"THEY CANNOT KEEP US QUIET"

THE CRIMINALIZATION OF ACTIVISTS, HUMAN RIGHTS DEFENDERS, AND OTHERS IN THAILAND

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

© Amnesty International 2017
Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.
https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode
For more information please visit the permissions page on our website: www.amnesty.org
Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.

First published in 2017 by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK

Index: ASA 39/5514/2017
Original language: English
amnesty.org

Cover design and illustration: *© Colin Foo*

AMNESTY INTERNATIONAL

CONTENTS

CIVIL SOCIETY UNDER ATTACK	4
THE 14 STUDENT PROTESTERS	6
THE “SPEAK FOR FREEDOM” 11	8
THE 2 “UNIVERSITIES ARE NOT MILITARY BARRACKS” ACADEMICS	10
THE FACEBOOK 8	12
THE 3 TORTURE REPORTERS	14
THE 13 “VOTE NO” LEAFLETEERS	16
THE JOURNALIST + THE NDM 4	18
THE RAJABAKHTI 11	20
THE ADVOCATE FOR FISHERFOLK	22
THAILAND’S REPRESSIVE LAWS AND DECREES	24
TRIALS IN MILITARY COURTS	27
RECOMMENDATIONS	29

CIVIL SOCIETY UNDER ATTACK

Civil society has been at the forefront of efforts to defend human rights following the May 2014 military coup in Thailand. In response, Thai authorities have targeted political activists, human rights defenders and others as part of a systematic crackdown on government critics.

Thailand's military government has frequently resorted to arbitrary detention and criminal proceedings to silence those criticizing the government or raising concerns about political developments in the country. However, it is not only political activists that have been targeted. Human rights researchers have also been investigated for their work on rights violations, lawyers for defending their clients, land rights activists for supporting communities at risk, journalists for reporting on sensitive topics, and academics for expressing opinions on academic freedom.

Since taking power, the National Council for Peace and Order (NCPO) – the ruling military governing body – has systematically suppressed political opposition and criticism, including the peaceful activities of activists and human rights defenders. Authorities have targeted these individuals using existing legislation as well as laws and decrees brought in by the NCPO. Using these measures, the NCPO has severely restricted the human rights to freedom of expression, association and peaceful assembly by limiting political activities, curbing public gatherings, monitoring private communications, and stifling public discourse on matters of national interest. NCPO decrees have also granted soldiers wide-ranging law enforcement powers and have given military courts jurisdiction over cases involving civilians accused of various criminal offenses.

Government repression of human rights accelerated in advance of the constitutional referendum held on 7 August 2016. Authorities aggressively suppressed all critical voices, cancelled public forums, shut down independent monitoring initiatives, and seized books, pamphlets, letters and others campaign materials. They also detained those who dared to speak out against the draft constitution or question the validity of the referendum.

Arbitrary restrictions on human rights have led to arrests and prosecutions. Thai authorities have targeted members of Thailand's civil society using Penal Code provisions relating to sedition, defamation and offences against members of the Royal Family. In addition, there has been increased use of the highly restrictive and vaguely worded Computer Crimes Act. Authorities have also pursued criminal cases against activists and others using new laws and decrees introduced by the NCPO. These include the 2016 Referendum Act governing the constitutional referendum, the 2015 Public Assemblies Act, and the Head of NCPO Order No. 3/2558 (2015), which bans "political gatherings" of five or more persons.

More than 100 individuals were charged with criminal offenses relating to their peaceful activities in the months leading up to the referendum. Dozens of student activists were also arrested for protesting against military rule. Some prominent members of Thailand's civil society face charges in multiple cases

and could be imprisoned for years or decades, if convicted. Many of the cases against political activists and human rights defenders involve a large number of defendants, illustrating how these laws are being applied in a sweeping and arbitrary manner against anyone the government perceives as its opponent.

Outspoken critics of the government have faced not only criminal charges but also job loss, the freezing of their assets, the revocation of their passports, and threats of expulsion from universities. They and their families have been summoned, monitored and threatened by military officers to discourage them from speaking out or engaging on human rights issues.

By and large, Thai authorities have not sought to continuously detain activists and others until they stand trial. Instead, accused persons have been charged without being arrested or have been released on bail or by court decision. At the time of writing, only one of the individuals named in this briefing – Jatupat Boonpattararaksa – remains behind bars.

However, the impact of these trials and other criminal proceedings on civil society has been severe. Individuals have faced mounting legal costs and have been drawn away from their work by frequent trips to distant courts and police stations. More broadly, the threat of prosecution has had a chilling effect on civil society activity. Many political activists and human rights defenders now practice self-censorship and limit their public activities in order to avoid further legal problems. If outstanding criminal cases against political activists, human rights defenders, journalists and others proceed to conviction, the impact on civil society could be devastating.

As Thailand prepares for elections likely to be held in 2018, it is essential that the NCPO ensure an environment in which civil society and the wider public are able to freely exercise their rights to freedom of expression, association and peaceful assembly. First and foremost, authorities must immediately end criminal proceedings against human rights defenders and others facing investigation or prosecution solely for the peaceful exercise of their human rights.

Additionally, Thailand's government must repeal the laws and orders that have been used to target human rights defenders, political activists and others or amend them to ensure compliance with international human rights law. The NCPO originally presented these sweeping and arbitrary restrictions on human rights as temporary measures. However, they have become the status quo and Thailand's legal framework has been transformed into a tool for the repression of civil society and the suppression of peaceful political activism.

This briefing describes criminal proceedings against 64 members of Thailand's civil society. These individuals include students, activists, community organizers and environmental defenders. Others are researchers, lawyers, journalists and academics. They all work under incredibly difficult circumstances and have taken great personal risks to peacefully defend human rights or promote political change. Many have supported at-risk communities and vulnerable populations since long before the 2014 coup.

The briefing draws from interviews with 23 of these individuals. Amnesty International has additionally spoken with lawyers working on these cases and has reviewed summons, arrest warrants, photographs, videos, reports from local human rights organizations and other documents relevant to the events described in the briefing.

The scope of harassment against Thailand's civil society far exceeds the events described in this briefing. The description of the cases profiled in the pages that follow, however, provide a snapshot of the grave human rights challenges confronting civil society at this difficult period in Thailand's history. Unless the government changes course, unfortunately, they may also offer a glimpse of the future.

THE "SPEAK FOR FREEDOM" 11

11 human rights defenders and student activists are being investigated for participating in – or merely observing – a "Speak for Freedom" event, which included discussions about Thailand's draft constitution and constitutional referendum.

> ***"Before, I wasn't aware of the risks I was taking because of my work. The only thing I knew was that if I didn't do anything, then I couldn't help change the problems I saw in these communities. Later, I realized that I was facing many risks, but I knew that these risks were the price of my work."***
>
> Natthapon Athan, land rights activist, interview with Amnesty International, October 2016.

On 31 July 2016, just days before Thailand's constitutional referendum, student activists from Khon Kaen University in Thailand's north-eastern Isaan Region organized an event titled "Speak for Freedom: The Constitution and the Isaan People". Many of the organizers were affiliated with Dao Din, a student activist group that engages with local communities on human rights issues. The event included speeches by activists and academics and discussions regarding the draft constitution and referendum process.

Before it began, Khon Kaen University officials asked the organizers to cancel the event. The organizers decided to proceed despite a heavy presence of uniformed and plainclothes police and military officers, who warned organizers that they could face legal action if they went ahead with the planned activities.

