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Prisoner of Conscience

19 September 1991

THAILAND:

Sulak Sivaraksa

Amnesty International is concerned about reports that the authorities in Thailand have issued a warrant for the arrest of Sulak Sivaraksa, a well-known social critic, for remarks he made about the monarchy and the military on 22 August 1991. It is also concerned about reports that there are fears he may be ill-treated if he is detained by the military. He is currently in hiding.

The warrant for Sulak's arrest is reportedly based on allegations that the remarks constitute "lese majesty" against members of the Thai Royal Family and "defamation" against General Suchinda Kraprayoon, the Commander in Chief of the Royal Thai Army, and retired General Sunthorn Khongsomphong, the former Armed Forces Supreme commander. Amnesty International has examined a text of Sulak's remarks, and believes that his detention for his remarks about the monarchy would be a violation of the right to freedom of opinion and expression.

The organization is therefore urging that he not be arrested on these grounds.

With regard to the allegation of "defamation", the organization is urging that if he is to be charged with such an offence, he be given a fair trial at which he may be found innocent if his remarks are judged to be true or to constitute fair comment made in good faith about matters subject to public criticism, as is provided in Thai law. Amnesty International is also urging that Sulak's physical security be properly safeguarded if he is detained.

Sulak's remarks were made in a speech he gave at Thammasat University entitled: "Six Months of the National Peace-Keeping Council: A Tragedy in Thai Society". According to a transcript of the speech, he said that Thai people should "accept that the King, the Crown Prince and the Princesses are just ordinary people", and that he believed the King was "open to honest criticism".

He talked about how General Suchinda and General Sunthorn had visited Burma for talks with leaders of that country's military junta immediately before they carried out a military coup in Thailand on 23 February 1991 overthrowing the elected civilian government (see background information). Sulak asked "did they go to Burma to learn how to carry out the coup?" He also alleged the Burmese and Thai militaries "are actually working together, in logging, fishing and arms trading." In early September, the Army lodged a complaint on General Suchinda's behalf accusing Sulak of "defamation" for these latter remarks and accusing him of "lese majesty" for the former.

BACKGROUND INFORMATION

On 23 February 1991, General Sunthorn, General Suchinda and other Thai military officers announced the overthrow of the government of Prime Minister Chatichai Choonhavan, which was formed after general elections in 1988. The coup-makers formed a National Peace-Keeping Council. It has appointed a civilian as interim prime minister, promulgated an interim constitution, and set up a constituent assembly to write a new constitution in preparation for new elections. Martial law and suspensions of civil liberties imposed at the time of the coup were lifted in May 1991. However, the National Peace-Keeping Assembly continues

to function and to have the power to supervise the government.

Sulak Sivaraksa is a long-time critic of the Thai military and the author of many books on Thai politics, society and culture. He has for many years been a leading activist in the promotion of human rights, Buddhism and peaceful approaches to the solution of political conflicts. Recently, he has been particularly critical of the relationship between the Thai and Burmese armed forces, and has worked to help protect the rights of Burmese refugees in Thailand. He was detained briefly in 1984 on charges of "lese majesty" for publishing views similar to those made in his recent speech at Thammasaat. The case against him was not pursued, reportedly because members of the Royal Family intervened on his behalf. However, the authorities have said these old charges may be revived.

RECOMMENDED ACTION: Telegrams/faxes/express and airmail letters:

- expressing concern at reports that an arrest warrant has been issued for Sulak Sivaraksa in connection with the speech he made at Thammasaat University on 22 August 1991;
- saying that the arrest of Sulak for his remarks about the monarchy in his speech would be a violation of the right to freedom of opinion and expression proclaimed in Article 19 of the Universal Declaration of Human Rights;
- urging Sulak not be arrested for "lese majesty", and that if he is to be charged with "defamation" for his remarks about the military he receive a fair trial at which he may be found innocent if his remarks are judged to be true or constitute fair comment;
- urging that if he is detained his physical security be properly protected.

APPEALS TO

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COPIES TO:

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and to diplomatic representatives of Thailand in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 October 1991.