

# URGENT ACTION

## ACTIVISTS INDICTED FOR PEACEFUL ASSEMBLY

**Five student activists, a land rights activist and two human rights lawyers face six months imprisonment and unfair trial in a military court in Khon Kaen, Northeast Thailand. The students had arranged a public discussion on Thailand's constitution, which the human rights lawyers observed.**

On 17 October, student activists **Panupong Srithanuwat** (also known as "Nice"), **Chatmongkhon Jenchiawchan**, **Akhorn Sitputta**, **Narongrit Uppachan**, and **one other student activist** associated with the Dao Din student movement; **Natthapon Athann**, a land rights activist; and **Duangthip Khanrit** and **Niranut Niamsap**, two staff of the NGO Thai Lawyers for Human Rights (TLHR), were indicted at Khon Kaen Military Court for attending a discussion of Thailand's then draft constitution in 2016. Their indictment was issued under Head of National Council for Peace and Order (NCPO) Order No. 3/2558, which includes a ban on political gatherings of five or more individuals. Violations of this provision are punishable by up to six months imprisonment and a fine of up to 10,000 Baht (US\$300).

The group had participated in an event titled "Speak for Freedom: The Constitution and Isaan People", held at Khon Kaen University on 31 July 2016. The event involved discussion of Thailand's draft constitution, which was subsequently passed in a nationwide referendum on 7 August. The event included speeches by activists and academics and discussions regarding the draft constitution and referendum process. Before it began, Khon Kaen University officials asked the organizers to cancel the event. The organizers decided to proceed despite a heavy presence of uniformed and plainclothes police and military officers, who warned organizers that they could face legal action if they went ahead with the planned activities.

Duangthip Khanrit and Niranut Niamsap, the two TLHR staff, attended the event as monitors and did not directly participate in the activities. They wore badges displaying their affiliation with TLHR and identified themselves as observers to senior police and military officials present.

### **Please write immediately in Thai or your own language urging the authorities to:**

- Drop the charges against individuals who attended "Speak for Freedom" event, as they stem solely from their peaceful exercise of the rights to freedom of expression and peaceful assembly;
- Expressing concern that the indictment of individuals attending the "Speak for Freedom" discussion represents an undue restriction of the rights to freedom of expression and peaceful assembly, and urging authorities to ensure that all individuals can exercise their rights regardless of political opinion or affiliation;
- Urging the authorities to ensure that under no circumstances are civilians tried in military courts and to promptly transfer all such cases to ordinary civilian courts.

### **PLEASE SEND APPEALS BEFORE 1 DECEMBER 2017 TO:**

Judge Advocate General  
Adm. Kritsada Charoenpanit  
Judge Advocate General's Department  
Ministry of Defence  
Sanamchai Road, Phra Nakorn  
Bangkok, Thailand  
Fax: 66 2143 9546  
E-mail: ictc@ago.go.th  
**Salutation: Dear Judge Advocate**

Minister of Justice  
Suwaphan Tanyuvardhana  
Government Centre Building A  
120 Moo 3  
Chaeng Wattana Road Soi 7, Lak Si  
Bangkok 10210, Thailand  
Fax: +66 29530503  
**Salutation: Dear Minister**

Also send copies to diplomatic representatives accredited to your country. His Excellency MR KITTIPHONG NA RANONG, Royal Thai Embassy, 29-30 Queen's Gate SW7 5JB, tel 020 7225 5500 or 020 789 2944, Fax 020 7823 9695, email rtelondon@thaiembassyuk.org.uk and csinfo@thaiembassyuk.org.uk www.thaiembassyuk.org.uk, Salutation: Your Excellency

Please check with your section office if sending appeals after the above date. This is the third update of UA 209/16. Further information:

[www.amnesty.org/en/documents/asa39/6308/2017/en/](http://www.amnesty.org/en/documents/asa39/6308/2017/en/)

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### ADDITIONAL INFORMATION

Thailand has been ruled by a military government since it took power in a coup in May 2014. On 7 August 2016, Thailand held a national referendum on a draft constitution drafted by a military-appointed body. At the same time, authorities extensively suppressed debate and campaigning on the constitution and laid criminal charges against a large number of individuals. The draft constitution was approved by a wide margin, setting the stage for general elections to be held. Authorities continue to unduly restrict the right to freedom of expression as the government implements a political roadmap to repeatedly delayed elections, currently mooted for late 2018.

Since the coup, authorities have staged a crackdown on peaceful opposition, imposing undue restrictions on the exercise of the rights to freedom of expression, association and peaceful assembly, including by targeting opponents with criminal proceedings. Individuals who have spoken out against the coup face arbitrary detention and prosecution under executive orders and laws passed by the military government, as well as existing legislation that subjects the exercise of these rights to restrictions not permitted under international human rights law.

Duangjip Khanrit and Niranut Niamsap are staff members of the Thai Lawyers for Human Rights (TLHR) – a team of human rights lawyers which works on human rights violations, including by defending individuals penalised for peacefully exercising their rights. The organization was created in the aftermath of the coup to respond to mass arbitrary detention and the denial of legal counsel to detainees.

The students indicted are members of the Dao Din Group, a Khon Kaen University student society that carries out human rights and pro-democracy activities. Since the coup took place, authorities have placed extensive pressure on the group not to engage in political activities. Dao Din members have continued to participate in peaceful activism in support of a return to democracy and to uphold and defend human rights in the face of sweeping official restrictions, and face prosecution on multiple charges for these activities. Authorities have also harassed their family members, and pressed charges against others who have provided support or exercised their professional journalistic or legal duties on their behalf, including TLHR staff Sirikan “June” Charoensiri.

Individuals charged with breaching military orders and offences related to national security after the coup and prior to 12 September 2016 also face prosecution in unfair trials before military courts. These actions violate Thailand’s obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR). While the NCPO in September 2016 ended the jurisdiction of military courts over civilians for these offences, the order does not apply retroactively and pre-existing cases remain in military courts. The UN Human Rights Committee at its 2017 review of Thailand’s human rights record recommended that authorities take necessary measures to accept transfer requests from military courts for offences committed prior to 12 September 2016, transfer all such pending cases to civilian courts and provide the opportunity for appeal in civilian courts of cases involving civilians already adjudicated under military jurisdiction.