

URGENT ACTION

STUDENT ACTIVISTS ON TRIAL BY MILITARY COURT

Jatupat 'Pai' Boonpattaraksa and six other law students from Khon Kaen University are on trial at a military court for taking part in a peaceful demonstration on 22 May 2015, the first anniversary of a military coup in Thailand.

Witnesses for the prosecution began giving evidence in **Jatupat Boonpattaraksa's** trial at Khon Kaen Military Court on 22 May 2017. He is on trial alongside six other activists, Apiwat Suntarak, Payu Boonsophon, Panupong Srithanuwat, Suvicha Tipangkorn, Supachai Pukrongploy and Wasant Satesit, on charges of violating a repressive executive order that allows six months' imprisonment for individuals taking part in "political" gatherings of five or more persons. Police are also investigating the seven students for sedition and unlawful "political" gathering for their participation in two other small peaceful demonstrations alongside other activists in Bangkok in June 2015.

After authorities denied them entry to Jatupat Boonpattaraksa's bail hearing in February 2017, a group gathered outside Khon Kaen Provincial Court, calling for his release and protesting the injustice of his treatment. In response, the authorities charged, Panupong Srithanuwat (also known as "Nice"), Apiwat Suntarak and Payu Boonsophon with contempt of court, who will all go on trial on 31 May 2017.

Fourth year law student Jatupat Boonpattaraksa also known as "Pai", will also face trial in August 2017 for insulting the monarchy after he shared on Facebook a BBC Thai article about Thailand's King Rama X in December 2016. In addition, he faces additional charges for distributing leaflets opposing Thailand's Draft Constitution, which was passed in a national referendum on 7 August 2016, and police investigation for involvement in a public discussion on the Draft Constitution at his university in July 2016.

Please write immediately in Thai, English or your own language:

- Urging authorities to drop all charges against Jatupat Boonpattaraksa immediately and unconditionally and release him without delay;
- Expressing concern that Jatupat Boonpattaraksa and the six other students have been persecuted for the peaceful exercise of their human rights to freedom of expression and peaceful assembly, and urging that all charges against the group are dropped;
- Urging authorities to amend or repeal the Head of National Council for Peace and Order (NCPO) Order No. 3/2015, the Computer Crimes Act, Constitutional Referendum Act and Articles 112 and 116 of the Penal Code, to ensure compliance with Thailand's international human rights obligations.

PLEASE SEND APPEALS BEFORE 4 JULY 2017 TO:

Judge Advocate General
Adm. Kritsada Charoennpanit
Judge Advocate General's Department
Ministry of Defence
Sanamchai Road, Phra Nakorn
Bangkok, Thailand
Fax: 66 2143 9546
E-mail: ictc@ago.go.th
Salutation: Dear Judge Advocate General

Minister of Justice
Suwaphan Tanyuvardhana
Ministry of Justice
Government Centre Building A
Chaengwattana Road
Bangkok 10210, Thailand
Fax: +66 2953 0503
Salutation: Dear Minister

And copies to:
Commissioner General of Royal Thai Police
Pol. Gen Chakthip Chaijinda
Royal Thai Police Headquarters,
Rama 1 Road, Pathum Wan,
Bangkok 10330, Thailand
Fax: +66 2251 4739

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. This is the second update of UA 290/16. Further information:

<https://www.amnesty.org/en/documents/asa39/5586/2017/en/>

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ADDITIONAL INFORMATION

All seven activists are members of the Dao Din Group, a Khon Kaen University student society that carries out human rights and pro-democracy activities. Since taking power in a military coup in May 2014 authorities have placed extensive pressure on the group not to engage in political activities.

The Khon Kaen Military Court indicted the group in August 2016 following their protest at the Khon Kaen Democracy Monument on 22 May 2015 for violating Head of National Council for Peace and Order (NCPO) Order 3/2015. During the brief protest on the first anniversary of the coup on 22 May 2015 they held up a placard saying "anti-coup" and spoke for a short time about concerns for communities affected by gold mine projects and forcible evictions. Police detained them overnight at Khon Kaen Police Station. In June 2015 they were arrested in Bangkok after they carried out two small, peaceful protests with Bangkok activists and formed a student coalition, the New Democracy Movement.

Both Dao Din members and the New Democracy Movement have continued to participate in peaceful activism in support of a return to democracy and to uphold and defend human rights in the face of sweeping official restrictions. Authorities have also harassed their family members, and pressed charges against others who have provided support or exercised their professional journalistic or legal duties on their behalf.

Amnesty International believes that Jatupat Boonpattaraksa has been singled out for prosecution under the vaguely worded provisions of Article 112, Thailand's lèse majesté law, because he has continued to speak out despite ongoing harassment through the criminal justice system. Under Article 112 anyone who "defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent" will be punished with between three and 15 years imprisonment. This provision has been used to penalise the peaceful expression of opinions, in tandem with the Computer Crimes Act (2007), which allows for up to five years' imprisonment and a fine of 100,000 baht for anyone who puts material online that threatens Thailand's national security.

While many people in Thailand shared the same BBC story about the King online, Jatupat Boonpattaraksa was the only one charged. A military official from Khon Kaen's 23rd Military Circle filed a complaint against him in December 2016. The same military official had commented on the Dao Din group's Facebook page shortly after the coup, writing "*This is a battle, my little friends. You have two ways to go...One: fight, be broken into pieces, and destroyed. Two: since you know that we can take a friend of yours hostage, if I were you, I would stop [your political activities] and negotiate.*"

Three years after Thailand's military declared martial law and took power in a coup, authorities are continuing to crack down on and heavily restrict the human rights to freedom of expression, association and peaceful assembly. Authorities have targeted perceived political opponents and critics with prosecution, including those peacefully expressing political opinions on social media. Despite an initial official undertaking that restrictions would be temporary, authorities have showed no sign of lifting them. The ruling military government – the National Council for Peace and Order – continues to restrict freedom of expression arbitrarily and sweepingly as it implements a political roadmap to elections, currently mooted for 2018.

Individuals who have spoken out against the coup or circulated material that the authorities deemed offensive to the monarchy face arbitrary detention and prosecution under executive orders and laws passed by the military government, as well as existing legislation that subjects exercise of these rights to restrictions not permitted under international human rights law. Individuals charged with breaching military orders and offences related to national security after the coup and prior to September 2016 also face prosecution in unfair trials before military courts. While the NCPO in September 2016 ended the jurisdiction of military courts over civilians for these offences, the order does not apply retroactively.

Name: Jatupat Boonpattaraksa

Gender m

Further Information on UA: 290/16 Index: ASA 39/6308/2017 Issue Date: 23 May 2017