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Chakthip Chaijinda
Commissioner-General of Police
Royal Thai Police
Rama 1 Road
Pathum Wan
Bangkok 10330
Thailand

31 July 2020

Dear Commissioner-General,

OPEN LETTER: POLICING OF PEACEFUL ASSEMBLIES

I am writing to you in light of ongoing and planned demonstrations in Thailand, and the Royal Thai Police's detention of demonstrators and filing of criminal complaints against them solely for exercising their human rights by participating in peaceful protests.

As a state party to the International Covenant on Civil and Political Rights (ICCPR), Thailand is obliged to ensure that the rights to freedom of expression and peaceful assembly are fully and effectively respected, protected, promoted and fulfilled without distinction of any kind, including political opinion. Authorities should not arbitrarily interfere with or restrict these rights. At the same time, they also have positive obligations to ensure and facilitate respect for human rights, including the rights to freedom of expression and peaceful assembly.

Amnesty International recognizes that the COVID-19 pandemic has been a global public health emergency that requires a coordinated and large-scale response by governments to protect health, and has urged that any measures authorities take to restrict the exercise of human rights during the crisis are proportionate and necessary. To that end, we urge you to ensure that the Royal Thai Police, while discharging its responsibility to maintain order and protect public health during the COVID-19 pandemic, polices demonstrations in a way that effectively enables peaceful assemblies to take place. This includes refraining from filing criminal complaints against individuals engaging in peaceful protests; guaranteeing the safety and security of demonstrators; and allowing them to exercise their right to demonstrate peacefully.

Amnesty International also calls on you to withdraw any existing criminal complaints against dozens of individuals, including students and political activists for peacefully protesting. This includes for violating restrictions on public assembly under Article 9 (2) of the Emergency Decree, which have been in place since late March 2020, and which authorities reportedly plan to lift. In most cases, demonstrators carrying out peaceful protests have complied with measures designed to protect public health, including wearing masks and physically distancing themselves.

Officials have detained and initiated criminal complaints against individuals engaged in small-scale peaceful protests since the imposition of the Decree, including under both the Emergency Decree and other restrictive legislation on public assembly. Demonstrators have also reported that police officers have harassed and intimidated individuals solely for their involvement in peaceful protests during this period, including ongoing student-led demonstrations calling for constitutional reform, resignation of the government, and an end to harassment of the political opposition.

Police officers have visited demonstrators and their families at their residences and warned them against joining protests.

Additionally, Amnesty International requests that the Royal Thai Police respects and protects the rights of human rights activists monitoring demonstrations. We urge police not to confiscate or destroy any written or recorded materials and equipment used to monitor the progress of demonstrations.

Amnesty International also urges you to ensure that the Royal Thai Police fully comply with the UN Code of Conduct for Law Enforcement Officials, which in Article 3 provides that “Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.” The principles of legitimate purpose, strict necessity and proportionality encapsulated in this provision are elaborated in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which also set out practical measures to be taken by governments and law enforcement agencies to ensure compliance with Article 3 of the Code of Conduct and with international human rights law and standards generally.

Therefore, it is important for the Royal Thai Police to as far as possible apply non-violent means before resorting to the use of force, and whenever the lawful use of force is unavoidable they must use it with restraint and in proportion to the seriousness of the law enforcement objective, and must ensure that assistance and medical aid are rendered at the earliest possible moment to anyone injured or affected.

The Basic Principles underline the right to participate in peaceful assemblies, in accordance with the principles in the International Covenant on Civil and Political Rights, and stipulate that in dispersing assemblies that are unlawful but non-violent, law enforcement officials must avoid the use of force, or if that is not practicable they must restrict it to the minimum necessary.

Thank you in advance for your consideration of these concerns.

Yours sincerely,

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Ming Yu Hah
Deputy Director, East and Southeast Asia and Pacific Regional Office