



# Pre-Trial Briefing Paper

## Justice: Koh Tao

### Murder Case

July 2015



Migrant Worker Rights Network (MWRN) .....	2
Koh Tao Murder Case Investigation: Background .....	2
The Arrest of Zaw Lin and Wai Phyo.....	3
Alleged Abuse of Zaw Lin and Wai Phyo .....	4
The Formal Charges and Not Guilty Plea .....	4
UK Government Case Investigation .....	5
Justice, Defence and a Fair Trial.....	6
MWRN Fundraising – Justice: Koh Tao Murder Case .....	7
Annex: Summary Koh Tao Murder Case Timeline 2014.....	9

# Justice: Koh Tao Murder Case

## Migrant Worker Rights Network (MWRN)

The Migrant Worker Rights Network (MWRN) is an organisation that represents and works to protect the rights of all migrant workers in Thailand. MWRN has since October 2014 supported and raised funds for the defence of Zaw Lin and Wai Phyo (Win Zaw Htun), two 22 year old Myanmar migrant workers. These workers were prosecuted before Koh Samui Court for the rape and murder of Hannah Witheridge and murder of David Miller, both British tourists, which occurred on Koh Tao Island, Thailand in September 2014. MWRN considers both accused individuals may well, during their trial in court, face real violations of their right to fairly contest the case against them.

The criminal trial of Zaw Lin and Wai Phyo, at Koh Samui Court in Surat Thani Province in Thailand, has been agreed as 18 days by the defence and the prosecution teams. The trial will begin on 8th July 2015 (6 x 3 day sessions) and end on September 25th 2015. A verdict is expected in the case during October 2015. Both Zaw Lin and Wai Phyo have been continually detained in Koh Samui prison since October 2014 until the present time and will continue to be detained in this prison during their trial.

MWRN's involvement in the Koh Tao murder case began in September 2014 amidst allegations widely reported, including across domestic and international media, regarding: arrest of 'scapegoats'; torture of Zaw Lin and Wai Phyo to force them to confess to the crimes during detention prior to formal questioning by investigation officials; improper collection of forensic evidence at the crime scene during initial evidence investigations; and intimidation or abuse of witnesses and suspects.

MWRN intends to contribute to a fair trial for Zaw Lin and Wai Phyo to prevent a potential miscarriage of justice that would impact negatively on families, communities and everyone deeply affected by this case. MWRN also wants to ensure that migrants, who contribute much through their work and presence to the prosperity of Koh Tao and to Thailand, will feel justice is achieved in this case. In addition to families and friends of all those concerned, Thailand's migrant community has been deeply impacted and moved by the tragic deaths of Hannah and David and the arrest and prosecution of Zaw Lin and Wei Phyo, their fellow nationals, for the crime.

*"The truth is we are not really involved in this case. We want you to help us. So we write this letter to you from our imprisonment... We do not want to be in jail anymore... We think it is injustice that we are in the jail. We want justice and equality."*

**Zaw Lin and Wei Phyo's letter to Aung San Suu Kyi, Dec. 2014**

## Koh Tao Murder Case Investigation: Background

In the early morning of 15<sup>th</sup> September 2014, two young British tourists Hannah Witheridge (23) and David Miller (24) were murdered on Koh Tao, a popular tourist destination in the Gulf of Thailand. The two victim's bodies were reportedly found amongst rocks in a secluded area of the popular Sairee Beach.

Two weeks into the murder investigation, police had yet to charge anyone with the murders. Amidst conflicting statements regarding evidence and suspects, the investigation appeared increasingly disorganized. Investigators of this case have been widely criticised for alleged mishandlings of forensic evidence, abuse of suspects and intimidation of witnesses, particularly migrant workers living on Koh Tao. A shadow of doubt has been cast, not only over safety of tourism, but also over the reliability of the criminal justice system in Thailand to hold the right people responsible for these high profile murders.

Whilst under pressure to make an arrest, Thai officials suggested that migrant workers committed these murders. For many, these statements reflected the historical and systematic discrimination long faced by migrant workers in Thailand. Migrant workers are still frequently victims of abuse and extortion by law enforcement officials. They are consistently treated like second-class citizens with little access to effective justice, remedies or complaint mechanisms.

