

URGENT ACTION

UNFAIRLY CHARGED LAWYER RISKS IMPRISONMENT

Human rights lawyer Sirikan Charoensiri (also known as June) faces an unfair trial in a military court together with 14 peaceful student activists she legally represented in June 2015. If convicted, she could face up to fifteen years' imprisonment.

Sirikan Charoensiri, a legal and documentation specialist at Thai Lawyers for Human Rights (TLHR), faces prosecution after providing legal assistance to activists from the New Democracy Movement (NDM) more than a year ago. On 22 October authorities charged Sirikan Charoensiri with sedition under Article 116 of the Penal Code, and "illegal political assembly" in violation of Article 12 of the Head of National Council for Peace and Order (NCPO) Order NO. 3/2015, criminalizing any gatherings of five or more persons for political purposes.

While no trial date has yet been set, she has until 22 November to submit statements, a list of witnesses and evidence to police. She will be tried in a military court if prosecuted.

Sirikan Charoensiri already faces charges filed in May 2016 for "failure to comply with official orders" under Article 368 of the Criminal Code and for "concealing evidence" under Article 142 of the Criminal Code. These charges relate to her refusal to consent to police requests to carry out a warrantless search of her car, following the detention of her clients for their peaceful assembly calling for democracy in Bangkok on 25 June 2015. She has also been accused of filing a false report to the police because she made a legal complaint of official misconduct against the officials who had subsequently impounded her car.

Please write immediately in Thai or your own language:

- Urging that authorities immediately and unconditionally drop all charges against Sirikan Charoensiri;
- Urging the authorities to protect the independence of lawyers and their freedom to defend their clients without fear of prosecution or any other forms of retaliation;
- Calling on the authorities to end the repression of peaceful dissent in Thailand, and to respect and protect the human rights to freedom of expression, association and peaceful assembly.

PLEASE SEND APPEALS BEFORE 23 DECEMBER 2016 TO:

Commissioner General of

Royal Thai Police

Pol. Gen Chakthip Chaijinda

Royal Thai Police Headquarters, Rama 1

Rd, Pathum Wan, Bangkok,

10330, Thailand

Fax: +66 2251 4739

Salutation:

Dear Commissioner General

Attorney General

Pol.Sub.Lt. Pongniwat Yuthapanborparn,

Office of the Attorney General

The Government Complex

Chaengwattana Rd. T Laksi, Bangkok,

10210, Thailand

Fax: +66 2143 9546

E-mail: ictc@ago.go.th

Salutation: Dear Attorney General

And copies to:

Minister of Foreign Affairs

Don Pramudwinai Ministry of Foreign

Affairs Sri Ayudhya Road Bangkok

10400, Thailand

Fax: +66 2643 5320 / +66 2643 5314

Email: minister@mfa.go.th

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.

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ADDITIONAL INFORMATION

Sirikan Charoensiri has represented students and young activists from the New Democracy Movement (NDM), a group of pro-democracy activists, on behalf of Thai Lawyers for Human Rights (TLHR) who provide legal aid to individuals arrested, detained and prosecuted under martial law and NCPO Orders, including civilians prosecuted in military courts. They have been charged for carrying out peaceful small-scale demonstrations in May and June 2015 (see UA 136/15 and updates) protesting the sweeping powers and impunity enjoyed by the NCPO, which took power in a coup in May 2014, as well as the restrictions on the peaceful exercise of the human rights to freedom of expression, assembly and association. The group faces unfair trial in a military court for the offence of sedition, under Article 116 of the Penal Code, and for infringing NCPO Order 3/2015 that criminalizes “political” meetings of five or more persons under Martial Law.

Shortly after the 2014 military coup, the NCPO extended the jurisdiction of the military courts to try civilians for breaching military orders and offences relating to “national security”. Amnesty International opposes the use of military courts to try civilians in all countries and in all circumstances, as it violates fair trial rights. While the military government issued an order in September 2016 to end the jurisdiction of military courts, the order only applies to offences committed after September 2016, and hundreds of civilians still face trial in military courts.

The original charges against Sirikan Charoensiri, filed in May 2016, relate to her refusal to allow the police to search her car without a warrant. Sirikan Charoensiri and other lawyers were at the Bangkok Military Court to provide legal aid to their clients who were remanded in custody late at night on 26 June 2015. After the court hearing and during the early morning of 27 June 2015, she refused to consent to police requests for her permission to search her car for the students’ phones, without a warrant. The police then impounded and searched her car which contained lawyers’ case files and personal computers, and five phones belonging to her clients. She filed a complaint of official misconduct against the relevant officers, despite being threatened by police that they would file a counter complaint against her. The more recent charges relate to her association with clients during their protests in Bangkok on 25 June 2015. While charging her, police informed Sirikan Charoensiri that an army officer who accused her had seen her placing her clients’ mobile phones in her car. Having investigated photos of her, the army officer further accused her of association or involvement in the group’s protest.

Authorities have not only cracked down on members of protest groups, but also penalized individuals who support them and perform legal and journalistic activities in relation to their activities. In September 2015, authorities charged social activist and Board Member of Amnesty International Thailand, Baramee Chaiyarat, with sedition for his support for members of the New Democracy Movement in the same incident as Sirikan Charoensiri. In July 2016, authorities arrested a journalist who was travelling with members of the New Democracy Movement. In May 2016, authorities handed down a six-month suspended sentence and 8,000 Baht fine (US\$ 227) – reduced by half following his guilty plea – to a 77-year-old retired teacher, who had given a pro-democracy peaceful protestor food from McDonald’s and flowers in March 2015. Authorities initially charged him with sedition under Article 116 of the Criminal Code, but later dropped those charges.