

Human Rights Situation Update

24 October 2014

Statistics of individuals detained and arrested since 22 May 2014

Number of individuals summoned: 613						
Number of confirmed releases of summoned individuals*: 377						
Number of individuals arrested: 291						
Bangkok 122	North 73	Northeast 45	East 2	Central 15	Unknown 10	South 24
Number of confirmed releases of arrested individuals*: 229						
Bangkok 106	North 62	Northeast 44	East 2	Central 7	Unknown 4	South 5

Number of individuals summoned or arrested by affiliation	
Related to Red Shirts/UDD/Pheu Thai	410
Related to PDRC/Democrat Party/PAD	51
Academics, writers, journalists, DJs or persons working on radio stations and activists	155
Arrests at peaceful demonstrations	138

Number of individuals facing criminal prosecution after summoned/arrested	
Before the military court	69
Before the civilian court	33
Individuals under investigation for, charged or convicted with, lese majeste crime (section 112)	26

* This is a number of confirmed releases only. The actual number of releases may be higher.

After the nationwide invocation of the martial law on 20 May and the coup d'état on 22 May, the military established the National Council of Peace and Order (NCPO), which has issued **122** announcements and **178** orders. As of 24 October, the martial law remains in effect across the country.

On 23 October, Thailand was not elected to be a member of the UN Human Rights Council.

Arbitrary Arrest and Detention:

Since 22 May, at least **904** individuals have been summoned, arrested and/or detained (as of 24 October). Comprehensive information on those called to report, detained, duration of detentions, and the criteria behind the selection of individuals to be summoned remain undisclosed.

On 19 October, military officers arrested Mr. Nueng K., a Red Shirts supporter who allegedly participated in an anti-coup protest at Victory Monument on 28 June. Mr. Nueng remained under military custody in unknown location until 21 October. On 21 October, he was brought before the Bangkok Military Court and

charged with violation of NCPO Announcement No. 7 (prohibition of political gatherings of more than 5 individuals), but released on bail on the same date.

Torture:

Two Myanmar men suspected of killing two British tourists on Koh Tao officially recanted their confessions, claiming that they were physically abused and threatened by the police to give confession. Meanwhile, Pol Lt Gen Prawut Thawornsiri denied the allegations, saying that the two suspects received medical examinations from three different government agencies and none detected signs of physical abuses.

Freedom of Expression:

NCPO Announcements No. 79¹, 97² and 103³ that restrict reporting and broadcasting of information deemed against the NCPO or threatening national security remain effective.

Since 22 May, at least **26** individuals were placed under investigation for, charged with, or convicted for the lèse majesté offense under article 112 of the Criminal Code. Six out of 26 individuals are before the military courts.

On 19 October 2014, Mr. Jaran Homtianthong, President of the Publishers and Booksellers Association of Thailand which organized the 2014 Book Expo Thailand, said that three military and police officers asked him to request the *Fah Diew Gun* (Same Sky) publishing house to stop selling T-Shirts at the fair. *Fah Diew Gun* is a left-leaning publishing house specializing in political issues and social movement. On the same day, Mr. Thanapol Eawsakul, the editor of *Fah Diew Gun* journal, stated that the military ordered him to delete a Facebook status which stated that the military officials had come to search his booth, claiming that some of the publications have contents possibly deemed defaming the monarchy. Mr. Thanapol had been arrested and detained twice by the military since the coup.

On 20 October, the Bangkok military court refused to grant 2.5 million bail request to Mr. Opas C., a 67 year-old man. Mr. Opas was arrested on 15 October, after allegedly writing messages criticizing the NCPO and making reference to the King in a bathroom in Seacon Square mall in Eastern Bangkok. He is under investigation for Article 112.

On 23 October 2014, Lt. Gen. Padung Niwatwan and Lt. Gen. Pittaya Vimalin filed a complaint at Chanasongkhram Police Station, Bangkok, against Mr. Sulak Sivaraksa, a renowned social activist and critic of lèse majesté law. Two military officers alleged that Mr. Sivaraksa defamed King Naresuan, who ruled Ayuthaya Kingdom 400 years ago, in a public speech “Thai History:the Construction and Deconstruction” on 5 October at Thammasat University in Bangkok. In the speech, Mr. Sulak allegedly said that the elephant battle between Naresuan and a Burmese King was a fiction.

¹ NCPO Announcement No. 79 sets conditions of broadcasting of radio stations.

² NCPO Announcement No. 97 prohibits criticism of the NCPO’s operations, NCPO members and related officials, covers print, broadcast, electronic and online media. The NCPO prohibits interviews with scholars, former government officials or former employees of courts, judicial offices and independent organisations who give opinions in a manner that may cause or worsen conflicts, distort information, confuse society or lead to the use of violence.

Furthermore, the NCPO prohibits dissemination of false information or state confidential information in any form. The order also prohibits publicity of Information that is deemed an insult to the monarchy or any person, a threat to national security and incitement to use violence that can cause fear, as well as mobilization of people for an anti-NCPO activity. The announcement also requires the media to disseminate information issued by the NCPO.

