



Organization: Lawyers' Rights Watch Canada and the Asian Legal Resource Centre  
Item: Items 2 and 10 – General Debate  
Date: 30 September 2015  
Speaker: Mr. Gavin Magrath

**Joint Oral Statement to the 30th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), a non-governmental organizations in Special Consultative status and the Asian Legal Resource Centre (ALRC), a non-governmental organizations in General Consultative status**

**Abuse of laws and military courts to silence civil society**

Mr. President,

Lawyers' Rights Watch Canada and the Asian Legal Resource Centre appreciate the High Commissioner's emphasis in several reports that States must ensure "a protective and enabling environment in law and practice for civil society" and put "an end to impunity for violations against defenders."<sup>1</sup> Judicial harassment is a dominant method for silencing human rights defenders and civil society actors in numerous States, including retaliation against lawyers and other defenders in Bangladesh, Cambodia, China, Malaysia, Myanmar, Saudi Arabia, Viet Nam and many others.<sup>2</sup>

In Thailand, authorities have participated in abuse of criminal defamation laws to prosecute defenders who report on rights violations by Thailand's military authorities<sup>3</sup> or businesses.<sup>4</sup>

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<sup>1</sup> UN Human Rights Council, Study on the prevention of human rights violations and its practical implementation - Report of the Office of the UNHCHR, A/HRC/30/20, 16 July 2015, at para 19-

23, [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A\\_HRC\\_30\\_20\\_ENG.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_20_ENG.docx).

<sup>2</sup> LRWC, Bangladesh: Threats by Bangladesh Police to Odhikar and the Bangladesh Human Rights Commission (BAMAK), Letter, 19 August 2015, <http://www.lrwc.org/ws/wp-content/uploads/2015/08/Threats-to-Odhikar.19.08.15.pdf>; LRWC, "Mass Arrest, Detention and Disappearance of Lawyers and Other Rights Advocates in China," Report, <http://www.lrwc.org/ws/wp-content/uploads/2015/09/China.Persecution-of-Lawyers-15-September-2015.pdf>; Lawyers for Lawyers, LRWC, FIDH and OMCT, Saudi Arabia: NGOs Call on the UN Human Rights Council to Condemn Human Rights Abuses in Saudi Arabia, Joint Oral Statement, 21 September 2015, [http://www.lrwc.org/ws/wp-content/uploads/2015/09/Saudi\\_Arabia.Oral-Statement.21.09.15.LRWC\\_L4L.pdf](http://www.lrwc.org/ws/wp-content/uploads/2015/09/Saudi_Arabia.Oral-Statement.21.09.15.LRWC_L4L.pdf); LRWC, Oral Statement to the 30th

Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), a non-governmental organization in special consultative status: Report of the Special Rapporteur on the situation of human rights in Cambodia, 29 September 2015, <http://www.lrwc.org/?p=9588>; LRWC, Malaysia: Arrest of Eric Paulsen and Repeal of the Sedition Act and End to Arbitrary Detention, Letter, 20 January 2015, available at <http://www.lrwc.org/malaysia-arrest-of-eric-paulsen-and-repeal-of-the-sedition-act-and-end-to-arbitrary-detention-letter/>; LRWC, Viet Nam: End of Arbitrary Detention of Mr. Le Quoc Quan | Letter, 23 June 2015, <http://www.lrwc.org/ws/wp-content/uploads/2015/06/Le-Quoc-Quan-released.23.June-15.pdf>

<sup>3</sup> LRWC, Thailand must halt judicial harassment of human rights defenders: Phuket Journalists **Ms. Chutima Sidasathian** and **Mr. Alan Morison** prosecuted for criminal defamation for reporting on human trafficking of Rohingya and other migrants, Statement, 10 July 2015, <http://www.lrwc.org/ws/wp-content/uploads/2015/07/Phuketwan.Unfair-Trial.10.July-2015.pdf>; LRWC, Letter to the Australian government, 5 January 2015, <http://www.lrwc.org/?p=8770>. LRWC, Thailand: Trials of civilians in military courts violate international fair trial rights: Judicial harassment of lawyers and human rights defenders, Statement, 25 May 2015, <http://www.lrwc.org/thailand-trials-of-civilians-in-military-courts-violate-international-fair-trial-rights-statement/> (Re **Ms. Pornpen Khongkachonkiet** and the **Cross Cultural Foundation**).