In August, after receiving a police summons, six individuals who attended the "Speak for Freedom" event reported to the Khon Kaen Police Station, where they were informed that they were being investigated for violations of Head of NCPO Order No. 3/2558, which prohibits political gatherings of five or more persons. Of the six, **Jatupat Boonpattararaksa** (m), **Chatmongkhon Jenchiewchan** (m) and **Narongrit Uppachan** (m) are Dao Din student activists and **Natthapon Athan** (f) is a land rights activist. The other two individuals, **Duangthip Khanrit** (f) and **Niranut Niamsap** (f), work for the non-governmental organization Thai Lawyers for Human Rights and attended merely to monitor the event.

In September, Khon Kaen Police Station summoned five more individuals: two additional Dao Din activists, **Panupong Srithananuwat** (m) and another individual who wishes to remain anonymous, **Rangsiman Rome** (m), a student activist affiliated with the New Democracy Movement, **Cherdchai**

Tantisirin (m) a former MP from the Pheu Thai party, and **Panwadee Tantisirin** (f), an assistant professor at Khon Kaen University.

At the time of writing, ten of the 11 accused persons have reported to the Khon Kaen Police Station. The other, Rangsiman Rome, has refused to report, citing the undemocratic nature of the NCPO government and the illegitimacy of NCPO Orders. If charged, the 11 will be tried in a military court and face penalties of a fine and up to six months imprisonment.

Speak for Freedom © Natthapon Athan

PROFILE: JATUPAT BOONPATTARARAKSA

"I decided to join Dao Din because I saw things that were not fair or just. I felt that I needed to do something. I knew that I couldn't just look the other way. Before I didn't know anything, and that was fine, but now that I know about these issues, I cannot ignore them."

Jatupat Boonpattararaksa, student activist, interview with Amnesty International, September 2016.

Jatupat Boonpattararaksa, also known as Pai, is a law student at Khon Kaen University and member of Dao Din, a student group that engages on issues relating to human rights and democracy. Pai's life as an activist began when he started working with Dao Din to conduct human rights education campaigns and assist communities threatened by development projects in northeast Thailand. After the 2014 coup, he became involved in activities opposing military rule and Thailand's draft constitution, at times joining with the New Democracy Movement, another student group.

Currently, Pai faces criminal proceedings in five distinct cases relating to his participation in public protests, handing out of materials urging voters to reject the draft constitution, and posting of an article on Facebook that was deemed to be critical of the Thai monarchy.

In total, if convicted and sentenced cumulatively he could serve up to 40 years imprisonment. On 22 December 2016, Khon Kaen Provincial Court revoked Pai's bail bond in relation to his case for insulting the Thai monarchy. The court cited several social media posts made by Pai after his release on bail, including one in which he stated, "The economy is so bad, and they want my bail money." At the time of writing, Pai was being held at Khon Kaen Remand Prison.

Jatupat © Yingcheep Atchanont

THE 13 "VOTE NO" LEAFLETEERS

13 student and labour activists face a criminal investigation after handing out leaflets urging people to "Vote No" in Thailand's constitutional referendum. If charged, they will be tried before a military court and could be sentenced to up to ten years imprisonment.

> ***"We need to … invest politically for the Thai people to see that change is in our hands. [Our movement] wants the Thai people to be awake and see what is around them, and to change it. Only political discussions will do that. The junta knows this and that is why they try to keep us quiet. But they cannot keep us quiet."***
>
> Rangsiman Rome, student activist, interview with Amnesty International, September 2016.

On 23 June 2016, soldiers arrested 13 activists who were handing out leaflets and other documents encouraging the public to "Vote No" in the upcoming constitutional referendum in the Samut Prakan province. The 13 individuals included seven student activists affiliated with the New Democracy Movement – **Rangsiman Rome** (m), **Anan Loked** (m), **Yuttana Dasri** (m), **Korakot Saengyenpan** (m), **Thirayut Napnaram** (m), **Somsakol Thongsuksai** (m) and **Nantapong Panmat** (m) – and six labour rights activists – **Konchanok Tanakhun** (f), **Tueanjai Waengkham** (f), **Pimai Ratwongsa** (f), **Worawut Butmat** (m), **Rackchart Wongarthichart** (m) and **Phanthip Saengathit** (f). All 13 were accused of violating Order No. 3/2558's ban on public gatherings and Article 61 of the Referendum Law, which prohibits activities and statements "causing confusion to affect orderliness of voting", including by using "offensive" or "rude" language to influence people's votes.

The day after their arrest, the six labour activists were released after paying bail and signing a document stating that they would, among other things, refrain from further activities that would "bring about public disorder or cause any harm or infringement on peace, order or the moral high ground of the people". The seven student activists refused to pay bail or sign the documents. They insisted that they had done nothing wrong and had only exercised their right to express their opinions about the draft constitution. They also did not wish to be bound by any conditions of release.

While in remand prison, all seven activists were given short haircuts. Two of the activists told Amnesty International that they lost at least 10 kilograms bodyweight while in prison. In July, the seven activists were brought to the Bangkok Military Court without shoes and with their hands and feet shackled,

a measure that was subsequently condemned by a commissioner from the National Human Rights Commission. The Court rejected the police investigator's request to further remand the seven activists, and they were released from custody the following day.

At the time of writing, the case rests with the police investigators, who must decide whether to recommend prosecution. If charged by the military prosecutor, the 13 individuals would face trial in a military court. If convicted, they could be sentenced to up to ten years imprisonment and a fine.

Vote No Leafleteers © Banrasdr Photo

PROFILE: NEW DEMOCRACY MOVEMENT

"The government thinks that if they can make us scared, then we will stop our work. But now I think I can't stop with my activism. If these kinds of injustices are happening, that means there is a lot of work to do. The worse things get, the more that we have to fight against it."

Kornkanok Khumta, NDM member, interview with Amnesty International, September 2016.

The New Democracy Movement (NDM) was established in June 2015 by a group of student activists, many of whom had recently been arrested for participating in protests against military rule. NDM members told Amnesty International that their organization seeks to coordinate the actions of various student and other activist groups to oppose military rule and restrictions on political freedoms. The organisation says that their activities are guided by the organization's founding values of democracy, human rights, justice, public participation and non-violence.

NDM has emerged as one of the key voices in the movement to oppose military rule, and its members have succeeded in highlighting various violations of human rights. For example, after Thammasat student and NDM member Kornkanok Khumta was released from a women's prison, she spoke publicly about abusive practices, including strip searches and pelvic exams, leading to changes in policies by the Department of Corrections.

Many of the activists affiliated with NDM have been arrested multiple times and face criminal investigations in several ongoing cases.

Democracy Monument © Prachatai

THE 2 "UNIVERSITIES ARE NOT MILITARY BARRACKS" ACADEMICS

Two professors from Chiang Mai University face up to six months imprisonment after taking part in the public reading of a statement calling for Thailand's military government to respect academic freedom.

> ***"We think that it is our duty and obligation to not accept the situation. We are living in a culture of fear, but we thought that, for us, it is ok. [We] decided that we would continue to fight against this case until the end, even if it means that we lose our positions at the university."***
>
> Attachak Sattayanurak, professor at Chiang Mai University, interview with Amnesty International, November 2016.

On 31 October 2015, a group of eight professors and lecturers from universities across Thailand gathered in a hotel conference room in Chiang Mai, in northern Thailand, to read a statement titled, "Universities Are Not Military Barracks". The statement objected to the interference of government authorities with academic events in Thailand and called for greater academic freedom.

In November of that year, police officers summoned the academics and informed them that they were being investigated for possible violations of Order No. 3/2558's ban on political gatherings of five or more persons. At the police station, they discussed their case with the officers and denied the allegations levelled against them.

