigations, specialized institutional roles have been strengthened. The Office of the Attorney General has established dedicated mechanisms to receive complaints and monitor cases under the Act, with prosecutors playing a more proactive role in supervising investigations from the outset. For complex or sensitive cases, the Department of Special Investigation may assume investigative responsibility to enhance independence and technical capacity. However, the Office of the Attorney General dismissed at least four of nine cases involving Thai political activists who allegedly disappeared in Laos, Cambodia, and Vietnam between 2016 and 2020. Some cases were closed due to insufficient evidence, while at least two were dismissed on the grounds that they fell outside the OAG's jurisdiction.[14]

Judicial oversight has also been reinforced. Jurisdiction over cases involving public officials is vested in the Criminal Court for Corruption and Misconduct Cases, with the aim of preventing conflicts of interest arising from self-investigation. The law additionally guarantees the right of families and legal representatives to seek

[13] https://tlhr2014.com/archives/67809 (in Thai)
[14] https://crcfthailand.org/2025/04/11/58988/ (in Thai)

information on the fate and whereabouts of detained persons and to petition courts for disclosure where authorities fail to provide such information.

Complementary complaint avenues remain available through administrative accountability bodies. The Office of the Ombudsman may receive complaints relating to maladministration or ethical misconduct by State officials, while Damrongdhama Centers—provincial and district-level grievance units under the Ministry of Interior—serve as accessible entry points for the public to report abuses and seek assistance.

3.2.1. Summary of Gaps

Despite the establishment of these mechanisms, civil society organizations—including CrCF—as well as the UN Committee Against Torture have identified a number of persistent gaps and limitations.

One key concern relates to the continued application of statutes of limitations under Thai law, which range from one to 20 years depending on the offence. This remains inconsistent with international standards, which call for the exclusion of statutory limitations for crimes such as torture and enforced disappearance. Challenges also persist in the area of cross-border cooperation. In cases involving transnational enforced disappearance, there is often a lack of effective judicial coordination, with relevant authorities deferring responsibility or citing jurisdictional constraints. This has contributed to prolonged impunity in emblematic cases, such as that of ***Mr. Wanchalerm Satsaksit***, where clarification between Thai and Cambodian authorities remains unresolved without substantive progress.

Among the cross-border cases, Mr. Wanchalearm Satsaksit, a Thai pro-democracy activist in exile in Cambodia since 2014, was reportedly abducted by armed men on 4 June 2020 outside his apartment in Phnom Penh. His whereabouts remain unknown. In June 2025, renewed scrutiny reportedly emerged following allegations that an individual connected to political elites may have been implicated in the disappearance. On 25 June 2025, Mr. Wanchalearm's sister reportedly submitted additional evidence to the Office of the Attorney General (including audio materials and photographs) seeking to advance fact-finding and obtain updates on an investigation that has reportedly stalled. However, on 23 December 2025, Ms. Sitanan Satsaksit, sister of Mr. Wanchalearm Satsaksit, was informed by Cambodian legal counsel that the Phnom Penh Municipal Court had issued a ***"Notice of the Conclusion of the Investigation"*** in the case concerning her brother's enforced disappearance.[15] The notice, dated 17 December 2025 and signed by the Investigating Judge, referred to charges of "unlawful arrest and detention" and "illegal possession of weapons." Despite repeated motions and additional evidence submitted since 2020, the case has yet to be substantively investigated. It remains pending before the OAG, with no conclusion as to whether the disappearance will be pursued further.

Concerns have further been raised regarding the limited integration of a victim-centered approach. Representatives of victims and affected communities are not currently included in the decision-making processes of the National Committee, potentially constraining participatory accountability. In addition, transparency deficits remain in investigative processes, as reports submitted to courts are not consistently disclosed to families or legal representatives, restricting their access to information on case developments.

