



REFERENCE: CERD/GH/mja/ks

15 May 2015

Excellency,

I write to inform you that in the course of its 86th session, the Committee on the Elimination of Racial Discrimination received information regarding the intimidation of members of Malayu Thai civil society organizations as well as the collection of DNA samples from Malayu Thai students living in the southern provinces of Thailand.

The Committee has received information alleging that, on 3 April 2015, officers from the Royal Thai Army Special Task Force 16 together with the Muan Yala provincial police station, the Muang Yala volunteer defence corps and a civilian community leader, conducted a search of the Seletan Cultural Center or BUMI and attempted to conduct a search of the offices of the Association of Women for Peace in Southern Border Provinces also known as PERWANI. It is alleged that during the searches, the security officers intimidated eight high school male students, who were members of the BUMI network. It is further alleged that the security officers forced the students, to sign a document giving their consent to take DNA samples. According to the information received, the students did not understand the document they signed.

It is also reported that in cases in 2012, security officers collected DNA samples from Malayu Muslims from the southern border provinces, allegedly for reasons connected to their ethnicity.

The Committee understands that over the last years your Government has enforced special counter-insurgency legislation: namely, the 1914 Martial Law, the 2005 Emergency Decree, and the 2008 Internal Security Act. Information received alleged that, pursuant to this legislation security officers have subjected Malayu Muslims to harassment, searches, arrests and collection of their DNA samples during military and police operations, including in private Islamic schools (ponoh), in Bannang Sareng sub-district, Muang Yala district in the Yala province as well as in Mai Kaen district of the Pattani province and in the villages of the Sai Thong sub-district in the Pattani province.

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The Committee is concerned that these allegations, if verified, could amount to ethnic profiling in contravention of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee is particularly concerned about the reported collection of DNA samples from young people without adequate prior consultation or their explanation. The Committee recalls its recommendations in paragraph 21 of its concluding observations to the first to third periodic reports of Thailand in which it urged the State party to take concrete measures to eradicate the practice of identity checks and arrests based on racial profiling in the application of the special laws in the southern border provinces, to review the special laws with a view to meeting international human rights standards and to thoroughly investigate all allegations of human rights violations and prosecute those found responsible.

The Committee reminds the State party that it has reiterated its concern in its follow-up letter of 29 August 2014, 'about racial profiling and the risk of human rights violations in the enforcement of the special laws in the Southern Border Provinces'.

In accordance with Article 9(1) of the Convention and Article 65 of its Rules of Procedure and in light of the information above, the Committee requests the State party to submit information by 31 October 2015 in relation to these allegations. In particular the Committee would welcome information in relation to: a) the reasons for the collection of DNA samples referred to above; b) measures taken to monitor the enforcement of the special counter-insurgency legislation to ensure respect for human rights; c) measures taken to ensure that civil society organizations are free from intimidation and harassment; and, d) measures taken to investigate the allegations of human rights violations referred to above and, where relevant, prosecute those responsible.

Allow me, Excellency, to reaffirm the wish of the Committee to continue to engage in a constructive dialogue with the Government of Thailand, with a view to assisting it with the effective implementation of the Convention.

Yours sincerely,



José Francisco Calí Tzay
Chair

Committee on the Elimination of Racial Discrimination