<sup>4</sup> See, e.g. LRWC, Thailand Must Halt Prosecution of Migrant Labour Rights Researcher **Andy Hall**, Statement, 30 July 2015, <http://www.lrwc.org/ws/wp-content/uploads/2015/07/Andy-Hall-Thailand-LRWC-30-July-2015.pdf>;

Since Thailand's May 2014 coup d'état, the unelected military government has brought military court proceedings against at least 700<sup>5</sup> civilians, including rights defenders and democracy activists, to silence their legitimate exercise of freedoms of expression, association and peaceful assembly.<sup>6</sup> Military Courts lack independence and impartiality and other fair trial standards.<sup>7</sup> Despite Thai authorities' statements to the contrary,<sup>8</sup> Thailand's military courts do not guarantee the same rights as those applied by civilian courts.<sup>9</sup>

Since May 2014, military rulers have arbitrarily detained at least 900 people in incommunicado detention for hours or days of so-called "attitude adjustment," without charges and without access to family, lawyers or courts. There have been some allegations of torture or ill-treatment.<sup>10</sup>

We ask Council to urge all States to end all reprisals against defenders and civil society, and to urge Thailand to cease using military tribunals to prosecute civilians, to adhere to the *Convention against Torture*, and to restore democratic rule through free and fair elections. We are also interested in any OHCHR plans for technical assistance and capacity building on these issues.

Thank you Mr. President.

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<sup>5</sup> TLHR, Fact Sheet: The consequences of revocation of Martial Law and the Order of the Head of National Council for Peace and Order (NCPO) No. 3/2558 (2015), available at <https://tlhr2014.wordpress.com/2015/04/02/fact-sheet-the-consequences-of-revocation-of-martial-law-and-the-order-of-the-head-of-national-council-for-peace-and-order-ncpo-no-32558-2015/>.

<sup>6</sup> Thai Lawyers for Human Rights, "Arrest of one of the 14 students of New Democracy Movement (NDM)," 16 August 2015, available at <https://tlhr2014.wordpress.com/2015/08/16/arrest-of-one-of-the-14-students-of-ndm/>.

<sup>7</sup> LRWC Submission to the Universal Periodic Review, (Second Cycle), 25th Session, April – May 2016, 21 September 2015, [http://www.lrwc.org/ws/wp-content/uploads/2015/09/LRWC\\_UPR25\\_THA\\_E\\_Main.pdf](http://www.lrwc.org/ws/wp-content/uploads/2015/09/LRWC_UPR25_THA_E_Main.pdf); LRWC, Thailand: Trials of civilians in military courts violate international fair trial rights: Judicial harassment of lawyers and human rights defenders, Statement, 25 May 2015, <http://www.lrwc.org/thailand-trials-of-civilians-in-military-courts-violate-international-fair-trial-rights-statement/>.

<sup>8</sup> Right of Reply by the Delegation of Thailand, 28th Session of the Human Rights Council, 13 March 2015; [https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/OralStatements/Thailand\\_GD2-3\\_27\\_RR.docx](https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/OralStatements/Thailand_GD2-3_27_RR.docx)

<sup>9</sup> LRWC Submission to the Universal Periodic Review, (Second Cycle), 25th Session, April – May 2016, 21 September 2015, [http://www.lrwc.org/ws/wp-content/uploads/2015/09/LRWC\\_UPR25\\_THA\\_E\\_Main.pdf](http://www.lrwc.org/ws/wp-content/uploads/2015/09/LRWC_UPR25_THA_E_Main.pdf); LRWC, Thailand: Trials of civilians in military courts violate international fair trial rights: Judicial harassment of lawyers and human rights defenders, Statement, 25 May 2015, <http://www.lrwc.org/thailand-trials-of-civilians-in-military-courts-violate-international-fair-trial-rights-statement/>; LRWC, *Thailand: Judicial harassment of human rights defenders and democracy activists; harassment of human rights lawyers and advocates: Fourteen students charged with sedition after symbolic anti-coup demonstrations*. Statement: Timeline, Analysis and Recommendations, LRWC, 8 July 2015, available at <http://www.lrwc.org/ws/wp-content/uploads/2015/07/Statement-Dao-Din-July-8-2015.pdf>; LRWC, Thailand: Arbitrary detention & enforced disappearance: LRWC calls for restoration of democratic rule & human rights protections, Statement, June 20, 2014, available at [http://www.lrwc.org/ws/wp-content/uploads/2014/06/Thailand-Military-Coup.LRWC\\_Statement.20.June\\_2014.pdf](http://www.lrwc.org/ws/wp-content/uploads/2014/06/Thailand-Military-Coup.LRWC_Statement.20.June_2014.pdf)

<sup>10</sup> LRWC, Thailand: Arbitrary detention & enforced disappearance: LRWC calls for restoration of democratic rule & human rights protections, Statement, June 20, 2014, available at [http://www.lrwc.org/ws/wp-content/uploads/2014/06/Thailand-Military-Coup.LRWC\\_Statement.20.June\\_2014.pdf](http://www.lrwc.org/ws/wp-content/uploads/2014/06/Thailand-Military-Coup.LRWC_Statement.20.June_2014.pdf) (re Ms. Kritsuda Khunasen, 27, a political activist); *Ibid*; and see Pravit Rojanaphruk, How Thailand's Military Junta Tried to 'Adjust My Attitude' in Detention, *The Diplomat*, 23 September 2015, <http://thediplomat.com/2015/09/how-thailands-military-junta-tried-to-adjust-my-attitude-in-detention/> (re: human rights journalist Pravit Rojanaphruk.)