Blanket DNA testing of the migrant community was then undertaken during the Koh Tao murder investigation amidst fears that the migrant community would be persecuted as 'scapegoats' for the murders, as a result of their powerlessness to fight back. Shortly after the murders, migrant workers on Koh Tao began to petition MWRN with video and photographic evidence alleging physical and verbal abuse by investigation officials during questionings. Migrant communities throughout Thailand also communicated to MWRN their concerns that Thai authorities would unfairly scapegoat Myanmar migrant workers for these horrific murders.



## The Arrest of Zaw Lin and Wai Phyo

Thai police detained Zaw Lin and Wai Phyo (Win Zaw Htun), two young Myanmar migrant workers from the impoverished Rakhine State in the far West of Myanmar, on 2<sup>nd</sup> October 2014. Zaw Lin (22) worked at Brother Bar and Wai Phyo (22) worked at Safety Stop restaurant on Koh Tao at the time of the murders. Zaw Lin and Wai Phyo's reported that their purpose of coming to Thailand was motivated by a strong desire to work in order to send money home to support their parents and siblings living in poverty in Myanmar. Both had been working on Koh Tao for several years prior to their arrests.

## Zaw Lin and Wai Phyo's Claims of Innocence

Zaw Lin and Wai Phyo have strongly professed their innocence at every available opportunity amidst accusations that they were involved in the murders of Hannah Witheridge and David Miller. Both allege that on the night of the murders, after a long day at work, they were merely playing their guitar, singing, drinking and relaxing on Sairee Beach with one of their friends, Maung Maung. Wai Phyo claims that he found a mobile phone (allegedly belonging to David Miller) that evening by chance while walking around. Both Zaw Lin and Wai Phyo insist they returned home to sleep at their friend's house after their time relaxing on the beach, completely unaware of the murders.

*"Before and during the case investigation we had no chance or right to speak out on our innocence or the truth. We are victims of influential people."*

**Zaw Lin and Wei Phyo's message written in court on 26<sup>th</sup> Dec. 2014**

## Alleged Abuse of Zaw Lin and Wai Phyo

During the initial weeks of detention in Koh Samui prison, Zaw Lin and Wai Phyo were permanently shackled and confined to a high security cell 24 hours a day, only being allowed out to meet with authorised visitors. Prison authorities allegedly justified this treatment based on suicide risks and the potential danger both supposedly posed to fellow prisoners. Following complaints by rights groups, Zaw Lin and Wai Phyo were eventually unshackled and allowed to join other prisoners outside of their cell during daytime hours.

Several days after being arrested, Zaw Lin and Wai Phyo told human rights monitors at Koh Samui prison that they were abused and tortured following detention, prior to being handed over to investigation officials. A week later, both pleaded innocent to rights lawyers organised to represent them by the Lawyers Council of Thailand. Both alleged their heads were covered with bags to imitate suffocation and they were blindfolded while they were threatened with electrocution, burning and execution to elicit confessions. Wai Phyo alleged that he was stripped naked in a cold air conditioned room in front of many people until he confessed, whilst Zaw Lin alleged he was stripped down to his underwear. Misconduct of translators assisting investigators was also alleged.

*"We are poor, so we came to Thailand to work and save money...In the beginning when we arrived in Thailand we suffered many difficulties, we do not want to be suffering like poor people and we tried to work hard and sent money back to our parents regularly, we were happy so much for that. But now our hopes are broken. We are worried about our parents, who will support them? And we miss our parents every day, when we miss them we are crying..."*

**Zaw Lin and Wei Phyo's letter to Aung San Suu Kyi, Dec. 2014**

## The Formal Charges and Not Guilty Plea

Zaw Lin and Wai Phyo were officially arraigned on 4th and 8th December 2014 at Koh Samui Court by the Koh Samui prosecutor's office. The charges levied against them included: killing the two deceased intentionally; killing Hannah to cover up her rape and to avoid punishment; raping and assaulting Hannah with violent acts; being non-Thai nationals entering into Thailand

irregularly and remaining in Thailand irregularly; and Wai Phyo is charged alone with theft of a mobile phone and a pair of sunglasses, both allegedly belonging to David Miller. Both Zaw Lin and Wai Phyo pleaded not guilty to all the charges filed against them.

*"We are not perfect and the best sons in our families, but we wish to remind everyone we did not commit this cunning and barbarian crime."*

**Zaw Lin and Wei Phyo, Feb 2015**

## UK Government Case Investigation

Following intense media coverage of the murders and public concern which was expressed in the form of online campaigns regarding the reliability of the Thai police investigation and arrest of Zaw Lin and Wai Phyo, UK Prime Minister David Cameron and UK authorities engaged Thai officials. Officials from the UK sought to send a team of qualified British police to Thailand to investigate the murders and report back to the deceased's families. Since this time, MWRN, alongside Zaw Lin and Wai Phyo's defence team, have been working with Reprieve in London to explore the UK Government's role in investigating this case and have been seeking to obtain any evidence held by the UK that could be relevant to the case and the accused's innocence.