³ NCPO Announcement No.103 amended Announcement No.97, clarifying the prohibition on all forms of criticism of the NCPO’s actions, targeting criticisms made with “malice” and “false information” that “aim to discredit” the NCPO.

Freedom of Assembly:

Prohibition of political gatherings of more than five people (NCPO Announcement No. 7) and anti-NCPO protest/activities (Announcement No.14) remain in effect, providing grounds for the authorities to severely restrict any protest and political activities.

On 14 October, high school students who had founded a network Education for Liberation of Siam (ELS) to oppose the NCPO's education reform based on morality stipulated by the so-called 12 Thai values staged a symbolic protest in front of the Ministry of Education. Subsequently, military officer reportedly called the school director of one of the students to question about her and ELS's activities.

Martial law/Military court:⁴

As of 20 October, there have been reports of at least **69** individuals brought before the military courts across the country.

On 21 October, 26 defendants appeared before the Khon Kaen military court for arraignment. All of them entered the plea of not guilty. The majority were arrested on 23 May, a day after the coup on charges related to involvement in the "Khon Kaen model", an alleged plot to use violence against the military government. They were all charged with the same nine counts, including terrorism, illegal association and possession of war weapons. On 21 October, the objection to the jurisdiction of the military court was made, as alleged commissions occurred before the issuance of the NCPO Orders No. 37 and 38 to establish the military courts jurisdiction on 25 May. The court is to rule on its jurisdiction on 24 December. Notably, the court did not allow family members and other observers, except those from International Commission of Jurists, to attend the court proceeding, reportedly due to the space limitation of the court room to fit all 26 defendants and their defense team.

On 21 October, the Bangkok military court started the proceedings of first lèse majesté cases before the military courts. Immediately after the judge initiated the proceeds against Mr. Khatawut B. and a journalist (name withheld) charged under Article 112 of the Criminal Code, the judge advocate requested the proceedings to be closed door to prevent reporting of the substance of the allegations against them. The judge granted the request on the ground that cases concerned national security and public moral. Both defendants requested the postponement of arraignment. Mr. Khatawut's next appearance is on 18 November and the journalist is to appear on 24 November.

Additional cases before the military courts⁵

Mr. Chatchawan K., a freelance reporter from Lampoon Province (north), was arrested and charged with Article 116 of the Criminal Code on 7 July. He had covered news of anti-coup protests on ASTV online, and mistakenly posted photos with wrong dates. Military official accused him of reporting distorted information. He is tried before the Chiangmai military court (33th military circle), but has been released on bail. He has entered the plea of not guilty, and the next witness hearing is scheduled on 14 November.

Ms. Saowanee I. is a 50-year-old woman who used to cook meals for Red Shirts supporters in Lampoon Province (north). She was arrested on 26 May at an orchard where military officers confiscated ammunition and fired arms. She had been released on bail, pending investigation. On 15 September, she was charged with illegal possession of ammunition, explosive materials and war weapon before the Chiangmai military court. She has been detained since then. Although she reportedly suffers from illness, including heart disease and diabetes, her bail request has been denied twice on the ground of her being threat to national security. Her next hearing is scheduled on 5 November.

⁴ Under the International Covenant on Civil and Political Rights, which Thailand has ratified, military courts can try civilians only in cases where the Government can show that resorting to such trials is necessary and justified by objective and serious reasons, and where regular civilian courts are unable to undertake the trials with regards to the specific class of individual(s) and offence(s) at issue (Human Rights Committee, General Comment No 32). The civilian courts in Thailand have not been affected due to the military take-over; hence there is no rationale for the NCPO to use martial courts.

⁵ These are not new cases, but remained unknown until very recently.

Land Disputes/Evictions:

On 20 September, the Provincial Court in Phuket had the first hearing of the defamation lawsuit against Mr. Surapan R. from Loei province (north-east) by Tungkum Limited, a mining company. The Court denied the request to hear additional witnesses from Tungkum Limited, and is to rule whether or not to proceed with the case on 29 October. Mr. Surapan is a member of the Khon Rak Ban Koed Group (KRBK), protesting against the expansion of the Phuthapfa gold mine by Tungkum Limited because of the environmental and hazardous impacts of the mining. The defamation suit is the latest lawsuits against KRBK by Tungkum Limited, and another member of KRBK is also appearing at the same court on 3 November for a similar but separate lawsuit by Tungkum Limited. Since the 22 May coup d'état, the military has been playing an active role to push KRBK to reconcile with the company, including pressing for a new memorandum of understanding between the provincial government and Tungkum Limited that reportedly contains new land concessions to the company.

Human rights defenders:

On 21 October 2014, local and international human rights groups held an event in Bangkok and Kaengkrachan National Park to commemorate six months since the disappearance of Mr. Porlajee Rakchongcharoen (aka Billy). Mr. Porlajee, a prominent Karen human rights defender who had been actively campaigning for community rights of Karen community in Kaengkrachan national park, was last sighted when he was arrested by Mr. Chaiwat Limlikhitak-sorn on 17 May 2014, the then chief of the Kaengkrachan national for alleged possession of bottles of wild honey. Investigation about Mr. Porlajee's whereabouts remains pending at the Department of Special Investigation and other relevant police units.