

EXTERNAL (for general distribution)

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THAILAND: Fear of arbitrary detentions and executions following coup

Amnesty International is concerned that the 1 March 1991 interim constitution of Thailand, promulgated following a military coup d'etat on 23 February, may result in arbitrary or summary executions of political and other prisoners, in the imprisonment of prisoners of conscience detained for the peaceful exercise of fundamental civil and political rights, and in the arbitrary detention of other political prisoners. The interim constitution was promulgated by King Bhumibol Adulyadej to replace that of 1978, which was abolished during the coup d'etat. It was drafted under the auspices of the National Peace-Keeping Council (NPKC) which carried out the coup d'etat. The NPKC is chaired by General Sunthorn Khongsomphon, the Supreme Commander of the Armed Forces. Under the interim constitution, he has the authority to nominate an interim prime minister, and the appointment of a civilian businessman and former diplomat, Anand Panyarachun, to this post was confirmed by the King on 2 March.

According to an unofficial English translation, Article 27 of the interim constitution declares:

"In case either the NPKC Chairman or the Prime Minister deems it necessary to prevent, stop or suppress activities that undermine national peace and security, threaten the monarchy, national economy, national administration, public order and morality, national resources or public health, regardless of whether such activities or threats take place before or after the promulgation of this interim constitution, or whether they take place inside or outside the Kingdom, the Council Chairman or the Prime Minister, or both, with approval of a joint meeting of the Council and the Prime Minister, has the power to do what is necessary. All orders and action of either the Council Chairman or the Prime Minister or both under this article shall be deemed legal and in compliance with all due process of law."

An official involved in drafting the interim constitution is quoted as saying that Article 27 empowers the interim prime minister or the Armed Forces Supreme Commander "to order a summary sentence or summary execution of a person whose activities are deemed dangerous to national security or subverting the security of the Throne or public order". Independent legal experts in Thailand believe its sweeping and vaguely-worded provisions could be interpreted as granting the current authorities the power to order the execution of any prisoner and to detain political prisoners, including prisoners of conscience, indefinitely without charge or trial. It appears they may claim the power to carry out executions and continue detention without providing any grounds for doing so or allowing any judicial review of their actions, and thereby to avoid the safeguards of the pre-coup d'etat criminal justice system. Article 27 appears to abolish the safeguards against such human rights violations that existed under the previous constitution, and to override the safeguards contained in such existing Thai laws as the Criminal Procedure Code. Amnesty International is also concerned that Article 27 of the interim constitution is retroactive. Amnesty International considers that the summary or arbitrary execution of any prisoner, the imprisonment of people solely for their non-violent political activities or beliefs, and the detention of other

political prisoners without the provision of any safeguards of their human rights would be contrary to the human rights standards included in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Amnesty International urges that the military and interim authorities not make use of Article 27 of the interim constitution to carry out summary or arbitrary executions, to imprison people for their non-violent political activities or beliefs, or arbitrarily detain other political prisoners without charge or trial. It urges them to act to ensure proper protection of the right to life, and the rights to freedom of expression, opinion and assembly, and the right to freedom from arbitrary arrest and detention of political prisoners set forth in international standards.

BACKGROUND INFORMATION

On 23 February 1991 Supreme Commander of the Royal Thai Armed Forces, General Sunthorn Khongsomphong, announced the overthrow of the government of Prime Minister General (retired) Chatichai Choonhavan, the abolition of the constitution and parliament, the imposition of martial law, a ban on political gatherings of more than five people, and a ban on activities by political parties. The Supreme Commander heads the NPKC, which also includes the commanders of the army, air force and navy. Prime Minister Chatichai was the head of the Chaat Thai (Thai Nation) Party, which won the largest number of seats in the last general election in 1988. He became Thailand's first elected prime minister since 1976. As prime minister, he had increasingly tense relations with senior military and police officers, and was seen as challenging their influence over the country's political life. In overthrowing the government, the NPKC accused it of corruption. Despite the promulgation of the interim constitution and appointment of an interim civilian prime minister, martial law and suspensions of civil liberties remain in force.

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

- expressing concern that Article 27 of the interim constitution may result in such human rights violations as the arbitrary or summary executions of political and other prisoners; imprisonment of people for the peaceful exercise of fundamental civil and political rights; and the detention of other political prisoners without charge or trial or reference to any process of judicial review or other human rights safeguards;

- urging them to ensure that Article 27 is not used to commit such human rights violations, and to ensure the proper protection in Thailand of the internationally-recognized rights to life, freedom of expression, opinion and assembly, freedom from arbitrary arrest and detention on political grounds, the right to be promptly charged and fairly tried or otherwise released.

APPEALS TO:

Prime Minister Anand Panyarachun
Government House
Nakhorn Pathom Road
Bangkok 10300, Thailand

Telegrams: Interim Prime Minister Panyarachun, Bangkok, Thailand

Telexes: 84791 INFODEP TH (Ministry of Foreign Affairs)

Faxes: + 66 2 224 7095 (Ministry of Foreign Affairs)

General Sunthorn Khongsomphong

ACM Kaset Rotchanannin
National Peacekeeping Command
Suan Runreudii, Dusit
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Telexes: 84791 INFODEP TH (Ministry of Foreign Affairs)
Faxes: + 66 2 241 1714; + 66 2 241 5720

COPIES TO:

HM King Bhumibol Adulyadej
The Grand Palace
Na Phra Lan Road
Bangkok 10200, Thailand

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 19 April 1991.