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Human Rights Now

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For Immediate release

6 months after the May coup – human rights situation in Thailand

1. Human Rights Now (HRN), a Tokyo-based international human rights NGO, is highly concerned about the human rights situation in Thailand since the May coup. After seizing power in a military coup on May 22nd 2014, General Prayuth Chan-ocha, consolidated his power by being elected by the legislative body that he himself hand-picked.

The interim constitution adopted in late July grants the National Council of Peace and Order (NCPO), broad and unchecked powers to control the nation.¹ In particular, Article 44 of the new constitution authorizes the junta in using excessive power to suppress the human rights, and in particular the freedom of expression, of the Thai people². The interim constitution also limits those with a history of political activity in the last three years from being eligible for membership in the key institutions, including the National Legislative Assembly.³ As of November 4, a 36-member panel has been selected to draft a new permanent constitution, which is expected to bar previously banned politicians – namely ousted Prime Minister Shinawatra and his allies – from running in any future elections.⁴ General Prayuth Chan-ocha has also stated his hopes for the public to be involved in the drafting of the constitution but has made no mention of a possible public referendum once the drafting is complete.

Furthermore, there have been a number of announcements made by the Military General that have threatened people's freedom. For instance, announcement No. 29/2557 allows extensive use of arbitrary detention by authorities and it has resulted in the summons of no less than 570 people and

¹ <http://thediplomat.com/2014/07/thailand-establishes-interim-constitution/>

² *ibid*. The Constitution allows the leader of the junta “to order, suspend, or do any actions he sees necessary for the benefits of the reforms, the unity, and the reconciliation of people in the country, or to prevent, suspend or suppress any actions that will destroy the peace and order, the national security and monarchy, the country's economy or the country's governance, no matter if such actions are taking place in or outside the kingdom”.²

³ *ibid*

⁴ <http://www.reuters.com/article/2014/11/04/us-thailand-politics-idUSKBN0IO0OS20141104>

the arrest of at least 235 by the first week of August⁵. Moreover, repressive orders such as No. 14/2557 (Prohibition of Instigation of Conflicts and Opposition to the Function of NPOMC), No. 18/2557 (Dissemination of Information and News to the Public), and No. 49/2557⁶ (Offences for providing support for political assembly) have consistently hindered the actions and campaigns of activists and human rights defenders.

2. Following the abovementioned orders, reports of harassment against human rights activists have increased. In a recent case that raised concerns, on 24th August 2014, two leading human rights defenders, Pornpen Khongkachonkiet and Somchai Homlaor, a director and a chairperson of the Cross Cultural Foundation (CrCF) respectively, received police warrants in regards to an open letter they wrote in early May. In the letter, they discussed the alleged torture of an arrested man by military personnel in April. The two individuals and CrCF were then accused of writing the letter with the intention of damaging the reputation of the Army's Task Force 41⁷. CrCF is known for protection and promotion of human rights in Thailand whose activities include raising a voice for torture victims who seek justice. This case is nothing but an attempt to silence such legitimate actions, which in turn discourages other human rights defenders to do so as well. Moreover, on September 17th 2014, four academics and three students who lectured to and organized a student organization were arrested and harassed by the authorities.⁸

3. Another concern is the increasing number of lèse majesté cases – the crime of disrespecting royalty - penalized under the Criminal Law and being prosecuted in the Military Court without the opportunity for an appeal. As of 14th November, the number of people prosecuted in political cases after the coup amounts up to 83⁹. For other cases of political arrests, the use of detention without charge is a significant problem. Under current law, officials can detain an accused person for 12 days for up to 7 times, a total of 84 days. In almost all cases officials have requested the full 84 days of detention, citing such reasons as “the investigation is not yet complete” or “additional witnesses must be questioned”. In addition, under Martial Law, 7 days of administrative detention can be done in secret locations without a warrant, and include the denial of both the rights to a lawyer and to familial visitations.¹⁰ Arbitrary actions such as these and extremely harsh sentencing by the authorities are posing as serious threats to freedom of expression in Thailand. Recently, people – including 6 students solely this week – are detained for making a three-fingered salute, an unofficial

⁵ <http://www.humanrights.asia/news/ahrc-news/AHRC-OLT-008-2014>

⁶ <http://thaicoup2014.wordpress.com/2014/06/15/thaicoup-all-ncpo-announcements-in-one-place/>

⁷ <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-164-2014>

<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-133-2014>

⁸ <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-172-2014>

⁹ TLHR Political Prisoners Newsletter – Political Prisoners – Oct14

¹⁰ *ibid*

symbol of resistance against the Thai military ruling. This was criticized by the local representative of UN Human Rights Office for South-East Asia (OHCHR) as “the latest illustration of a worrying pattern of human rights violations, which has the effect of suppressing critical and independent voices”¹¹.

4. For the situations mentioned above, the Committee against Torture recommended in June 2014 that the government of Thailand “take all the necessary measures” to: (a) put an immediate halt to harassment and attacks against human rights defenders, journalists and community leaders”¹². Recently, also, the spokesperson for the UN High Commissioner for Human Rights expressed serious concern about prosecution and harsh sentencing in the country under the crime of the abovementioned disrespect towards royalty.¹³ The government of Thailand has a legal obligation to ensure the right of freedom of expression that is guaranteed under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), of which Thailand is a signatory party. The actions taken by the Army are clearly a failure to adhere to its obligation to respect and ensure fully the enjoyment of human rights and freedoms protected by these internationally recognized precepts, including Article 1 of the UN Declaration on Human Rights Defenders.

5. Hence, HRN urges the military to:

- Stop its abuse of power in harassing activists, who have the rights to freedom of expression
- Immediately drop the legal action against Ms. Khongkachonkiet and Mr. Homlaor
- Afford due process rights for political arrests and cease the use of detainment without charge
- Allow Thailand to continue its practice of democratic rule by holding a legitimate general election for the position of Prime Minister and a referendum for the new constitution upon completion
- Identify and prosecute those who commit unlawful killings
- Respect the rights of all people and its obligations under international human rights law mentioned above

Human Rights Now ~Protecting Human Rights for All~

Human Rights Now is a Tokyo based international human rights NGO comprising a body of experienced legal professionals dedicated to protecting and promoting human rights around the world, with a special focus on Asia. The activity includes monitoring/ fact-finding of human rights, human rights education and advocacy work. Human Rights Now has special consultative status with the Economic and Social Council since August 2012.

¹¹ <http://america.aljazeera.com/articles/2014/11/21/un-blasts-thai-juntaforhungergamesdetentions.html>

¹² CAT/C/THA/CO/1

¹³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14954&LangID=E>