Whilst concerned sensitive information remains confidential until the trial begins, the UK authorities have confirmed that various agencies have been involved in this case, including the National Crime Agency and a number of UK based police forces. More concerning still, it seems that some of these agencies may have provided information to the Thai prosecution that has not – and will not – be shared with the defence team.

Under Thai law, the prosecution is not obliged to disclose any evidence that does not support its own case to either the Court or the defence team. It is up to the defence team to carry out its own investigations and obtain its own evidence to show that the defendants are innocent. This means that if the UK has provided any evidence which could help prove the men's innocence to the Thai authorities, the prosecution may not share this with the defence or the Court. The prosecution can, however, pick out and use evidence that could support their own case.

A Metropolitan Police letter dated 19th December 2014 and released by the defence states in summary:

- The Metropolitan police did not conduct any investigations into these murders in Thailand. Instead, during a visit to Thailand in November 2014, three UK police officials were granted observer status only to limited parts of the Thai police investigation, they did not provide any advice or assistance, and relied on the translation services of a Thai police translator. During their visit these officials did not take possession of any evidence, physical or forensic, and did not collect exhibits, interviews or statements.
- The Metropolitan police were preparing a report on observations from their visit to Thailand, to be completed in January 2015. This report was to be for internal use only and would not be shared with the Thai authorities or other persons. Furthermore, the request from the defence team to review this report was denied as, relying on an exemption under the UK data protection law, it would 'clearly prejudice' the criminal prosecution in question and undermine prevention and detection of crime.
- No other case information would be shared with Thai authorities or the defence team by UK authorities for use in a criminal process which lacks the necessary assurances regarding use of the death penalty

The UK authorities must ensure that they do not – directly or indirectly – contribute to the death penalty in a case where there have already been alleged serious fair trial violations including serious allegations of torture and mistreatment. It is essential that the defence team has access to the same case related evidence as the prosecution if a miscarriage of justice is to be avoided.

## Justice, Defence and a Fair Trial

A request from families of Hannah Witheridge and David Miller to minimise potentially inaccurate and sensationalistic reporting of the murders reflects concerns of a trial by public opinion for the accused and the Koh Tao murder investigation teams based only on information from media sources. As Zaw Lin and Wai Phyo were officially charged last December, judgement on the case is now for Koh Samui court in an 18 day trial that starts on 8<sup>th</sup> July 2015 however.

During a preliminary case hearing at Koh Samui court, the prosecution team (12 days) and defence team (6 days) agreed in court on 18 days of witness hearings for the trial between July and September 2015. Prosecution witness hearing days have been set as 8<sup>th</sup> to 10<sup>th</sup> July, 22<sup>nd</sup> to 24<sup>th</sup> July, 18<sup>th</sup> to 21<sup>st</sup> August and 27<sup>th</sup> to 28<sup>th</sup> August. Defence witness hearings days have been set as 1<sup>st</sup> to 2<sup>nd</sup> September and 22<sup>nd</sup> to 25<sup>th</sup> September. The verdict in the case is expected within 30 days of the 25<sup>th</sup> September hearing during October 2015. The prosecution witnesses would appear from 8<sup>th</sup> July 2015.

It is critical that a fair and transparent trial is carried out to ensure that genuine justice in this case be achieved for Hannah Witheridge and David Miller, Zaw Lin and Wai Phyo, their families and friends, Thailand's migrant community as well as for the reputation of Thailand's justice and law enforcement systems. The challenge is to achieve justice in this carefully monitored trial, whilst working within the boundaries of the Thai judicial system, with its pride and reputation at stake. There is also the challenge of the on-going situation of powerlessness, discrimination and exploitation faced by migrant workers in Thailand. Given all this, a fair and transparent trial is perhaps not a simple task.

Genuine justice is obtained through ensuring the equality of resources for both the prosecution and defence teams. It is essential that the defence team have the resources to prepare their case, witnesses and evidence and conduct the trial to the best of their ability, without being unfairly obstructed, to ensure that two innocent young men are not wrongly convicted and possibly executed for these murders. In this worse case scenario, there would be no justice for Hannah and David and those who loved them, but only two more innocent victims in this very disturbing and important trial.

