

AMNESTY INTERNATIONAL PUBLIC STATEMENT

25 December 2020 ASA 39/3477/2020

THAILAND: DROP CHARGES AGAINST PEACEFUL PROTESTERS

Two months after authorities in Thailand lifted severe emergency restrictions on peaceful protest, Amnesty International remains deeply concerned that Thai authorities are continuing to escalate and intensify their crackdown on peaceful protesters and those expressing support for them across the country.

Following Prime Minister Prayut Chan-O-Cha's undertakings in late November 2020 to "enforce all laws" against protesters, officials have initiated numerous new cases against protest leaders, musicians, and activists in relation to the peaceful protests.

An estimated 220 individuals, including children, are facing criminal proceedings. At least 149 of them are being charged for alleged violations of the restrictions on public assembly under the Emergency Decree, and 53 are facing charges of sedition. There are 37 individuals who are now facing proceedings under the lèse majesté law (Article 112 of the Penal Code) which carries up to 15 years of imprisonment, in an alarming renewal of their use of the law. Authorities are also prosecuting a lawyer and an activist in Ubon Ratchathani province under the sedition law (Article 116 of the Penal Code) and the Computer Crime Act, in connection with speeches by student leaders in late August 2020.

Amnesty International is concerned that authorities are responding to ongoing protests in a way that has led not only to arbitrary detention and terms of imprisonment for those convicted but also to lengthy time and resource consuming criminal proceedings for anyone targeted. These have not only a punitive impact on individuals affected, but also a corrosive and chilling effect on the enjoyment of rights for society as a whole.

Amnesty International renews its calls on the Thai government to ensure that it upholds Thailand's international human rights obligations with respect to the rights to freedom of peaceful assembly and freedom of expression. No one should be harassed or face reprisals because of his or her presence or affiliation with a peaceful assembly.

The Thai government must recognize that peaceful assembly is a human right whose exercise is instrumental in the realization of a wide range of other rights, including economic, social, and cultural rights. The UN Human Rights Committee, the expert body that monitors compliance with and is the authoritative interpreter of the rights in the International Covenant on Civil and Political Rights (ICCPR), has said that States have a duty to not conduct any unwarranted interference with peaceful assemblies.

Amnesty International calls on authorities to drop all charges against all peaceful protesters and those expressing support for them. Thai authorities should desist from the enforcement of provisions of laws which limit the exercise of rights beyond restrictions that are permissible under international human rights law.

BACKGROUND

Authorities are pursuing legal cases against individuals for the contents of speeches in previous demonstrations, and to file charges against protesters for comments or statements made online on social media in connection with demonstrations, or livestreaming protest speeches online.

Following Prime Minister Prayut Chan-O-Cha's statement to Parliament on 28 October 2020 that "the Thai government is watching over every social media users in Thailand and categorizing them for future investigations" and threats by the Ministry for Digital Economy and Society that they will take action against individuals for online expression that they vaguely categorize as "improper" or "playing a role in fuelling social conflicts", the Ministry has asked the Royal Police's Technology Crime Suppression Division to take action against some 496 URLs it deems to have violated the Computer Crime Act and unspecified security laws between 13 October and early December 2020.

Authorities have accused peaceful protesters, including children, of breaching laws on lèse majesté and threatening the Queen's liberty, and protecting the monarchy which carry maximum sentences of 15 years' imprisonment or life, respectively; on sedition, allowing for a seven-year prison term; of public assembly and computer crimes, which allow for five years' imprisonment and fines; and emergency restrictions on peaceful gatherings. Some 37 persons are facing charges of lèse majesté, more than 50 for sedition, some 149 for violations of emergency restrictions on protest, and others for infringements of laws requiring prior notification of authorities for peaceful protest. A number of protest leaders have multiple criminal proceedings against them under laws on both lèse majesté and sedition.