

Thailand: Military junta must respect freedoms guaranteed under international law

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Paris, 30 May 2014: Thailand's military junta, the National Council for Peace and Order (NCPO), must respect all fundamental freedoms guaranteed by international treaties to which Thailand is a state party, FIDH said today. The call comes after a swift and serious deterioration of the human rights situation following the NCPO's seizure of power on 22 May.

"The imposition of martial law and the suspension of the constitution do not authorize Thailand's military junta to brazenly violate rights guaranteed under international law," said FIDH President Karim Lahidji. "The junta's actions are a blatant derogation from its international obligations and must immediately cease," Mr. Lahidji added.

The NCPO has already violated several key provisions of the International Covenant on Civil and Political Rights (ICCPR) regarding freedom of movement (Article 12), expression (Article 19), and peaceful assembly (Article 21) as well as the prohibition of arbitrary arrest and detention (Article 9).

Under Article 4 of the ICCPR, a state party can derogate from the provisions of the Covenant only in "time of public emergency which threatens the life of the nation." Prior to the NCPO's seizure of power, street protests were largely confined to areas of Thailand's capital. In addition, the NCPO's declaration of coup d'état power came immediately after the remaining cabinet ministers had refused to resign. As a result, the military coup must be regarded as the overthrowing of a legitimate government and cannot be construed as a "public emergency which threatens the life of the nation."

In addition, the NCPO's incommunicado detention of scores of individuals under provisions of martial law has the potential to lead to torture and ill-treatment, which are strictly prohibited by the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On 23 May, the UN Committee Against Torture (CAT) said it was "deeply concerned" over the declaration of martial law in Thailand. The CAT urged Thailand to ensure that the

application of martial law throughout the country "under no circumstances violates the rights guaranteed in the Convention."

Mass arrests: Over 370 arbitrarily detained incommunicado

Since seizing power on 22 May, the NCPO has arbitrarily detained over 300 people. They were detained incommunicado after being summoned at various military facilities in Bangkok and other locations across the country. Most of those detained were former government ministers and officials as well as leaders from the pro-government United Front for Democracy Against Dictatorship (UDD). They also included a small number of anti-government People's Democratic Reform Committee (PDRC) leaders.

Military authorities also arbitrarily detained at least 70 people in Bangkok, Khon Kaen, Chiang Mai, Chiang Rai, and Ubon Ratchathani. Most of them were arrested for participating in peaceful anti-coup protests or being affiliated with the UDD.

The junta's crackdown also targeted human rights defenders, academics, writers, journalists, and anti-*lèse-majesté* advocates. Among those detained on 25 May was Ms. Sukanya Prueksakasemsuk, the wife of Somyot Prueksakasemsuk, a former magazine editor who is currently serving 11 years in prison on *lèse-majesté* charges. Soldiers arrested Sukanya, her 19-year-old daughter, and her 23-year-old son at their Bangkok home and subsequently detained them at a military facility in Bangkok's Thewes area for questioning. The three were freed after about six hours and no charges were filed against them.

Other detainees have been arbitrarily held for several days without being charged with any alleged crimes. These actions directly contravene Article 9 of the ICCPR, which states that "No one shall be subjected to arbitrary arrest or detention. [â€"] Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

The arbitrary nature of the detentions was indirectly confirmed by NCPO leader General Prayuth Chan-ocha. On 26 May, General Prayuth justified the detention of dozens of individuals at military bases with the need to "let them know how soldiers live."

Detainees have been held at undisclosed places of detention – including military bases – and have been denied the right of access to a lawyer and communication with family members. These detention conditions have the potential to result in further abuses, including ill-treatment, torture, enforced disappearances, and extrajudicial killings.

In addition, the junta imposed harsh conditions on those released. On 27 May, the NCPO said that those released would face two years' imprisonment and/or a 40,000-baht (about 900 Euros) fine if they fail to meet the conditions of their release. According to the conditions, those freed must not: 1) leave the country without obtaining the NCPO's prior authorization; and 2) refrain from carrying out any political activities. These conditions are in clear violation of Article 12 of the ICCPR, which guarantees the right to leave one's own country.