The defence team, consisting of lawyers who do not receive any payment from the defendants (given they are associated with the Lawyers Council of Thailand) and assisted by rights activists, face an exceptional challenge. There are more than a hundred witnesses and a thousand pages of statements/forensic case related evidence to be understood and contested. Much evidence may not be disclosed before the trial begins. Furthermore, difficulties are enhanced as the whole trial takes place on Koh Samui, an expensive and hard to reach island. All proceedings are conducted in the Thai language and must then be translated into the Burmese and English language. Even more financial and practical constraints are faced in identifying, reaching and protecting witnesses now residing outside of Thailand. The defence team for Zaw Lin and Wai Phyo clearly continues to be significantly challenged by an inequity in accessing resources which, if prolonged, could result in a potential miscarriage of justice.

On May 31<sup>st</sup> 2015, Mr. Nakhon Chompuchat, the lead lawyer defending the Koh Tao murder case accused suspects, expressed deep concern at Koh Samui provincial court's ongoing delay in ordering on the defence lawyers request for re-examination of the key forensic evidence used by the prosecution to implicate Zaw Lin and Wai Phyo. Earlier on 30<sup>th</sup> April 2015, at a preliminary case hearing, the presiding court judge indicated to the defence lawyers he would consider ordering re-examination of this key forensics evidence. However, during May 2015, the legal team continuously followed up for this Court order. The lawyers were then informed the court would only issue an order on the defence team's request for re-examination of the forensics evidence on 8<sup>th</sup> July 2015, the first day of the trial.

The defence lawyers are deeply concerned at this developing situation as they urgently need both crucial information gained from the re-examination of forensic evidence in this case and also adequate time to consider this information prior to the trial beginning. Forensic evidence

is central to this case. Without re-examination of this evidence by the Ministry of Justice's Central Institute of Forensic Science, the ability of the two defendants to defend themselves against the crimes they are charged of will be seriously impeded.

## **MWRN Fundraising – Justice: Koh Tao Murder Case**

In order to minimise the risk of a miscarriage of justice, MWRN has publicly sought financial and other practical support to contribute to ensure a fair trial for Zaw Lin and Wai Phyo. MWRN's Justice: Koh Tao Murder Case fund has already raised more than US\$50, 000 from across the world. Costs to be supported by MWRN's fundraiser include: protection, relocation and visa costs for any key witnesses; ongoing case investigation and witness liaison work by MWRN and our investigation networks; flights for the pro-bono defence team to Koh Samui Island; island based travel and accommodation for the pro-bono defence team; travel and accommodation costs for expert witnesses and for internationally renowned forensics experts assisting the defence team with trial preparation; and prison support costs for Zaw Lin and Wai Phyo during their ongoing detention in Koh Samui prison.

*“Now we have seen the light of hope for justice and truth as so many people have become involved in defending us and supporting our case.”*

**Zaw Lin and Wai Phyo, Feb. 2015**

*“A fair trial for Zaw Lin and Wai Phyo is essential to ensure, with more confidence, that those guilty of this crime are held accountable and that there is no punishment of the wrong people. It would be a double injustice if the lack of a legal defence team to carry out defence work effectively for Zaw Lin and Wai Phyo meant that the real killers went free whilst innocent people were jailed, even executed. If Zaw Lin and Wai Phyo are innocent, no-one wants such a situation to arise. That's why MWRN has set up this fund, to support some significant defence related costs in this case.”*

**Ko Sein Htay, MWRN President/Fund Administrator**

It is important to note that all those working on the defence case (including lawyers, assistants, investigators, prison visitors, translators and campaigners) are doing so pro-bono or free of charge. Fundraising only seeks to cover expenses. The Lawyers Council of Thailand is now also supporting some of the defence team by covering basic expenses for main practicing lawyers.

## Make a donation

To make a donation to MWRN's 'Justice: Koh Tao Murder Case' defence fund, please go to [www.indiegogo.com/projects/Justice-Koh-Tao-Murder-Case](http://www.indiegogo.com/projects/Justice-Koh-Tao-Murder-Case) or contact MWRN.

All funds raised have been deposited into a Thai bank account specifically and jointly opened for the case by Andy Hall and Nakhon Chompuchat, the two main advisors to MWRN's fund:  
Account Name: Mr. Andrew Hall and Mr. Nakhon Chompuchat;  
Account Number: 405-870484-8;  
Bank: Siam Commercial Bank Public Company Ltd; Bank Branch: 5280 Terminal 21;  
Bank SWIFT code: SICOTHBK).