According to the Government, at least 141 complaints were reported to the Committee on the Prevention and Suppression of Torture and Enforced Disappearance under the Act from 22 February 2023 to 24

[15] https://www.khaosodenglish.com/news/2025/12/25/cambodian-court-terminates-5-year-probe-into-wanchalearm-abduction/

February 2025. The complaints are categorized as follows: torture (58 complaints), cruel and inhuman treatment (45 complaints), enforced disappearance (17 complaints), and multiple allegations (21 complaints). On 21 March 2025, ***the Regulation of the Committee on the Prevention and Suppression of Torture and Enforced Disappearances Concerning Victim Assistance, Remedy, and Rehabilitation*** was published in the Royal Gazette. The regulation proposes to provide victims of torture and enforced disappearances a lump-sum compensation of THB 500,000 (about USD 14,614), and THB 100,000–250,000 (about USD 2,922-7,307) for victims of ill-treatment. It also contains provisions of non-monetary remedies, including rehabilitation and public apologies. This long-awaited regulation marks a significant step towards providing redress for victims, especially as none had received compensation under other laws following the enactment of the Prevention and Suppression of Torture and Enforced Disappearance Act. According to the Rights and Liberties Protection Department of the Ministry of Justice, at least six cases have received financial compensation which was approved by the Sub-Committee Concerning Victim Assistance, Remedy, and Rehabilitation. **However, either past enforced disappearance cases or those allegedly subjected forcibly disappeared outside Thailand received any forms of rehabilitation under this regulation.**

Finally, capacity gaps continue to affect the effectiveness of investigations, particularly in relation to specialized expertise. For example, the limited availability of forensic anthropologists and other technical specialists hampers efforts to establish personal identity from skeletal remains and other complex evidentiary materials, thereby affecting prospects for truth and accountability.

Other emblematic cases include the disappearance of Mr. Siam Theerawut, Mr. Chucheep Chiwasut and Mr. Kritsana Thapthai, Thai activists residing in Lao PDR who reportedly traveled to Viet Nam and were arrested in May 2019.[16] Their whereabouts remain unknown. Another case involves Mr. Surachai Danwattananusorn, Mr. Chatchan Bubphawan and Mr. Kraidej Luelert, Thai activists affiliated with the United Front for Democracy Against Dictatorship (UDD) in exile in Lao PDR, who disappeared in December 2018; two bodies were later found and reportedly identified through DNA as Mr. Bubphawan and Mr. Luelert, while Mr. Danwattananusorn remains missing. The cases underline the need for credible, independent, and effective investigations and enhanced regional cooperation consistent with international human rights obligations.

4. Recommended Measures for States

- **Legal Reform:** Amend the Prevention and Suppression of Torture and Enforced Disappearance Act B.E.2565 (2022) to fully align definitions with the ICPPED and abolish the statute of limitations for enforced disappearance.
- **Independent Oversight:** Ratify the OPCAT and establish a civilian-led independent body with the authority to conduct unannounced inspections of all detention facilities.
- **Transparency:** Mandate regular public reporting on the number of complaints received, investigated, and resolved.
- **Comprehensive Reparation:** Expand reparations beyond financial compensation to include psychosocial support and the right to truth for families.

[16] https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25646

5. Safeguards for International Organizations (INTERPOL)

- **Enhanced Risk Assessment:** INTERPOL must conduct rigorous risk assessments considering an individual's political and ethnic background before processing Red Notices.
- **Scrutiny of Charges:** Mechanisms must be strengthened to identify and reject requests based on politically motivated charges, such as "national security" or *lèse-majesté*, used to silence dissent.
- **UN Cooperation:** States should facilitate country visits and provide regular updates to the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID).

6. Positive Examples of Cooperation

- **Legislative Progress:** The enactment of the *Prevention and Suppression of Torture and Enforced Disappearance Act B.E.2565 (2022)* is a historic success driven by civil society advocacy. It provides a legal basis for prosecution and mandatory transparency during arrests.
- **Judicial Intervention:** The Constitutional Court's May 2023 ruling, which declared the government's attempt to delay the enforcement of key transparency provisions unconstitutional, reaffirmed that fundamental rights cannot be deferred for administrative reasons.[17]
- **Civil Society Monitoring:** Collaborative "shadow reporting" by organizations like CrCF and OMCT provides essential independent data to international bodies (e.g., UN CAT), acting as a check on state narratives.

[17] https://hardstories.org/news/constitutional-court-strikes-down-decree-postponing-anti-torture-law#:~:text=BANGKOK%20%E2%80%93%20In%20a%20resolute%208,constitutionality%20of%20the%20postponement%20decree.

