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Thailand: Repeal or reform emergency legislation immediately

Thailand must cease invoking the Emergency Decree and the Internal Security Act, as they flout international human rights law and standards, Amnesty International said today.

The Emergency Decree and/or the Internal Security Act (ISA) were first invoked outside of Thailand's southern regions, which has witnessed ongoing unrest, on 12 April 2009 during anti-government demonstrations. Either the Emergency Decree or ISA has been put into effect by the authorities in parts of Thailand outside the South for almost half the time since then.

"Invoking these laws has become almost routine for the government", said Benjamin Zawacki, Amnesty International's Thailand researcher. "As a result, the extraordinary powers they grant to curtail human rights have often been abused to block the expression of peaceful dissenting views".

The ISA was most recently put into place in Bangkok on 11 March 2010, a full month before peaceful demonstrations became violent. Meanwhile, the Emergency Decree, invoked on 7 April 2010, remains in effect in Bangkok and six other provinces, despite the fact that the demonstrations ended four and a half months ago.

The Thai government is considering a three-month renewal of the Emergency Decree this week.

The Emergency Decree allows for 30 days' detention without charge or trial, the use of unofficial detention centres, ineffective or unenforced judicial review of arrest warrants and requests to extend detention, the denial of requests for personal visits to detainees, and the lack of consistent, unhindered, and independent monitoring of the detention centres, facilitating torture and other ill-treatment.

The Emergency Decree also authorizes virtually unfettered censorship of news and information outlets, and expressly confers immunity from prosecution for officials who violate human rights law in the course of their duties.

The Ministry of Justice last reported on 24 August 2010 that the government was holding 209 detainees in relation to the March - May protests under the Emergency Decree, some of whom reported being beaten in prison.

Some detainees have had no access to a lawyer and have been given no information as to the status of their cases. Some of those detained merely on the basis of appearing in photographs of the protests have not been released even after refuting their presence in the images. Others report to have confessed to committing illegal or criminal acts on the basis of deception or threat by the police.

The ISA confers considerable discretionary powers on the military to restrict freedoms of expression, peaceful assembly and association, and freedom of movement. Moreover, these powers apply to "any situation which is or may be a threat", a definition that is not only broad and vague, but covers possible threats as well as actual ones.

According to the Centre for the Resolution of the Emergency Situation, created by the government and the military to coordinate and administer the Emergency Decree in response to the mass anti-government demonstrations earlier this year, at least 1,500 websites, radio and television stations, and print publications have been disabled or censored in Thailand since early April 2010.

Amnesty International recognizes that significant violence and unrest have on several occasions characterized Thailand's ongoing political crisis, including the violent disruption of the ASEAN Summit in April 2009; and 'Red Shirt' protests in March-May 2010 that resulted in clashes in which 91 people were killed. However, the government's response to such situations must conform to Thailand's international obligations.

"The government must end its frequent and abusive resort to emergency legislation that contravenes international human rights law," stated Benjamin Zawacki.

Amnesty International calls on the government of Thailand not to renew the Emergency Decree in Bangkok and the six other non-southern provinces where it is in effect, and to either repeal the Decree and the ISA or bring them into compliance with international law and standards.

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