Summary reports of spending and case assistance updates are reviewable by all, available on request and are published regularly on MWRN's Facebook site and other social media.

For further enquiries on the Koh Tao murder case or MWRN's fundraiser, please contact:

1. Andy Hall MWRN International Affairs Advisor  
andyjhall1979@gmail.com +66(0)846 119209
2. Nakhon Chompuchat Head Koh Tao Case Defence Lawyer  
nakhonct@gmail.com +66(0)818 473086
3. Ko Sein Htay MWRN President  
mwrnorg@gmail.com +95(0)949278500 / +66 (0)94 679 2478

*The Migrant Workers Rights Network (MWRN) is a membership based organisation of workers from Myanmar working across the world. MWRN was founded in March 2009 by 9 Myanmar migrant leaders in Thailand who strongly believed empowerment of migrants was the best way to protect themselves in their vulnerable situation as migrant workers. The founders' goal for MWRN is to promote and strengthen Myanmar migrant's rights by raising awareness, promoting access to justice and negotiation with employers and officials and advocating for sustainable migration policy change.*

# Annex: Summary Koh Tao Murder Case Timeline 2014

## Deceased Arrive Separately with Friends to Koh Tao

- **12<sup>th</sup> Sept:** Hannah Witheridge, David Miller and friends arrive on Koh Tao. Stay at Ocean View Bungalows, Sairee Beach

## Deceased's Final Moments/Crime Scene Activity

- **14<sup>th</sup> Sept evening to 15<sup>th</sup> Sept:** Hannah Witheridge and David Miller (the deceased) are captured on CCTV at Sairee Beach, both at Choppers Bar and entering separately into AC Bar. Zaw Lin, Wai Phyo (the accused) and one friend are captured on CCTV purchasing cigarettes on Sairee Beach, close to where the deceased bodies were found
- **15<sup>th</sup> Sept:** Deceased's bodies are found at rocks on Sairee Beach close to Ocean View Bungalows where both were staying

## Crime Scene Investigation Process

- **15<sup>th</sup> Sept 630am:** police officers formally record discovery of 2 bodies by rocks near Ocean View Bungalows on Sairee Beach
- **15<sup>th</sup> Sept 11am:** investigation officials arrive at the crime scene

## Case Investigation Process and Migrant Abuse Allegations

- **15<sup>th</sup> Sept to 2<sup>nd</sup> Oct:** murder case investigations are conducted publicly in a chaotic manner. Conflicting disorganised police statements are given whereby key suspects change frequently from non-Thai friends of the deceased, Thai island based residents, speed boat drivers, influential Thai persons and Myanmar migrants. Police allege DNA testing on cigarettes found nearby the bodies of the deceased and semen found in the body of Hannah was crucial in finding those responsible. DNA samples taken from hundreds of persons, mostly migrants, living on Koh Tao or suspected of involvement in the murders.
- **18<sup>th</sup> Sept to 2<sup>nd</sup> Oct:** migrant workers on Koh Tao Island petition MWRN alleging physical and verbal abuse at the hands of Koh Tao case investigation officials. Migrant communities alleged in fear that Thai authorities were seeking to scapegoat Myanmar migrant workers. Photographs and video evidence of this abuse is gathered by MWRN.

## Arrest, Detention and Prosecution of Defendants

- **2<sup>nd</sup> Oct:** Zaw Lin/Wai Phyo are arrested. Zaw Lin is arrested on Koh Tao and Wai Phyo at a ferry terminal in Muang district, Surat Thani province. Prior to formal investigation, both are allegedly held in an undisclosed location. Police then report that both accused confess to the murders and DNA forensic evidence links them to the crime scene and DNA on Hannah's body
- **3<sup>rd</sup> Oct:** Zaw Lin and Wai Phyo are made to publicly re-enact the crime scene on Sairee Beach
- **7<sup>th</sup> Oct:** the National Human Rights Commission of Thailand (NHRC) visits Zaw Lin and Wai Phyo in Koh Samui prison. The NHRC reports to media that they both confessed to the crimes but alleged physical abuse and torture during interrogation. Rights groups protest against potentially prejudicial information or statements publicly being made by the NHRC Commissioner without an adequate investigation and without lawyers present
- **14<sup>th</sup> Oct:** Koh Samui Court holds a preliminary witness hearing for 3 Myanmar prosecution witnesses at risk of disappearing. Zaw Lin and Wai Phyo attend and are represented by lawyers from the Lawyers Council of Thailand (LCT). The witnesses testify: (1) Zaw Lin and Wai Phyo were on Sairee Beach on 14<sup>th</sup> Sept. night close to the place where the bodies of Hannah and David were found; (2) Wai Phyo came across a mobile phone he said he found that may have belonged to David but passed it onto his friend. No other evidence presented at this hearing linked Zaw Lin and Wai Phyo to the murders.

