

URGENT ACTION

TWO ACTIVISTS FACE UP TO 10 YEARS' IMPRISONMENT

Two activists were arrested on 6 August for distributing materials critical of a draft constitution. Both face up to 10 years' imprisonment under a repressive law governing the referendum. One remains in police custody and began a hunger strike on 7 August.

On 6 August, police arrested **Jatupat Boonphattharaksa** and **Wasin Prommanee** while they were campaigning against Thailand's draft constitution in Chaiyaphum Province, north-eastern Thailand. They are student activists affiliated with the New Democracy Movement, a pro-democracy organization. Their arrest occurred the day before the draft constitution was adopted in a nationwide referendum.

Police officials alleged that the two activists were in possession of materials criticizing the draft constitution at the time of their arrest. They were subsequently held at Phu Khiao Police Station and on 8 August the Phu Khiao Provincial Court remanded the two activists for 12 days. In documents submitted to the Court, police stated that they have opened an investigation into possible violations of Article 61 of the Constitutional Referendum Act, which prohibits activities and statements "causing confusion to affect orderliness of voting", including those using "offensive" or "rude" language to influence people's votes. The two activists are also accused of violating a government order by refusing to provide fingerprints while in police custody. If charged and convicted, they face up to 10 years' imprisonment.

Wasin Prommanee was released from custody on 8 August after the Phu Khiao Provincial Court granted his request for bail. Jatupat Boonphattharaksa refused to request release on bail, claiming that he is innocent. He is currently being held at Phu Khiao District Prison. Since 7 August, he has been carrying out a hunger strike in order to draw attention to the unjust nature of his detention. Jatupat Boonphattharaksa is next scheduled to appear in court on 19 August and Wasin Prommanee on 22 August.

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

- Calling on them to immediately and unconditionally release Jatupat Boonphattharaksa from custody and halt all criminal proceedings against both him and Wasin Prommanee;
- Expressing concern that Jatupat Boonphattharaksa and Wasin Prommanee were arrested solely for the peaceful exercise of the rights to freedom of expression and assembly;
- Urging authorities to ensure that Jatupat Boonphattharaksa immediately receives any necessary medical care and is not subjected to retaliation for his choice to stage a hunger strike;
- Repeal all laws and decrees criminalising the peaceful exercise of the human rights to freedom of expression, association and assembly.

PLEASE SEND APPEALS BEFORE 22 SEPTEMBER 2016 TO:

Prime Minister

General Prayut Chan-O-Cha
Government House
Pitsanulok Road, Dusit
Bangkok 10300, Thailand
Fax: +66 22825131

Salutation: Dear Prime Minister

Minister

Gen. Paiboon Koomchaya
Ministry of Justice
Country Govt Center Building at the
Prestigious 80th December 5, 2550
120 Moo 3, Building A Road, Lak Si
Bangkok 10210, Thailand
Fax: +66 29530503

Salutation: Dear Minister

And copies to:

Chairman

Supachai Somcharoen
Election Commission of Thailand
Government Building, Chaeng Watthana
Road, Thung Song Hong, Khet Lak Si
Bangkok 10210, Thailand
Fax: +66 26943228

Also send copies to diplomatic representatives accredited to your country. Please check with us if sending appeals after the above date.

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

**AMNESTY
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ADDITIONAL INFORMATION

Thailand has been ruled by a military government since a coup in May 2014. On 7 August 2016 Thailand held a national referendum on a draft constitution authored by a military-appointed body. The electorate approved the draft constitution by a wide margin, setting the stage for general elections to be held in late 2017.

Since the coup, authorities have systematically suppressed peaceful opposition, imposing restrictions on the exercise of the human rights to freedom of expression, association and assembly. For example, Head of National Council for Peace and Order (NCPO) Order 3/2015 provides, among other things, for up to six months' imprisonment and a fine of 10,000 baht (approximately US\$ 290) for anyone participating in political meetings of five or more persons. In advance of the referendum, authorities have imposed additional sweeping restrictions on rights. The Constitutional Referendum Act (2016) provides for up to 10 years' imprisonment, fines of up to 210,000 baht (US\$ 5,998) and up to 10 years' revocation of the right to vote for activities and statements "causing confusion to affect orderliness of voting", including by using "offensive" or "rude" language to influence people's votes. In recent months, scores of individuals have been arrested and charged under these and other laws and orders. These actions violate Thailand's obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR).

Senior members of the government, including the Prime Minister and Deputy Prime Minister, have stated that freedom of expression is not necessary during this period of political transition. On 19 April, the Prime Minister reportedly responded to a question about critics of the draft Constitution by stating: "They have no rights to say that they disagree [with the draft Constitution] ... I don't allow anyone to debate or hold a press conference about the draft Constitution. Yet they still disobey my orders. They will be arrested and jailed for 10 years. No one will be exempted when the Referendum Act becomes effective [after announcement in the Royal Gazette]. Not even the media. Why don't people respect the law instead of asking for democracy and human rights all the time?"