Under pressure from military authorities, six of the accused academics subsequently went to a nearby military camp and signed agreements promising to refrain from political activities in the future. However, **Attachak Sattayanurak** (m) and **Somchai Preechasinlapakun** (m), both professors at Chiang Mai University, refused to sign the agreements, stating that they believed that it was their duty to continue to express opinions on matters affecting the country.

On 2 June 2016, police officers submitted the case against the two professors to military prosecutors. At the time of writing, prosecutors had yet to formally decide whether or not to charge the two. If the case moves forward, they will be tried in a military court and face up to six months imprisonment.

ATTACHAK SATTAYANURAK & SOMCHAI PREECHASINLAPAKUN

PROFESSORS AT CHIANG MAI UNIVERSITY

REFUSED TO SIGN THE AGREEMENTS PROMISING TO REFRAIN FROM POLITICAL ACTIVITIES IN THE FUTURE

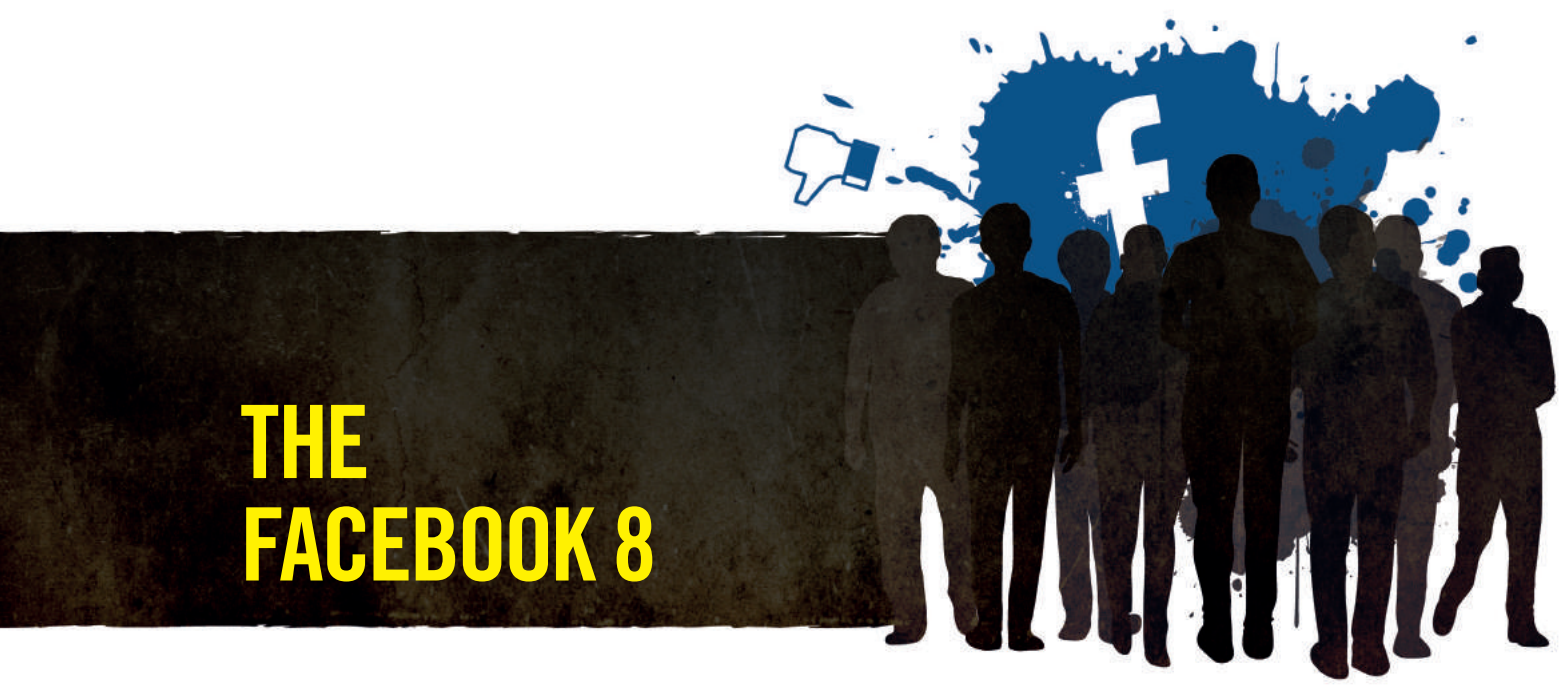
STATING THAT THEY BELIEVED THAT IT WAS THEIR DUTY TO CONTINUE TO EXPRESS OPINIONS ON MATTERS AFFECTING THE COUNTRY

PROFILE: MIDNIGHT UNIVERSITY

"I have been an activist since I studied in university. I think it is important to try to influence the society we live in. As academics, we should say something about the future of our society. It is part of our nature."

Somchai Preechasinlapakun, professor at Chiang Mai University, interview with Amnesty International, November 2016.

Attachak Sattayanurak and Somchai Preechasinlapakun are both affiliated with "Midnight University," an informal group of academics that promotes independent and critical thought among university students and Thai society more generally. Midnight University was founded in the late 1990s by leading Thai intellectual Nithi Eoseewong. The group maintains a website with free Thai language educational materials covering a broad range of subjects including politics, science and the arts. The Thai government currently blocks access to the website within the country. Midnight University has often engaged in projects supporting vulnerable populations, including ethnic minority groups and communities facing threats from major development projects. Attachak and Somchai stated that over the past decade they have increasingly felt that it is their duty to engage on political issues as successive governments have undermined human rights . As a result they have been criticized and harassed by authorities affiliated with all recent governments, regardless of political alignment.



THE FACEBOOK 8

Eight individuals, including a prominent fiction writer and online activists, have been charged in relation to alleged contributions to a Facebook community page that satirized government officials. They will face trial before a military court and, if convicted, could serve up to 7 years imprisonment.

> ***"If we can be charged, then you can also be charged."***
>
> Nuttigar Woratunyawit, online activist, interview with Amnesty International, September 2016.

On 27 April 2016, soldiers arrested **Harit Mahaton** (m), **Nuttigar Woratunyawit** (f), **Noppakao Kongsuwan** (m), **Worawit Saksamutnan** (m), **Yohtin Mangkhangsanga** (m), **Thanawat Buranasirim** (m), **Supachai Saibutr** (m) and **Kannasit Tangboonthin** (m) during early morning raids in Bangkok and Khon Kaen, in north-eastern Thailand. All eight were subsequently transferred to 11th Military Circle, an army camp in Bangkok.

The eight individuals were accused of posting content to the "We Love Gen. Prayut" Facebook group, a community page that hosted satirical messages, doctored photographs and memes poking fun at Prime Minister Prayut Chan-o-cha and other officials from Thailand's military government. Police investigators accused the eight of receiving payments from political figures to disparage the government. Two of the accused persons told Amnesty International that these allegations are completely unfounded.

The day after they were detained, the Bangkok Military Court issued arrest warrants for all eight for alleged violations of Article 116 of the Penal Code, which criminalises sedition, and the Computer Crimes Act. All of the detainees were released on bail two weeks later. However, two of the eight, Harit Mahaton and Nuttigar Woratunyawit, were rearrested on accusations that they had disparaged the royal family in private Facebook messages in violation of Article 112 of the Penal Code, allegations which they deny. They were granted bail a second time and released in July.

Military prosecutors formally charged the eight in August 2016, and at the time of writing, they are waiting for the Bangkok Military Court to set a date for their trial to begin. If convicted, they could face up to 7 years imprisonment. Harit Mahaton and Nuttigar Woratunyawit could face, in addition, up to 15 years imprisonment if convicted under Article 112.

