



**Human
Rights
Now**

Human Rights Now

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Human Rights Now expresses grave concern over the reprisals against human rights defenders in Thailand

Human Rights Now (HRN), a Tokyo-based international human rights NGO, expresses its grave concern over the filing of legal complaints against three leading human rights defenders in Thailand.

On May 17, 2016, the Internal Security Operations Command (ISOC) Region 4, responsible for national security operations in the Southern Border Provinces of Thailand, filed complaints of criminal defamation and violations of the Computer Crime Act B.E. 2550 (2007) against human rights defenders Somchai Homlaor and Pornpen Khongkachonkiet of Cross Cultural Foundation, and Anchana Heemmina of Hearty Support Group.

This action was taken in response to a report co-edited by these human rights defenders, which was issued on February 10, 2016. The report documented fifty-four cases of alleged torture and ill-treatment by the Thai authorities in the country's "Deep South" since 2004.

Criminal defamation in Thailand carries a maximum penalty of two years imprisonment and a fine of up to USD \$5,600.¹ Violation of article 14(1) of the Computer Crime Act, carries a maximum penalty of five years imprisonment or a fine of up to USD \$2,800, or both.²

It is the second time since 2014 that the Thai military has filed criminal defamation complaints against Pornpen Khongkachonkiet and Somchai Homlaor for raising allegations of torture in the "Deep South." In May 2014, the UN Committee Against Torture expressed its concern "at the numerous and consistent allegations of serious acts of reprisals and threats against human rights defenders, journalists, community leaders and their relatives, including verbal and physical attacks, enforced disappearances and extrajudicial killings, as well as by the lack of information provided on any investigations into such allegations."³

¹ International Commission of Jurists, *Thailand: immediately withdraw criminal complaints against human rights defenders*, 9 June 2016 <http://www.icj.org/thailand-immediately-withdraw-criminal-complaints-against-human-rights-defenders/>

² Id.

³ Committee against Torture, *Concluding Observations on the Initial Report of Thailand*, CAT/C/THA/CO/1, 20 June 2014

The use of criminal defamation laws that carrying penalties of imprisonment against human rights defenders reporting on alleged human violations constitutes a violation of Thailand's obligations under the International Covenant on Civil and Political Rights (ICCPR), which Thailand acceded to on October 29, 1996. Additionally, the right to file complaints about torture and mistreatment and to have the complaint promptly and impartially investigated is ensured under the Convention against Torture, a treaty which Thailand ratified in 2007.

Moreover, as affirmed in Article 6 of the UN Declaration on Human Rights Defenders, "Everyone has the right, individually and in association with others . . . freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms."⁴ On December 17, 2015, Thailand joined 127 other states at the UN General Assembly in adopting this resolution on human rights defenders.

Recommendations

At a time when rights abuses are widespread in Thailand, the military's actions pose a serious threat to all human rights monitoring and reporting in the country.

Human Rights Now calls on the Royal Thai Army to:

- Immediately and unconditionally withdraw the legal action against Mr. Somchai, Ms. Pornpen, and Ms. Anchana.
- Ensure that no further retaliations or harassments occur in the future against human rights defenders.

We call on the Thai authorities to:

- Work to implement the UN Committee Against Torture's recommendations, including to "systematically investigate all reported instances of intimidation, harassment and attacks [of human rights defenders] with a view to prosecuting and punishing perpetrators, and guarantee effective remedies to victims and their families."⁵
- Ensure the implementation of recommendations Thailand accepted during the recent Universal Periodic Review, including with regard to human rights defenders.

⁴ Resolution Adopted by the General Assembly, A/RES/53/144, 8 March 1999
<http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

⁵Committee against Torture, *supra* note 3