

Document #1425684

AI – Amnesty International

Amnesty International Report 2017/18 - The State of the World's Human Rights - Thailand

Activists, journalists, politicians, human rights lawyers and human rights defenders were arrested, detained and prosecuted for peacefully expressing opinions about the government and monarchy. The government maintained systematic and arbitrary restrictions on human rights, including the rights to freedom of expression, peaceful assembly and association. It failed to fulfil its promise to pass a law prohibiting torture and enforced disappearances. Refugees and asylum-seekers continued to be denied formal legal status; they were vulnerable to arrest, detention and deportation.

Background

The country remained under the authority of the military National Council for Peace and Order (NCPO). A new Constitution, drafted by a military-appointed body and approved in an August 2016 national referendum, came into effect in April. Authorities prosecuted former government officials for a rice subsidy scheme. Former Prime Minister Yingluck Shinawatra secretly left the country in August; she was subsequently tried in her absence on charges of negligence and sentenced to five years' imprisonment. King Maha Vajiralongkorn Bodindradebayavarangkun was crowned in December.

Justice system

Throughout the year, the Head of the NCPO continued to use extraordinary powers under Article 44 of the interim Constitution to arbitrarily restrict peaceful political activities and the exercise of other human rights. Military officials exercised sweeping law enforcement powers, including to detain individuals in unofficial places of detention without charge for a broad range of activities. A number were held incommunicado. Hundreds of civilians continued to face lengthy and unfair trials before military courts for violations of NCPO orders, offences against “national security” and allegedly insulting the monarchy.

Freedoms of expression, assembly and association

The government continued to systematically and arbitrarily restrict the rights to freedom of expression, peaceful assembly and association. Student activists, media workers, human rights lawyers, politicians and others were prosecuted for peacefully exercising these rights, including in unfair trials in military courts.

Authorities initiated criminal proceedings against participants in peaceful public protests, academic seminars and civil society activities under a 2015 decree providing for criminal penalties for “political gatherings” of five or more people. In November authorities initiated criminal proceedings against protesters seeking to petition about the construction of a coal-fired power plant in Songkhla, southern Thailand.

Three opposition politicians and a journalist were among several individuals charged with sedition under Article 116 of the Penal Code for criticizing the government or voicing support for opposition politicians, including in comments made on social media.

Activists, journalists and workers faced criminal defamation charges initiated by government officials and private companies for publicizing information about rights violations, environmental concerns and official misconduct. In October, charges filed in 2016 against three human rights defenders – Pornpen Khongkachonkiet, Somchai Homla-or and Anchana Heemmina – in relation to their reporting on torture by military officers were formally withdrawn. The Supreme Court, overturning rulings by lower courts, sentenced two opposition politicians to one year’s imprisonment for the criminal defamation of former Prime Minister Abhisit Vejjajiva in two separate cases in April and July.

Authorities continued to vigorously prosecute cases under Article 112 of the Penal Code – lèse-majesté provision – which penalized criticism of the monarchy. Individuals were charged or prosecuted under Article 112 during the year, including some alleged to have offended past monarchs. Trials for lèse-majesté were held behind closed doors. In June, the Bangkok Military Court sentenced a man to a record 35 years’ imprisonment – halved from 70 years after he pleaded guilty – for a series of Facebook posts allegedly concerning the monarchy.¹ (<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/#endnote-1>) In August, student activist and human rights defender Jatupat “Pai” Boonpattaraksa was sentenced to two and a half years’ imprisonment after being convicted in a case concerning his sharing a BBC profile of Thailand’s King on Facebook. Authorities brought lèse-majesté charges against a prominent academic for comments he made about a battle fought by a 16th century Thai king.

Authorities pressured Facebook, Google and YouTube to remove online content, including material deemed critical of the monarchy. The authorities also threatened to prosecute internet service providers that did not remove content, as well as individuals communicating with or sharing posts from exiled government critics. Six people were subsequently arrested for sharing Facebook posts concerning the removal of a plaque commemorating events in 1932 that brought an end to absolute monarchy. At the end of the year they remained imprisoned, facing charges on multiple counts of violation of Article 112.