Facebook 8 © Banrasdr Photo

PROFILE: HARIT MAHATON

"They wanted to make the people on social networks stop talking. They went after us so hard and they made everyone very fearful."

Harit Mahaton, author, interview with Amnesty International, September 2016.

Harit Mahaton is a freelance writer and author of novels popular with youth audiences. He is also the part owner of a small restaurant in Khon Kaen. Harit has strong opinions about Thai politics and culture and frequently engages in conversations about these topics online and in various public fora.

However, he has never considered himself to be an activist by profession. He told Amnesty International that he believes that we was targeted by authorities who mistakenly suspected that he was connected to powerful political figures. Harit has experienced many hardships since he was arrested, including problems with his business, but he hopes that the attention generated by his case will motivate the Thai public to oppose repressive legislation.

Harit © Banrasdr Photo

THE 14 STUDENT PROTESTERS

14 activists may be charged and face up to seven years imprisonment after taking part in a series of peaceful demonstrations to protest military rule.

> ***"I feel hopeless sometimes because I have been trying to make life better for others, but instead I have been targeted as if my actions are wrong. I have lost friends, family respect and have health issues. I have so many problems in my life because of this issue."***
>
> Chonticha Jaengraew, student activist, interview with Amnesty International, September 2016.

On 26 June 2015, police arrested 14 activists, mostly university students, during a raid on a safe house in Bangkok. All 14 individuals – **Rangsiman Rome** (m), **Wasant Satesit** (m), **Songtham Kaewpanpruk** (m), **Payu Boonsophon** (m), **Apiwat Suntararak** (m), **Rattapol Supasuphon** (m), **Supachai Phukrongploy** (m), **Apisit Sapnapapan** (m), **Panupong Srithananuwat** (m), **Suvicha Pitungkorn** (m), **Pakorn Areekul** (m), **Jatupat Boonpattararaksa** (m), **Chonticha Jaengraew** (f) and **Pornchai Yuanyee** (m) – had previously been arrested on 22 May 2015 following peaceful protests on the first anniversary of the military coup. On that day, students had gathered at the Bangkok Arts and Cultural Centre (BACC) to stand in silence and stare at a clock for 15 minutes. Others had gathered at Democracy Monument in Khon Kaen to protest against the military coup and forcible evictions in rural communities affected by extractive and developmental projects.

Following their release from custody, the activists formed the New Democracy Movement, a pro-democracy student group. On 24 June, the NDM activists sought to lodge a complaint at Pathum Wan Police Station regarding the excessive use of force by police officers who broke up the 22 May protest at the BACC. The following day, they gathered in protest at Democracy Monument to declare their opposition to military rule and state their commitment to core values including democracy, human rights and non-violence.

14 Student Protesters © Prachatai

Arrest warrants issued for the 14 protesters described alleged violations of Article 116 of the Penal Code, relating to sedition, and Order No. 3/2558, which bans political gatherings of five or more persons. On 8 July, the 14 individuals were released after the Bangkok Military Court rejected a petition for their further detention.[1] Authorities have subsequently summoned three additional individuals in relation to the case: a lawyer representing the activists (see below), an activist who gave a flower to the protesters on 25 June, and the owner of the building where the activists were arrested.

At the time of writing, the case remains with investigating police officers. If tried and convicted, the activists could be punished with up to 7 years imprisonment and a fine.

RELATED CASE: SIRIKAN "JUNE" CHAROENSIRI

"On a personal level, the case is very time consuming, and I have to spend time and energy dealing with the case instead of helping my clients.… This has really impacted the atmosphere for me and my clients to do our work. There is now an environment where risk is visible and imminent.… When cases like this happens, it affects other human rights defenders and lawyers, and society in general."

Sirikan Charoensiri, human rights lawyer, interview with Amnesty International, September 2016.

Sirikan Charoensiri, also known as June, is a leading human rights lawyer who works with Thai Lawyers for Human Rights, an NGO formed after the 2014 coup to represent clients and document human rights violations. June was present at the protests on 24 and 25 June in order to monitor developments. She has subsequently provided legal representation to the activists in their criminal case. Shortly after the 14 individuals were transferred to the military court, police officers asked June if they could search her car. They failed to present a search warrant and so she refused their request. On the following day, police officers obtained a search warrant, searched the car, and seized objects belonging to the defendants, including laptop computers and mobile phones.

June subsequently filed a complaint with the police regarding unlawful conduct by the police officers. In February 2016, police officers initiated a criminal investigation into June's alleged violations of Articles 142 and 368 of the Penal Code, concerning refusal to comply with a police order and "concealing evidence," respectively. The case currently rests with the prosecutor, who must decide whether to formally charge her.

In September 2016, police officers summoned June in relation to an investigation for charges of sedition, under Article 116, and violating Head of NCPO Order No. 3/2558's ban on political gatherings. Investigators stated that her presence at the site of the protests alongside the student activists and her refusal to let police officers search her car means that she took part in their unlawful activities. If charged, she will be tried in military court alongside the activists.

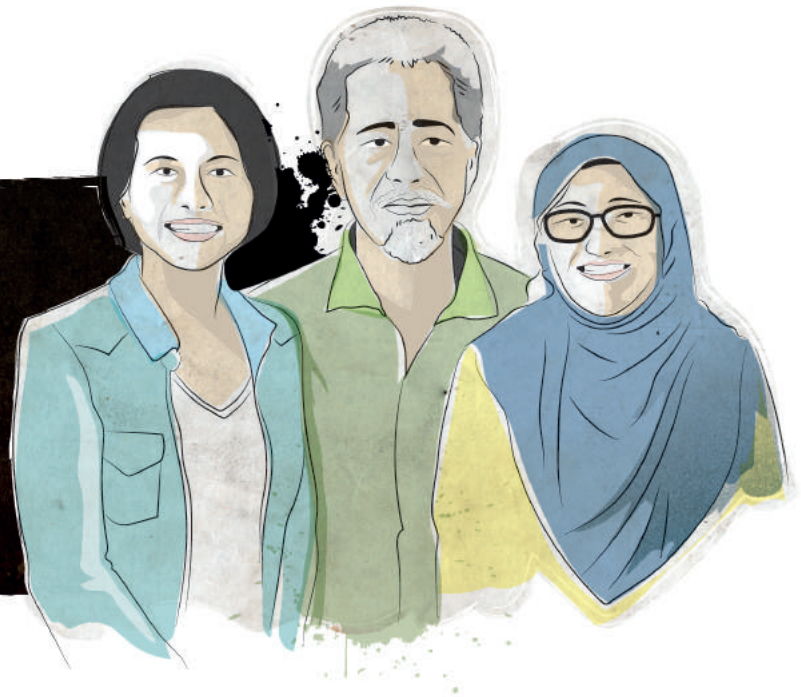
June has also been summoned in relation to Articles 172 and 174 of the Penal Code, which prohibit making a false report of criminal activity, as a result of her complaint against official misconduct. In total, if prosecuted and convicted in the three cases, June could be sentenced to up to 15 years imprisonment.

↑

Sirikan © Banrasdr Photo

1. Amnesty International documented the use of force against the activists at the Bangkok Arts and Cultural Center and observed proceedings before the Bangkok Military Court. Amnesty International, "Thailand: A view inside a military court in the 'land of smiles'", 9 July 2015, https://www.amnesty.org/en/latest/news/2015/07/thailand-a-view-inside-a-military-court-in-the-land-of-smiles/; Amnesty International, *Thailand: 'Make him speak by tomorrow': Torture and other ill-treatment in Thailand* (ASA 39/4747/2016), September 2016, https://www.amnesty.org/en/documents/asa39/4747/2016/en/, p.35.

