

URGENT ACTION

12 INDIVIDUALS FACE LENGTHY PRISON SENTENCE

12 individuals from northern Thailand face trial in a military court and up to 22 years imprisonment each for alleged involvement in the mailing of thousands of letters critical of Thailand's draft constitution. They will appear in court on 27 August.

Following a series of arrests beginning on 26 July, Thai authorities have detained 12 individuals allegedly involved in the distribution of letters criticizing Thailand's draft constitution, which was adopted following a national referendum on 7 August. Police investigators claim that they have seized more than 11,000 letters in northern Thailand that contained false information regarding the constitution. The accused persons were placed in military custody at the 11th Military Circle in Bangkok following their arrest.

On 2 August, police investigators informed the detainees that they had initiated a criminal investigation into alleged violations of penal code provisions relating to sedition and criminal association, as well as the Referendum Act, which prohibits "untruthful, harsh, offensive, rude, inciting or threatening" language intended to influence voting. If convicted, they could each face up to 22 years imprisonment. Authorities also confirmed that their case would be heard by a military court in Chiang Mai, in northern Thailand. The 12 accused individuals are now being held at Chiang Mai Prison and Chiang Mai Women's Correctional Institution.

The 12 detainees are **Boonlert Buranupakorn, Tasanee Buranupakorn, Tharntip Buranupakorn, Pairat Maichomphu, Khachen Jiakkhajorn, Atipong Khammoon, Kritkorn Paitaya, Aim-orn Dabsok, Supawadee Ngarm-muang, Kobkarn Sutika, Thewarat Rinta and Netithat Aphiratimai**. Several are provincial and municipal officials with links to the Pheu Thai Party, a political party with strong support in northern Thailand that opposed the draft constitution. One of the accused has reportedly lost 10 kilograms since being arrested, raising serious health concerns. On 3 and 15 August, the Chiang Mai Military Court remanded the detainees for 12 days. Authorities have reportedly arrested others relating to alleged letter-writing activities and the distribution of anti-constitution materials.

Please write immediately to the Thai authorities in Thai or your own language:

- Calling on the authorities to immediately and unconditionally release the 12 detainees, as they are detained solely for the peaceful exercise of the right to freedom of expression;
- Urging authorities to ensure that the detainees are provided with immediate access to any medical care they may require;
- Urging authorities to repeal all laws and decrees criminalising the peaceful exercise of the right to freedom of expression, and ensure that all laws are enforced in a manner that complies with Thailand's obligations under international human rights law.

PLEASE SEND APPEALS BEFORE 30 SEPTEMBER 2016 TO:

Prime Minister

General Prayut Chan-o-cha
Government House
Pitsanulok Road, Dusit
Bangkok 10300, Thailand
Fax: +66 22825131

Salutation: Dear Prime Minister

Minister

Gen. Paiboon Koomchaya
Ministry of Justice
Government Centre Building A
120 Moo 3
Chaeng Wattana Road Soi 7, Lak Si
Bangkok 10210, Thailand
Fax: +66 29530503

Salutation: Dear Minister

And copies to:

Chairman

Supachai Somcharoen
Election Commission of Thailand
Government Centre Building B
120 Moo 3
Chaeng Wattana Road Soi 7, Lak Si
Bangkok 10210, Thailand
Fax: +66 26943228

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Thailand has been ruled by a military government since a coup in May 2014. On 7 August 2016 Thailand held a national referendum on a draft constitution authored by a military-appointed body. The electorate approved the draft constitution by a wide margin, setting the stage for general elections to be held in late 2017.

Since the coup, authorities have systematically suppressed peaceful opposition, imposing restrictions on the exercise of the human rights to freedom of expression, association and assembly. For example, Head of National Council for Peace and Order (NCPO) Order 3/2015 provides, among other things, for up to six months' imprisonment and a fine of 10,000 baht (approximately US\$ 290) for anyone participating in political meetings of five or more persons. In advance of the referendum, authorities have imposed additional sweeping restrictions on rights. The Constitutional Referendum Act (2016) provides for up to 10 years' imprisonment, fines of up to 210,000 baht (US\$ 6000) and up to 10 years' revocation of the right to vote for activities and statements "causing confusion to affect orderliness of voting", including by using "offensive" or "rude" language to influence people's votes. In recent months, scores of individuals have been arrested and charged under these and other laws and orders. These actions violate Thailand's obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR).

Senior members of the government, including the Prime Minister and Deputy Prime Minister, have stated that freedom of expression is not necessary during this period of political transition. On 19 April, the Prime Minister reportedly responded to a question about critics of the draft Constitution by stating: "They have no rights to say that they disagree [with the draft Constitution] ... I don't allow anyone to debate or hold a press conference about the draft Constitution. Yet they still disobey my orders. They will be arrested and jailed for 10 years. No one will be exempted when the Referendum Act becomes effective [after announcement in the Royal Gazette]. Not even the media. Why don't people respect the law instead of asking for democracy and human rights all the time?"

Name: Boonlert Buranupakorn (m), Tasanee Buranupakorn (f), Tharntip Buranupakorn (f), Pairat Maichomphu (m), Khachen Jiakkhajorn (m), Atipong Khammoon (m), Kritkorn Paitaya (m), Aim-orn Dabsok (f), Supawadee Ngarm-muang (f), Kobkarn Sutika (f), Thewarat Rinta (m), Netithat Aphiratimai (m)

Gender m/f: both

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