ANNEX: Timeline of Transnational Cases

This annex provides a chronological overview of transnational repression and enforced disappearances involving both Thai and foreign nationals, ordered from the earliest incidents to the most recent.

2014 – 2015: The Uyghur Refugee Crisis

- **Arrival (2014):** A large group of Uyghur Muslims arrived in Thailand fleeing persecution in Xinjiang, China.
- **Forced Repatriation (July 2015):** In a move that drew global condemnation, Thai authorities forcibly returned **109 Uyghur men** to China. They have since disappeared into the Chinese detention system. Approximately 40-50 others remained in indefinite detention in Thai Immigration Detention Centers (IDCs) for the following decade.
- **Forced Repatriation (February 2025):** At least 40 Uyghurs have been deported to China, despite warnings from rights groups they could face possible torture and even death.

In 2014, a group of Uyghur people fled persecution and arrived in Thailand around 2014. In July 2015, Thailand forcibly returned **109 Uyghur Muslims from Xinjiang, China**—where they have since disappeared into the detention system—drawing global condemnation. However, a remaining group of approximately 40-50 Uyghurs has been held in indefinite detention in Thailand's Immigration Detention Centers (IDCs) for over a decade. Eventually in **February 2025,** Thai authorities have confirmed that at least 40 Uyghurs have been deported to China. The group is believed to have been flown to China's Xinjiang region on February 27, 2025, after spending a decade in detention at a Bangkok facility.

China has been widely accused of committing crimes against humanity—and possibly genocide—against Uyghurs and other predominantly Muslim ethnic minorities in Xinjiang. Beijing has repeatedly denied these allegations.

Several human rights reports cite them as the most glaring example of Thailand's refusal to protect vulnerable groups to appease Beijing. They are denied access to the UNHCR and are kept in cramped, unhygienic conditions with no prospect of release or resettlement, effectively serving as "hostages" to diplomatic relations with China.

July 2016: Ittipol "DJ Sunho" Sukpan (Laos)

- **The Case:** Ittipol, a Red Shirt member and radio broadcaster charged with *lèse-majesté*, went missing in Laos on **July 19, 2016**.
- **Circumstances:** He was last seen leaving a restaurant; witnesses reported hearing a scream that night. His motorcycle and a single shoe were discovered a kilometer away. He has not been seen since.

July 2017: Wutthipong "Ko Tee" Kotthammakun (Laos)

- **The Case:** A prominent Pathum Thani Red Shirt leader and "Thai Federation" member, Wutthipong was wanted for *lèse-majesté* and security offenses.

- **Circumstances:** He was reportedly abducted by armed men in Laos in **July 2017**. No information regarding his fate has been released by Thai or Lao authorities.

December 2018: Surachai Danwattananusorn & the Mekong River Bodies (Laos)

- **The Case:** Surachai (a Red Shirt leader), **Chatchan "Comrade Phuchana" Buppawan**, and **Kraidej "Comrade Kasalong" Luelert** disappeared in Laos in early December 2018.
- **The Outcome:** In late December, two mutilated bodies were found in the Mekong River in Nakhon Phanom, Thailand. DNA tests identified them as **Chatchan** and **Kraidej**. Their bodies had been disemboweled and stuffed with concrete blocks. Surachai remains missing.

January 2019: Truong Duy Nhat (Thailand)

- **The Case:** A Vietnamese blogger for Radio Free Asia (RFA) seeking asylum in Thailand.
- **Circumstances:** On **January 26, 2019**, Nhat disappeared from a shopping mall in Bangkok immediately after visiting the UNHCR. He later resurfaced in a Vietnamese prison, suggesting direct cooperation between Thai and Vietnamese security services.

May 2019: Chucheep Cheewasut, Siam Theerawut, & Kritsana Thapthai (Vietnam)

- **The Case:** These three Thai "Thai Federation" activists had been living in exile in Laos before moving to Vietnam.
- **Circumstances:** They were reportedly arrested in Vietnam in **May 2019** and handed over to Thai authorities. Despite family appeals to the DSI and UN, the Anti-Torture and Enforced Disappearance Centre terminated the complaint in June 2024, citing "insufficient evidence" of state involvement.