THE 3 TORTURE REPORTERS



Three human rights defenders could be charged and face up to seven years imprisonment on criminal charges initiated by a military unit after they published a report alleging widespread torture by soldiers in southern Thailand.

> ***"There is a narrowing of the space for us to access victims. Our case is in the media and people are now afraid to have contact with us. … They see that even the high profile Bangkok groups are under pressure, so they worry for themselves."***
>
> Pornpen Kongkhachonkiet, human rights defender, interview with Amnesty International, September 2016.

In February 2016, three Thai human rights organizations, Cross Cultural Foundation, Duay Jai Group, and Patani Human Rights Organization, published a report, *Torture and Ill Treatment in the Deep South: Documented in 2014-2015*, alleging widespread torture by Thai military personnel in Thailand's conflict-affected southern provinces.[2] The report drew from interviews with 54 torture victims, whose identities were withheld to protect their security. The report was edited by **Somchai Homla-or** (m), **Pornpen Khongkhachonkiet** (f) and **Anchana Heemmina** (f), prominent human rights defenders who have worked on issues relating to torture in Thailand for many years. The reports' general findings were supported by a September 2016 report by Amnesty International, *"Make Him Speak by Tomorrow": Torture and Other Ill-Treatment in Thailand*, based on an independent investigation that also found evidence of widespread torture in southern Thailand.[3]

After the publication of the report by the three organizations, a military spokesman alleged that their organizations had fabricated accounts of torture in order to obtain foreign funding and threatened legal action. In May, the Royal Thai Army's Internal Security Operations Command Region 4, a military unit implicated in the report, filed a criminal complaint against the three human rights defenders with the Pattani Muang Police Station. The three were subsequently summoned to the police station and informed that they were being investigated for potential violations of Article 328 of the Penal Code, relating to criminal defamation, and the Computer Crimes Act.

2. Patani Human Rights Group, and Cross-Cultural Foundation, and Hearty Support (Duay Jai Group), *Torture and ill treatment in The Deep South Documented in 2014-2015*, February 2016, https://voicefromthais.files.wordpress.com/2016/02/torture-report-english-as-of-10-feb-2016-released-version.pdf.

3. Amnesty International, Thailand: *'Make him speak by tomorrow': Torture and other ill-treatment in Thailand* (ASA 39/4747/2016), September 2016, https://www.amnesty.org/en/documents/asa39/4747/2016/en/, p.35.

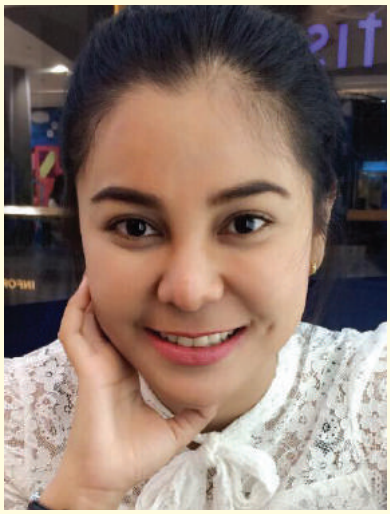
At the time of writing, the police investigation into the allegations was ongoing, and the three human rights defenders have had to twice report to the Pattani Muang Police Station. If prosecuted and convicted, the three face up to seven years imprisonment and a fine.

This is the second time that the Royal Thai Army has filed a complaint against Pornpen Khongkachonkiet in connection with her work on torture. She was subject to a criminal investigation in 2014 after writing an open letter concerning torture allegations. However, the prosecutor declined to press charges and the case was dropped. Anchana Heemmina told Amnesty International that she has faced surveillance and harassment by the military since the publication of the report.

RELATED CASE: NARITSARAWAN "MAY" KAEWNOPPARAT

"I want to prove that justice still exists, even if people say it doesn't exist anymore. I believe that it still exists and I will search for it. … I want to prove that justice is stronger than the power of money or position. If it happens that I lose my case and I have to be punished, I am ok to accept that. At least, if I face injustice, I will know I have tried my best."

Naritsarawan Kaewnopparat, public servant and anti-torture advocate, interview with Amnesty International, October 2016



Naritsarawan Kaewnopparat, also known as "May", is the 25 year old niece of a torture victim whose case was highlighted in a report by Cross Cultural Foundation to the UN Committee against Torture. In 2011, her uncle, a private in the Thai Army, was severely tortured while participating in military training exercises at an Army camp in southern Thailand. He succumbed to his injuries after being transferred to a nearby hospital.

Ever since, May has relentlessly campaigned for her uncle's torturers to be held accountable, citing the impunity enjoyed by ranking officers that she believes are ultimately responsible for his death. She has succeeded in drawing the attention of the media, the Thai public, the National Human Rights Commission, the Anti-Corruption Commission and others to the torture and injustice suffered by her uncle.

On 26 June 2017, the same day that Somchai Homla-or, Pornpen Khongkhachonkiet and Anchana Heemmina were reporting to the police in Pattani in regards to their own case, May was arrested in Bangkok in relation to a criminal case initiated by a military officer. In September, police investigators recommended that May be prosecuted for violations of Article 328 of the Penal Code, criminalizing defamation, and the Computer Crimes Act. She faces up to five years imprisonment.

Naritsarawan © Naritsarawan Kaewnopparat

THE JOURNALIST + THE NDM 4

Four student activists and a journalist face up to ten years imprisonment after police officers found "Vote No" campaign materials in their vehicle. At the time of their arrest, the activists were traveling to support – and in the case of the journalist, to report on – community members facing an investigation in a distinct criminal case.

> ***"I have been an activist for almost 10 years now, since I was 16. I have spent more time doing activism than I have studying, so it took me more than five years to finish my degree.... I feel that activism is about social justice and that is what I want to do for the rest of my life.... Go to the farms, live with the farmers and help them – that's work!"***
>
> Pakorn Areekul, activist, interview with Amnesty International, September 2016.

On 10 July 2016, **Pakorn Areekul** (m), **Anucha Rungmorakot** (m) and **Anan Loked** (m), youth activists affiliated with the New Democracy Movement (NDM), travelled to Ratchaburi province to support a group of 18 individuals who had been called to report to the police on that day. The 18 had been accused of violating the government's ban on political gatherings of five or more persons by opening a center to monitor the administration of the constitutional referendum. Pakorn, Anucha and Anan were accompanied by **Taweesak Kerdpoka** (m), a journalist with Prachatai, an independent news outlet. Taweesak intended to report on the day's events.

After the group of 18 had reported to the police station, police officers questioned the three activists and asked to search the pickup truck in which they were traveling. While searching the vehicle, police officers found and seized campaign materials relating to NDM's "Vote No" campaign, including flyers, stickers and various other documents and booklets. The police officers detained Pakorn, Anucha, Anan and Taweesak, stating that they were being investigated for violating Article 61 of the Referendum Act.

On the same day, police also arrested **Phanuwat Songsawadcha** (m), a student from Mae Jo University, at his home, alleging that he had conspired with the other four to distribute the materials.

The four activists and the journalist were interrogated and held overnight at the police station. The following day, the Ratchaburi Provincial Court granted bail to all five, who were subsequently released.

In August, the Ratchaburi public prosecutor formally charged the five individuals with violating the Referendum Act. The documents submitted by the prosecutor read, in part:

Taweesak + NDM 4 © Banrasdr Photo

The five defendants had dared to distribute some documents and blue stickers displaying messages of "7 August: Let's Vote No to Reject the Undesirable Future" which means to say that people should be voting to reject the Draft Constitution made by the Constitutional Drafting Committee (CDC) in the Constitutional Referendum set on 7 August 2016. The distribution of the stickers displaying such messages to the general public and their colleagues who were eligible voters was an attempt to transmit texts which are inconsistent with the truth or aimed at preventing a voter from casting a ballot or vote in any direction, and the act was committed with five persons or more, to disrupt the referendum which was an act against the law.[4]

At a conciliation session at Ratchaburi Provincial Court in September, the five refused to plead guilty. If convicted, they face up to ten years imprisonment. The trial is scheduled to begin with witness examination in March 2017.