Authorities proposed cybersecurity legislation and other measures that would allow for increased online surveillance and censorship without prior judicial authorization.

Impunity

In August, the Supreme Court dismissed murder charges against former Prime Minister Abhisit Vejjajiva and Deputy Prime Minister Suthep Thaugsuban. The charges related to the deaths of at least 90 people in 2010 during clashes between protesters and security forces.

Refugees and asylum-seekers

Thailand continued to host more than 100,000 refugees and asylum-seekers; they included Myanmar nationals in camps along the Thailand-Myanmar border, and refugees in the capital, Bangkok, and other cities. Refugees and asylum-seekers had no formal legal status in Thailand, leaving them vulnerable to arrest, detention and deportation.² (<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/#endnote-2>) In May, Thai authorities assisted in the extradition of Turkish national Muhammet Furkan Sökmen from Myanmar to Turkey via Bangkok, despite warnings from UN agencies that he was at risk of human rights violations if returned. At the end of the year, hundreds of refugees and asylum-seekers remained in immigration detention centres, where many had been held for years.

In January, the Cabinet authorized the development of a system for screening refugees and irregular migrants which, if implemented in a fair and non-discriminatory manner, could represent a major step towards advancing refugee rights. The system had not been finalized by the end of the year.

Extrajudicial executions and enforced disappearances

In March, Chaiyaphum Pasae, a 17-year-old Indigenous Lahu youth activist, was shot dead at a checkpoint staffed by soldiers and anti-narcotics officers, who claimed to have acted in self-defence. By the end of the year, an official investigation into his death had made little progress; the authorities failed to produce CCTV footage from cameras known to have been present at the time of the incident.³ (<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/#endnote-3>)

The government failed to make progress in resolving open cases of enforced disappearance. A Thai delegation told the UN Human Rights Committee in March that it was considering forwarding the cases of the enforced disappearances of Somchai Neelapaijit and Porlajee “Billy” Rakchongcharoen to the Department of Special Investigation, but had not done so by the end of the year.⁴ (<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/#endnote-4>)

In March, the National Legislative Assembly approved proceeding with the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, which Thailand signed in 2012. However, by the end of the year Thailand had neither ratified the treaty nor provided a timeframe for doing so.

Armed conflict

There was little progress in government negotiations to resolve armed conflict with ethnic Malay separatists in southern Thailand. Insurgents carried out numerous attacks on military and civilian targets, including execution-style killings and the use of improvised explosive devices.

Martial law and a 2005 Emergency Decree remained in place in far south provinces. Individuals were arrested and detained in unofficial places of detention without judicial oversight.

Torture and other ill-treatment

Local organizations and community members reported that the military arbitrarily arrested, tortured and otherwise ill-treated Muslim men following attacks by militants in southern Thailand. Human rights defenders working with victims of torture were harassed by military authorities and threatened on social media.

In February, the National Legislative Assembly returned a draft Prevention and Suppression of Torture and Enforced Disappearance Act to the Cabinet for “more consultations”.⁵ (<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/#endnote-5>) The latest draft addressed gaps in the current legal framework relating to torture and enforced disappearances. Further amendments were needed to bring the bill into line with Thailand’s obligations under international law.⁶ (<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/#endnote-6>)

Trafficking in human beings

In July, a criminal court convicted 62 individuals, including senior military, police and other government officials, for their involvement in human trafficking operations. They were sentenced to between four and 94 years’ imprisonment. Human rights groups raised concerns that witnesses, translators and police investigators were threatened during the investigation and trial, and that the investigation had been terminated prematurely.

ecoi.net summary:

Annual report 2017/18 (covering 2017)



Country:

Thailand

Source:

AI – Amnesty International [\(/en/source/10960.html\)](/en/source/10960.html)

Original link:

<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/> (<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/>)

Document type:

Periodical Report

Language:

English

Published:

22 February 2018

Document ID:

1425684 (former ID [354027 \(/en/document/354027\)](/en/document/354027))

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

