

THAILAND: Somchai Neelaphaijit—One man, four disappearances

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The case of human rights lawyer Somchai Neelaphaijit, whom police officers abducted and forcibly disappeared over nine years ago, took a new twist when the Department of Special Investigation claimed that its file on his case had itself disappeared during anti-government protests last week.

According to Niran Adulayasak, Director of Special Criminal Case Office 1 in DSI in a news report on Thai PBS TV (<http://www.youtube.com/watch?v=q4m1V2x5RTU>), when members of the protests broke into his building, they went to the cabinet containing the file of Somchai's case and removed it from the premises. The file is now, like the person on whom it was prepared, officially disappeared.

The disappearance of the file on Somchai's case is only the latest in a series of disappearances, beginning with the disappearance of Somchai himself. The second disappearance was the disappearance of the one police officer found guilty of criminal offences in connection with the lawyer's abduction in the court of first instance. While appealing the conviction, he supposedly disappeared in a landslide.

Somchai's wife, Angkhana, has said that she doubts the explanations regarding the disappearance of the policeman, and on this occasion the Asian Human Rights Commission doubts the explanation of the DSI regarding the third disappearance, of the file itself. That protestors would break into a government office just to go straight to the cabinet with a file on an abducted human rights defender without bothering with any other of the office's contents is a stretch of the imagination. That the government of the former premier Thaksin Shinawatra, to whom the demonstrators were opposed, was implicated in Somchai's disappearance only makes such an allegation by the DSI criminal cases director all the more fanciful.

The fourth disappearance is, of course, the disappearance of justice: for Somchai, for his family, and for all people in Thailand concerned about consistent violations of the right to life there. The AHRC long ago associated the disappearance of justice with the disappearance of Somchai. But perhaps, almost a decade on from his abduction, it would be better to recognize that justice has not disappeared in this case after all, because it was never a possibility in the first place. From the beginning, practically all public institutions in Thailand—political and legal—signaled that justice in this case was not going to be realized. Whether or not his family, fellow human rights defenders and other concerned persons were prepared to recognize this ugly fact was a matter of no significance. And it was only a matter of time that along with Somchai, the case itself disappeared too.

[UPDATE] After considerable criticism was made on losing the file, Director of the DSI Special Criminal Case Office 1 announced in a news report on Thai PBS that the file had been found. He also mentioned in the same news report that he planned to consult the prosecutor of special litigation to terminate investigation into the case of disappeared human rights lawyer Somchai Neelaphaijit in January 2014.