PROFILE: TAWEESAK KERDPOKA

"It is like the government made me the first victim to show to the media what will happen if they report on political issues. There is a Thai saying: 'You cut the neck of the hen to show the monkey'. But actually, after my case, the media talked more about the referendum, so it didn't work."

Taweesak Kerdpoka, journalist, interview with Amnesty International, September 2016.

Taweesak Kerdpoka has been a journalist with Prachatai, an online news outlet, for two years. Prachatai is a non-profit online newspaper publishing in Thai and English and focusing on news relating to social movements and human rights issues. Prachatai's staff have won awards for their courageous reporting and have previously faced criminal charges.

Taweesak often takes photographs and writes stories concerning environmental and community rights issues. Following his arrest, he has been followed and surveilled by police officers, raising concerns for his safety. Prior to joining Prachatai, Taweesak was a student at Thammasat University, where he studied political science and associated with many of the activists who subsequently formed the New Democracy Movement.

Although he remains close to the activists, he sees his role as distinct. He believes that society depends on journalists to accurately report on political events and increase the awareness of the public at large.

Taweesak © Banrasdr Photo

4. Thai Lawyers for Human Rights, "Four activists, one journalist indicted over anti-draft constitution leaflets, public prosecutor asking the Court to revoke defendants' right to vote for ten years," 29 August 2016, http://www.tlhr2014.com/th/?p=1857.

THE ADVOCATE FOR FISHERFOLK

An advocate for the rights of fishing communities in southern Thailand faces a criminal investigation after criticizing a government official in a post on Facebook. If charged and convicted, he could be imprisoned for up to five years.

> ***"My intention wasn't to defame anyone. I was only enjoying my right to comment about the work of public authorities. I didn't want to make it a personal issue. I just wanted to do my job."***
>
> Wichoksak Roonarongpairee, advocate for fishing communities in southern Thailand, interview with Amnesty International, December 2016.

Wichoksak Roonarongpairee (m) is an advocate for the rights of fishing communities in southern Thailand, and works with Thai Sea Watch, a local NGO, and the Federation of Thailand Fisherfolk Association, a coalition organization.

On 26 September 2016, Wichoksak attended a meeting of the Fisheries Committee in Satun province to discuss fishing policies in the province. The meeting was attended by both civil society representatives and government officials. Wichoksak told Amnesty International that during the meeting a man he did not know used threatening language in an attempt to silence him and prevent him from advocating for the interests of the fishing communities he represents. Wichoksak said that government officials failed to intervene to ensure that he could speak freely.

After the meeting, Wichoksak wrote a post on Facebook describing what happened. He raised concerns about possible conflicts of interest of a local fisheries official, who he believed had commercial fishing interests and may have been connected to the man who threatened him during the meeting. The post called for the Department of Fisheries to investigate the situation.

In early October, Wichoksak was summoned to Satun Police Station, where he was informed that he was being investigated in relation to his Facebook post for a possible violation of Article 328 of the Penal Code, criminalizing defamation, and the Computer Crimes Act. In December, the police submitted the case to the public prosecutor. At the time of writing, Wichoksak was awaiting a decision by prosecutors whether to formally charge him and proceed with prosecution. If tried and convicted, he could face up to 5 years imprisonment.

IN EARLY OCTOBER, WICHOKSAK WAS SUMMONED TO SATUN POLICE STATION,

WHERE HE WAS INFORMED THAT HE WAS BEING INVESTIGATED IN RELATION TO HIS FACEBOOK POSTFOR POSSIBLE VIOLATIONS OF

ARTICLE 326 AND 328 OF THE PENAL CODE,

CRIMINALIZING DEFAMATION, AND THE COMPUTER CRIMES ACT.

Wichoksak

RELATED CASE: SAMA-AE JEHMUDOR

> ***"If I confessed to this charge, it would be more difficult for me to continue to advocate for the fisherpeople. … I am just fighting to set the positive standard for society."***
>
> Sama-ae Jehmudor

Sama-ae Jehmudor is a fisherman and the President of the Federation of Thailand Fisherfolk Association, a group that advocates for the rights of fishing communities in southern Thailand. In February 2016, Sama-ae and about 40 others travelled to Bangkok to submit a petition concerning the government's fisheries policies to the Minister of Agriculture. At first, staff from the ministry refused to admit the group into the ministry building. According to Sama-ae, while he and the other petitioners waited, police told them that they were not permitted to remain in the street in front of the ministry. However, the group remained at that location until the Minister of Agriculture agreed to meet the petitioners.

Later in the month, Sama-ae received a summons and reported to the police station in Bangkok, where he was informed that he was being investigated for a possible violation of the Public Assembly Act in relation to the gathering outside of the Ministry of Agriculture.

At the time of writing, Sama-ae is awaiting a decision by the public prosecutor on whether to formally charge him in the case. If tried and convicted, he could face a fine of up to 10,000 baht. Sama-ae told Amnesty International that he had decided to fight the case, rather than confess in exchange for a lesser penalty, because he wants to establish that he has done nothing wrong and set a positive precedent for future petitioners.

Sama-ae © Sama-ae Jehmudor

THE RAJABAKHTI 11

Eleven activists, including a human rights lawyer, face a criminal investigation after a failed attempt to visit a commemorative park built by the Royal Thai Army in order to highlight corruption allegations. Nine of the eleven have already been charged and will be tried before a military court, while the investigation concerning the other two is ongoing.

> ***"This [activism] is my life. But it has been difficult. I cannot leave the country and my time in court to work on cases is restricted. I have to fight for myself instead of others."***
>
> Anon Nampa, human rights lawyer and activist, interview with Amnesty International, September 2016.

On 7 December 2015, a group of pro-democracy activists departed Bangkok by train with the intention of traveling to Rajabhakti Park in Prachuap Khiri Khan province. The activists hoped to highlight allegations of corruption by military and other officials in relation to the construction of the park, which features giant statues of seven Thai kings. Following investigations by military and other government bodies, officials stated that they had found no evidence of wrongdoing.

When the train arrived in Ban Pong Station, authorities decoupled the car in which the activists were riding from the remainder of the train. Military and police officers then boarded the car and arrested 37 of the activists, including a lawyer from Thai Lawyers for Human Rights. A large crowd that had assembled at the train station threatened the activists and shouted insults at them as they were taken from the train. Many in this crowd wore yellow shirts, indicating affiliation with a pro-establishment political movement, and called into question the activists' loyalty to Thailand and the monarchy.

The activists were subsequently transferred to Phutthamonthon Park in Nakhon Pathom where they were interrogated by military officers before being released in the early morning hours of 8 December. All but 11 of the detainees signed documents stating that they would not engage in further political activities.

A week later, police issued summons for **Sirawith Seritiwat** (m), **Anon Numpa** (m), **Chonticha Jaengraew** (f), **Chanoknan Ruamsap** (f), **Thanet Anantawong** (m), **Kititach Suman** (m), **Wisarut Anupoonkarn** (m), **Abhisit Sapnaphapan** (m), **Korakot Saengyenpan** (m), **Kornkanok Khumta** (f) and **Wijit Hanhaboon** (m). They were targeted as they had not signed the release documents. The summons stated that the 11 must report to the police station in relation to an investigation into a possible violation of Order No. 3/2558's ban on political gatherings of five or more persons. In mid-January, the Bangkok Military Court issued arrest warrants for six of the individuals who had not reported to the police station in compliance with the summons.