Freedom of expression: TV, radio stations shut down; journalists detained; censorship imposed.

The NCPO has imposed numerous measures that are in clear contravention of Article 19 of the ICCPR, which guarantees the right to freedom of expression, including the "freedom to seek, receive and impart information and ideas of all kinds."

Immediately after seizing power, the junta shut down 14 Thai TV stations and about 3,000 community radio stations and blocked all international satellite TV transmissions. It also blacked out all TV channels for over 24 hours. On 23 May, shortly after 6pm, all free-to-view TV stations resumed broadcasting. However, since the resumption of broadcasts, all TV stations have refrained from reporting news critical of the junta and have failed to cover anti-coup demonstrations. As of 30 May, many international news channels (CNN, BCC, CNBC, Bloomberg, CCTV, NHK, and TV5) remain blocked.

The junta also ordered all media not to interview former government officials, academics, judges or other members of independent organizations "in a way that may create conflict or confusion among the public."

The NCPO also quickly moved to silence dissident journalists. On 23 May, army soldiers detained Mr. Thanapol Eawsakul, co-editor of Fah Diaw Gan magazine, during a peaceful anti-coup protest in central Bangkok. A day earlier, the junta had ordered Thanapol to report to a Bangkok military base. On 24 May, the junta summoned Mr. Pravit Rojanaphruk, an outspoken senior reporter for the Nation newspaper. The next day, Pravit turned himself in at a military facility in Bangkok and was subsequently detained at an unknown location. At the time of this release, the two journalists remained in custody. On 27 May, the junta summoned Suparirk Thongchairit and Wassana Nanum, two reporters with the Thai Rath and Bangkok Post newspapers, for asking "inappropriate" questions to NCPO head General Prayut Chan-ocha during a press conference a day earlier.

The junta also acted to curb online criticism. On 22 May, the NCPO warned "online social media operators" that they would be shut down and face legal action if they failed to block "illegal information" and anti-junta messages. On 23 May, the junta summoned 76 Internet service providers and ordered them to cooperate with the authorities in monitoring and curbing messages that could incite defiance of the law. On 27 May, an official from the Information and Communication Technology (ICT) Ministry said it had blocked 219 websites that were deemed a threat to "national security." The official said the ICT Ministry also planned to monitor internet communications more strictly through a single national Internet gateway administered by the two state-owned telecommunication companies. On 28 May, the ICT Ministry temporarily blocked Facebook.

Freedom of assembly: Public gatherings banned, anti-coup protesters threatened

NCPO's Order No. 7, issued on 22 May, banned all public gatherings of more than five people. Violators face one year in prison or a fine of up to 20,000 baht (about 450 Euros) or both. The order contravenes Article 21 of the ICCPR, which guarantees the right of peaceful assembly. Small anti-coup demonstrations have taken place in Bangkok, Chiang Mai, and Chiang Rai. On 26 May, NCPO head General Prayut Chan-ocha threatened anti-coup protesters with stricter enforcement of martial law and prosecution in military courts.

"Under the pretext of restoring peace and order, the military junta has embarked on a large-scale crackdown that risks deepening divisions within Thai society," said FIDH President Karim Lahidji.

"Respect for international human rights standards and recognition of democratic principles are the only way to ensure a long-lasting solution to the ongoing political crisis," Mr. Lahidji added.

FIDH urges the international community to demand that the NCPO:

- Disclose the whereabouts of those who have been detained since 22 May.
- Immediately and unconditionally release all those who remain detained.
- Cease all arbitrary arrests and detentions of individuals using provisions of martial law.
- Lift media censorship and all other restrictions to the right to freedom of expression, movement, and peaceful assembly.
- Ensure its actions conform with Thailand's international human rights obligations.
- Immediately lift martial law.
- Reinstatement of the 2007 constitution.
- Set a clear timeframe for holding free and fair elections.

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