- **21<sup>st</sup> Oct:** Zaw Lin and Wai Phyo retract their confessions to lawyers from the Lawyers Council of Thailand (LCT) at Koh Samui prison. Both allege beatings and torture in order to elicit the confessions and assert innocence against all charges. Both allege that on the night of the killings, they were merely playing their guitar, singing, drinking and relaxing on Sairee beach. Wai Phyo reported that he simply came across possessions allegedly belonging to the deceased that. Zaw Lin and Wai Phyo petition Koh Samui Prosecutors Office and the Attorney General calling for reconsideration of their prosecution
- **6<sup>th</sup> Nov:** Zaw Lin and Wai Phyo retract their confessions to case investigation officials at Koh Samui prison, in presence of their lawyers, alleging beating and torture in order to elicit the confessions and asserting their innocence against all charges
- **26<sup>th</sup> Nov:** Koh Samui Court rejects a first bail application by Zaw Lin and Wai Phyo. The application is guaranteed by the Myanmar embassy but Embassy officials present no surety to the court.
- **2<sup>nd</sup> Dec:** a 6<sup>th</sup> detention extension request by the prosecution, for a 4<sup>th</sup> time contested by lawyers for Zaw Lin and Wai Phyo, is approved by Koh Samui Court. Zaw Lin and Wai Phyo insist to the court judge that they are innocent of all the charges against them and have nothing to do with the murders.
- **4<sup>th</sup> Dec:** Multiple criminal charges filed against Zaw Lin/Wai Phyo by Koh Samui Prosecutors Office at Koh Samui Court
- **8<sup>th</sup> Dec:** Zaw Lin and Wai Phyo are charged at Koh Samui Court. Both maintain their innocence against all the charges.

### **Court Proceedings Begin**

- **26<sup>th</sup> Dec:** during a preliminary case hearing at Koh Samui court, the prosecution team (12 days) and defence team (6 days) agreed in court on 18 days of witness hearings for the trial between July and September 2015. Prosecution witness hearing days have been set as 8th to 10th July, 22nd to 24th July, 18th to 21st August and 27th to 28th August. Defence witness hearings days have been set as 1st to 2nd September and 22nd to 25th September. The verdict in the case is expected within 30 days of the 25th September hearing during October 2015. The prosecution witnesses would appear from 8<sup>th</sup> July 2015. Defence lawyers request some witness testimony at a Bangkok Court. The court disallows this but leaves open a possibility of witness testimony given via video link from overseas or from Bangkok. When asked by the judge to again plead in relation to the charges, Zaw Lin and Wai Phyo insist they are innocent of all the charges. When asked by the judge whether they know who was involved in the murders, both Zaw Lin and Wai Phyo say they know nothing about the murders and who was responsible as they were merely relaxing on Sairee beach that night and didn't see or hear anything. The defence team presents to the court the valid passport of Zaw Lin to rebut charges of illegal entry into Thailand.
- **22<sup>nd</sup> April 2015:** The defence team submits a formal request to Koh Samui court requesting for sending to the Ministry of Justice for re-examination key forensics evidence and for independent testing of the DNA profiles of the two accused
- **30<sup>th</sup> Apr 2015:** Koh Samui court holds a preliminary hearing with lawyers appointed to explain progress regarding preparation of case witnesses. Zaw Lin and Wai Phyo attend the hearing. The presiding court judge indicates to the defence lawyers he would consider ordering case officials to allow re-examination of key forensics evidence by the Ministry of Justice once lawyers had corrected the request petition.
- **31<sup>st</sup> May 2015:** the accused's legal team follows up the Court order on re-examination of key forensics evidence and additional DNA testing of the accused but are informed: (1) the court will only issue an order on these requests on the first day of the trial; and (2) the defence team can organise for the additional DNA testing of the accused as they choose.
- **8<sup>th</sup> July to 10<sup>th</sup> July 2015:** Koh Tao murder case trial first session commences at Koh Samui Court