On the night of 20 January, in an event caught on video tape, soldiers abducted Sirawith Seritiwat as he walked near Thammasat University in Bangkok. Sirawith claimed that he was subsequently forced into a waiting vehicle, hooded and beaten before being transferred to police custody, allegations which the military government denies. The following day, four others were also arrested, but all five were subsequently released from custody on orders of the Bangkok Military Court.

To date, nine of the eleven persons have been formally charged by military prosecutors, while the investigation of the other two remains active. All face trial before the Bangkok Military Court. If convicted, they face up to six months imprisonment and a fine.

Rajabhakti protesters © Banrasdr Photo

RELATED CASE: PATNAREE CHANKIJ

"I think this has happened because Ja New [Sirawith Seritiwat's nickname] empowers many people as an activist and has a support group. The public sees me, and him looking after me. They did this to put pressure on Ja New."

Patnaree Chankij, mother of prominent student activist Sirawith Seritiwat, interview with Amnesty International, September 2016.

"I am shocked, as I did not think they would use this old-fashioned way of threatening me. I do not fear for myself, but I am concerned about my family as they were not involved in any political activity yet [my mother] has been charged. They want to destroy us so badly that they will use such means."

Sirawith Seritiwat, student activist, interview with Amnesty International, September 2016.

Patnaree Chankij is the mother of Sirawith Seritiwat, a prominent student activist and organizer of the trip to Rajabhakti Park who is under criminal investigation in four separate criminal cases. She works as a cleaner, and until she was arrested had never been directly involved in activism.

On 22 July 2016, military prosecutors charged Patnaree with violating Article 112 of the Penal Code, which criminalises insulting the monarchy. Her alleged crime is a one word reply – "*ja*," roughly "yeah" or "I see" – to a private Facebook message from a colleague of her son that allegedly included content disparaging the Thai monarchy. The colleague has also been charged under this article. Police investigators had previously declined to recommend that Patnaree be prosecuted, but military authorities nevertheless decided to proceed with prosecution. If convicted, Patnaree faces up to 15 years imprisonment.

Patnaree © New Democracy Movement

THAILAND'S REPRESSIVE LAWS AND DECREES

Since the 2014 coup, Thai authorities have used a range of laws and orders to intimidate, arrest and prosecute political activists, human rights defenders and others peacefully speaking or acting on matters of vital national importance. Many of the laws and orders used against individuals profiled in this briefing contain excessively broad or vague language, allowing them to be applied arbitrarily against political opponents. Others are, on their face, completely incompatible with the rights of freedom of expression and opinion.

SEDITION

Article 116 of the Penal Code provides a penalty of up to seven years imprisonment for anyone who uses words, writings or other acts to:

- "bring about a change in the Laws of the Country by the use of force or violence";
- "raise unrest and disaffection amongst the people in a manner likely to cause disturbance in the country"; or
- "cause the people to transgress the laws of the Country".

This provision has often been used to target peaceful political activists and individuals objecting to military rule in Thailand.

CRIMINAL DEFAMATION

Articles 326 to 333 of the Penal Code describe the crime of defamation, which involves the imputation of information "likely to impair the reputation [of another] or to expose such other person to be hated or scorned".

The penalty for criminal defamation is up to one year imprisonment and a fine, unless the means of communication is a "document, drawing, painting, cinematography film, picture or letters", in which case the penalty is up two years imprisonment. The broad language of these provisions has often been used against those reporting human rights violations by military officials, private corporations and others.

INSULTS TO THE MONARCHY

Article 112 of the Penal Code, often referred to as Thailand's lèse-majesté law, provides a penalty of up to 15 years imprisonment for anyone who "defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent".

Many individuals have been charged with multiple counts of this provision, leading to sentences of several decades. This provision has been broadly applied to stifle discourse regarding the monarchy in Thailand. It has also been applied – as evidenced by cases profiled in this briefing – in a highly arbitrary manner to target peaceful activists and their families.

COMPUTER CRIMES ACT

The Computer Crimes Act, passed in 2007, gives authorities a wide degree of latitude to monitor and suppress online content and to prosecute individuals for various broadly-defined offenses.

In particular, Article 14(1) provides for up to five years imprisonment and a fine for anyone who "put(s) into a computer system forged computer data, partially or entirely, or false computer data, in a manner that is likely to cause damage to a third party or the public". This article has often been used alongside criminal defamation charges to target human rights defenders and others peacefully expressing their opinions online.

In December 2016, Thailand's National Legislative Assembly amended the Computer Crimes Act. However, the amendments failed to rein in the most restrictive elements of the law or ensure that it will not be used to suppress the exercise of human rights.

HEAD OF NCPO ORDER NO. 3/2558

In April 2015, the government repealed martial law, which had been in place since May 2014 and replaced it with Head of NCPO Order No. 3/2558. The Order retained most of the repressive powers granted to the military under martial law. Article 12 provides for up to six months imprisonment and a fine for anyone participating in "political gatherings of five or more persons". The order also grants military officials the power to arbitrarily detain individuals in unofficial places of detention for up to seven days, without many of the safeguards provided by Thai law. Both Article 12 and the expanded powers of detention have frequently been used to target individuals peacefully protesting military rule or engaging in activities relating to the draft constitution.

REFERENDUM ACT

In April 2016, the government enacted the Referendum Act, a law governing the constitutional referendum which was held on 7 August 2016. Article 61 of the Act provides for up to ten years imprisonment and a fine for "anyone who disseminates text, pictures or sounds that are inconsistent with the truth or in a violent, aggressive, rude, inciting or threatening manner aimed at preventing a voter from casting a ballot or vote in any direction or to not vote".

In advance of the referendum, the broad language of this provision was frequently used to arrest, investigate and charge individuals, including many student activists, campaigning peacefully against the draft constitution.

PUBLIC ASSEMBLY ACT

In May 2015, the government enacted the Public Assembly Act, a law that implements mandatory procedures for those wishing to organize public gatherings and sets out criminal penalties for those whom fail to comply. The law requires organizers to seek permission from authorities 24 hours before holding a public assembly and to provide details about the date, time, location and purpose of the planned action.

Criminal penalties range from a 10,000 baht fine (approximately USD 280) for holding a public assembly without permission to up to 10 years imprisonment for acts of destruction or violence. To date, several civil society members have been charged under the law for participation in peaceful protests, and the law has had a broader chilling effect on the exercise of the right to freedom of assembly.

These laws place sweeping and arbitrary restrictions on the human rights to freedom of expression and peaceful assembly. They must be repealed or substantially amended to comply with Thailand's obligations under international human rights law.