June 2020: Wanchalearm "Tar" Satsaksit (Cambodia)

- **The Case:** A former NGO officer and administrator of an anti-junta Facebook page.
- **Circumstances:** On **June 4, 2020**, Wanchalearm was abducted from in front of his apartment in Phnom Penh while on the phone with his sister.
- **Current Status:** Despite CCTV footage and international pressure (including the UN CED), Cambodia closed the probe in March 2024 citing a lack of evidence. His sister, Sitanun, has since faced systematic judicial harassment and surveillance by Thai police.

2021: Mass Deportation of Cambodian Dissidents

- **The Pattern:** Throughout 2021, the Thai government arrested several UNHCR-recognized refugees belonging to the Cambodian opposition party (CNRP) for "immigration violations" and forcibly returned them to Cambodia.

September 2022: Yahri Dueloh (Malaysia/Thai Border)

- **The Case:** Yahri, a Malay-Muslim resident of Narathiwat, vanished in Malaysia on **September 27, 2022**, allegedly ambushed by plainclothes officers.

- **Circumstances:** A body found in the Su-ngai Kolok River the following day was identified by his family as Yahri. However, Thai authorities disputed the ID and forcibly exhumed the body despite community protests, later sentencing Yahri's wife and mother to prison for "obstructing" the exhumation.

April 2023: Duong Van Thai (Thailand)

- **The Case:** A Vietnamese independent journalist and UNHCR refugee living in Thailand.
- **Circumstances:** Abducted near his residence in Pathum Thani on **April 13, 2023**. Days later, he appeared in Vietnamese state custody, with Vietnam claiming he "illegally entered" their territory.

August 2023: Phorn Phanna (Thailand)

- **The Case:** A Cambodian activist living in Rayong, Thailand.
- **Circumstances:** He was physically assaulted by a mob in **August 2023**. This occurred amidst a climate where the Cambodian leadership had openly ordered cross-border actions against dissidents.

2024: Y Quynh Bdap (Thailand)

- **The Case:** A Montagnard human rights defender and co-founder of Montagnards Stand for Justice (MSFJ).
- **Status:** After being convicted *in absentia* in Vietnam for "terrorism," Thai authorities arrested him in 2024 and proceeded with an extradition hearing. This case is viewed as a critical test of Thailand's *non-refoulement* obligations under the 2022 Anti-Torture Act.

The case of **Y Quynh Bdap** serves as an illustration of the potential violations of this principle by the Thai authorities, especially in light of their handling of extradition requests from states known for systemic human rights abuses. Bdap, a Montagnard human rights defender and co-founder of Montagnards Stand for Justice, faces extradition from Thailand to Viet Nam, where he has been convicted in absentia on politically motivated charges of terrorism. This conviction has been condemned by various international human rights bodies as emblematic of a broader pattern of repression targeting dissenters.[18]

The decision by Thai authorities to entertain the extradition request from the Vietnamese government, despite the substantial evidence indicating the imminent risk of torture and enforced disappearance faced by Bdap, raises questions about Thailand's compliance with the non-refoulement principle. This principle is grounded in the recognition that states have a responsibility to protect individuals from violations of their fundamental rights, particularly in contexts where those rights are systematically undermined. The jurisprudence of the Committee has made it abundantly clear that the obligation of non-refoulement is

[18] Amicus Curiae Submission for Y Quynh Bdap case, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Professor Ben Saul, 12 August 2024; United Nations Human Rights Special Procedures., Experts condemn misuse of counter-terrorism law against Montagnards in Viet Nam, available at: https://www.ohchr.org/en/press-releases/2024/08/experts-condemn-misuse-counter-terrorism-law-against-montagnards-viet-nam; Amnesty International, Viet Nam: Man believed to be at imminent risk of execution in case beset by forced confession and torture allegations, 7 August 2023, https://www.amnesty.org/en/latest/news/2023/08/viet-nam-man-believed-to-be-at-imminent-risk-of-execution-in-case-beset-by-forced-confession-and-torture-allegations/

absolute and must be upheld regardless of the charges brought against an individual, including those purportedly relating to national security.

