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## **Thailand: Proposed amnesty should be in line with Thailand's international obligations**

Any amnesty for offenses committed since the start of Thailand's ongoing political crisis must not grant impunity for grave human rights violations, Amnesty International said.

Thailand's parliamentary Committee on National Reconciliation is currently holding a three-day discussion of a report proposing an amnesty for leaders and supporters of all political movements, politicians, government officials, and members of the security forces dating back at least to the September 2006 coup d'état.

The report, prepared by the King Prajadhipok's Institute (KPI), recommends that the amnesty not apply to offences pertaining to the monarchy.

"Amnesties for grave human rights violations are not permissible under international law," said Benjamin Zawacki, Amnesty International's Thailand researcher.

"Thailand should investigate all allegations of abuses — regardless of the political affiliation of the individual — and those who are suspected of criminal responsibility should be prosecuted."

Amnesty International also raised concerns over the application of the proposed amnesty to prisoners of conscience.

Since the beginning of the country's political crisis in 2005, many of Thailand's prisoners of conscience have been charged under the *lèse majesté* law (Article 112 of the Criminal Code) and/or the Computer-related Crimes Act, which has been used as a conduit to bring *lèse majesté* charges.

The *lèse majesté* law states that "Whoever defames, insults or threatens the King, Queen, the Heir-apparent or the regent, shall be punished with imprisonment of three to fifteen years."

Both laws place Thailand in contravention of its international legal obligations regarding freedom of expression.

"People charged under these laws solely for their peaceful political expression should have their charges dropped," said Benjamin Zawacki. "Those imprisoned—like prisoners of conscience everywhere—should be released immediately and unconditionally."

Amnesty International continues to urge the Thai authorities to either amend the *lèse majesté* law and the Computer-related Crimes Act so that they meet international norms and standards on freedom of expression, or abolish them.

Thailand is a state party to the International Covenant on Civil and Political Rights (ICCPR), which

provides for the state's duty to investigate and prosecute allegations of violations and to protect freedom of expression.

According to the Third Interim Report (March 2012) of the Truth for Reconciliation Commission of Thailand, established in the wake of April-May 2010 political violence, investigations by law enforcement agencies of 261 cases involving 650 individuals are either underway or complete, resulting in 290 arrests. In at least 16 cases relating to the 93 persons killed during that violence, there is suspicion that the deaths occurred as a result of actions by government forces.

The Report also reiterated the Commission's recommendation that the lèse majesté law be significantly amended.

"In Thailand, accountability must prevail over amnesty where violence has occurred, and prisoners of conscience should be set free", said Benjamin Zawacki.