As a party to the International Covenant on Civil and Political Rights, Thailand is obligated to respect, protect and fulfil the rights to freedom of expression, assembly and association. Under international human rights law, restrictions on the exercise of these rights should be exceptional and are permissible only if they meet three key criteria:

- they are provided by law;
- they are only for certain specified permissible purposes, namely to protect the rights and reputation of others, national security, public safety, public order, public health, or public morals; and
- they are demonstrably necessary for and proportionate to such purpose.[5]

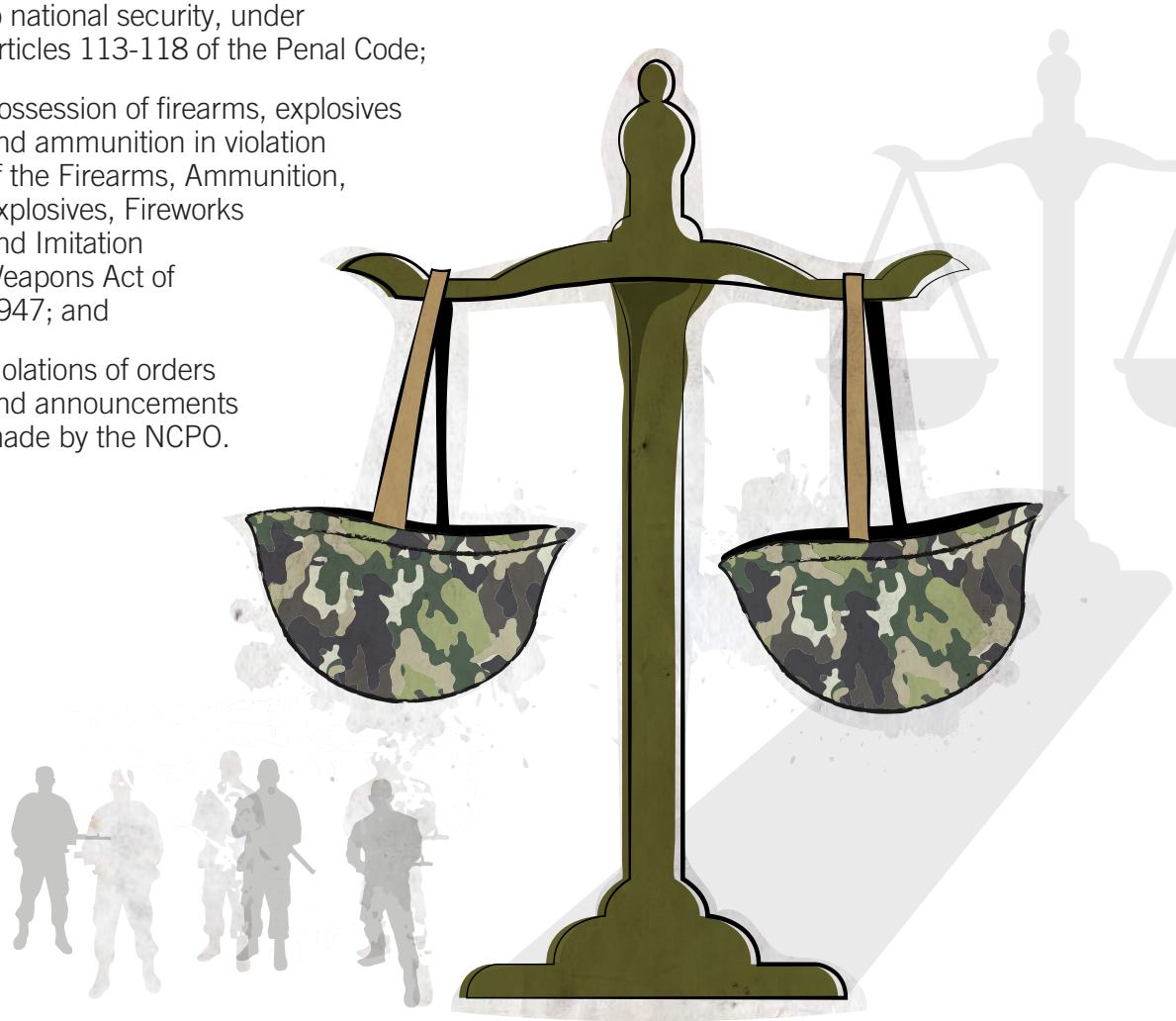
The laws described above do not satisfy these criteria and therefore should be repealed or amended.

5. See for instance Human Rights Committee, General Comment no. 34, Article 19: Freedoms of opinion and expression, UN Doc. CCPR/C/GC/34, 12 September 2011, paras. 21-36.

TRIALS IN MILITARY COURTS

Prior to the 2014 coup, only military personnel could be tried before Thailand's military courts. In the months that followed the coup, the new military government unilaterally issued a series of orders granting military courts jurisdiction over civilians in cases involving the following crimes:

- Insulting the monarchy, under Articles 107-112 of the Penal Code;
- Sedition and other crimes relating to national security, under Articles 113-118 of the Penal Code;
- Possession of firearms, explosives and ammunition in violation of the Firearms, Ammunition, Explosives, Fireworks and Imitation Weapons Act of 1947; and
- Violations of orders and announcements made by the NCPO.



TRIALS IN MILITARY COURTS *continued*

In the past two years, authorities have initiated military court proceedings in many cases against activists, human rights defenders and others (as described in this briefing). According to statistics provided to Thai Lawyers for Human Rights by the Judge Advocate General's Office, as of 31 May 2016, 1,811 civilians had been tried in military courts since the 2014 military coup.

On 12 September 2016, the Head of the NCPO issued Order No. 55/2559, withdrawing the jurisdiction of military courts over cases involving civilians. However, the order did not apply retroactively, and military courts retained jurisdiction over cases involving offenses committed before the date of the order. Therefore, pre-existing cases, as well as new cases involving alleged offenses committed before the date of the order, remain before military courts.

Amnesty International has repeatedly condemned the use of military courts to try civilians in Thailand and elsewhere. Among other shortcomings, judges and prosecutors in military courts are military officers, the verdicts of military courts are not subject to appeal, and certain procedural safeguards are not observed by military courts.

Military courts have also been more likely than civilian courts to impose harsh sentences, deny bail requests, and restrict public access to trials. These deficiencies deny defendants the right to a fair trial, in violation of Thailand's obligations under international law.

6. See, for example, Amnesty International, Annual Report 2015/2016, Thailand, February 2016, https://www.amnesty.org/en/countries/asia-and-thepacific/thailand/report-thailand/.

RECOMMENDATIONS

Amnesty International urges Thai authorities to:

- Immediately order all officials to refrain from initiating criminal proceedings against individuals for the peaceful exercise of their human rights, including the rights to freedom of expression, association and peaceful assembly.
- Halt any ongoing criminal proceedings against individuals for the peaceful exercise of their human rights.
- Review relevant cases that have already been concluded and ensure the immediate and unconditional release of individuals who have been convicted solely for the peaceful exercise of their human rights.
- Revoke all conditions of release from detention that arbitrarily restrict the peaceful exercise of human rights, including the rights to freedom of movement, expression, association and assembly.
- Drop charges filed against individuals for failing to report to arbitrary detention under the Martial Law Act or Order No. 3/2558, and restore passports to anyone whose passport has been suspended for failing to report.
- Instruct security officials not to harass or detain relatives in order to place pressure on their family members, investigate past cases of such harassment and detention, and hold accountable those who carried out or ordered such acts.
- Amend or repeal laws and orders that restrict or provide criminal penalties for the peaceful exercise of human rights or allow for arbitrary detention, in order to ensure that they meet Thailand's international human rights obligations, including:
  - Penal Code provisions relating to sedition, defamation and insults to the monarchy;
  - The Computer Crimes Act;
  - The Public Assembly Act; and
  - NCPO Order No. 3/2558.
- Ensure that new laws, including those governing future elections or referendums, do not arbitrarily restrict the human rights to freedom of expression, association and peaceful assembly.
- Create a safe and enabling environment for human rights defenders and other members of Thailand's civil society to exercise peacefully their rights to freedom of expression, association and assembly without intimidation, harassment, arrest or prosecution.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

CONTACT US

info@amnesty.org

+44 (0)20 7413 5500

JOIN THE CONVERSATION

www.facebook.com/AmnestyGlobal

@AmnestyOnline

INDEX: ASA 39/5514/2017
FEBRUARY 2017
LANGUAGE: ENGLISH

amnesty.org