The Committee Against Torture's General Comment No. 4[19] underscores that risk assessments must be comprehensive and should consider the specific circumstances surrounding each case. This includes considering the individual's ethnic background, political beliefs, prior treatment at the hands of authorities, and the broader human rights landscape within the country of origin. In this context, the documented history of severe human rights abuses against the Montagnard community and other dissidents in Viet Nam raises significant concerns regarding the potential consequences of extraditing Bdap, as recently highlighted by a UN experts communication.[20] Reports from various international human rights organisations and experts[21] consistently document patterns of arbitrary detention, torture, and enforced disappearance of individuals returned to Viet Nam, particularly those who have engaged in legitimate political dissent or have been associated with minorities communities.

January 2025: Lim Kimya (Thailand)

- **The Case:** A Cambodian-French opposition politician (CNRP).
- **Circumstances:** He was shot dead in Bangkok in **January 2025**. Thai courts eventually sentenced the gunman to life imprisonment, but the case highlighted the lethal reach of transnational repression on Thai soil.

Lim Kimya was a Cambodian-French opposition politician from the CNRP and served as an MP from 2013 to 2018. He was shot dead in Bangkok in January 2025 near Wat Bowonniwet Vihara temple. Thai courts later issued arrest warrants for multiple suspects, including the gunman, Ekaluck Paenoi, who was arrested in Cambodia. On 3 October 2025, he was sentenced to death, later reduced to life imprisonment after confessing.

While high-profile cases like Lim Kimya or **Phorn Phanna**, who was beaten by a mob of men in Rayong in August 2023 and threatened to death after the leak of a video clip of Hun Sen directly ordering a cross border assassination in 2025, there are reports that numerous Cambodian refugees, like the two mentioned, have faced surveillance, physical assaults, and forced repatriation while staying in Thailand.

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[19] UN Committee against Torture, 'General Comment No. 4 (2017) on the implementation of article 3 of the Convention against Torture in the context of article 22', UN Doc. CAT/C/GC/4, 4 September 2018, para 13, available at: https://www.ohchr.org/en/documents/general-comments-andrecommendations/catcgc4-general-comment-no-4-2017-implementation ('CAT/C/GC/4')

[20] Communication AL VNM 4/2024, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Special Rapporteur on the situation of human rights defenders, Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Independent Expert on human rights and international solidarity, Special Rapporteur on Minority issues, Working Group on enforced or involuntary disappearances, Special Rapporteur on the right to freedom of opinion and expression, Special Rapporteur on the human rights of migrants, and Special Rapporteur on freedom of religion or belief, 'Experts alarmed by possible extradition of refugee and human rights defender Y Quynh Bdap from Thailand to Vietnam,' 4 July 2024, available at: https://www.ohchr.org/en/press-releases/2024/07/experts-alarmed-possible-extradition-refugee-and-human-rights-defender-y

[21] See for example Amicus Curiae Submission, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Professor Ben Saul, 12 August 2024, https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/court-submissions/202408-Amicus-SRCT-Thailand-en.pdf

They are part of a targeted group subjected to transnational repression by Cambodian agents, often in plainclothes, who openly track these refugees in Thailand to instill fear. The Thai government has frequently arrested these UNHCR-recognized refugees for "immigration violations" and handed them over to Cambodian authorities, as seen in the mass deportations of CNRP members in 2021.

February 2025: Mass Arrest of Montagnards & Uyghur Deportation

- **Montagnard Arrests (February 2025):** 43 Montagnard asylum seekers, including the wife of Y Quynh Bdap, were jailed in Bangkok for "illegal entry" following a raid on a funeral gathering.
- **Uyghur Deportation (February 27, 2025):** Thai authorities confirmed the deportation of the remaining **40 Uyghurs** to Xinjiang, China, after they had spent 11 years in indefinite detention. This occurred despite repeated warnings of the risk of genocide and torture awaiting them.

CrCF has documented cases of mass arrest of **Vietnamese refugees.** In February 2025, 43 Montagnard asylum seekers from Vietnam were jailed in Bangkok for illegal entry after being arrested during a police raid on a funeral gathering in Nonthaburi. Those sentenced included the wife of detained activist Y Quynh Bdap, who was fighting extradition to Vietnam where he faces a 10-year terrorism sentence, which he denies. Thai police said the group was fined 4,000 baht each but was jailed for eight days after being unable to pay, and will later be held in immigration detention, though officials said there is no immediate risk of deportation[22].

[22] Bangkok Post - Thailand jails 43 Montagnards from Vietnam