

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

www.lrwc.org; lrwc@portal.ca; Tel: +1 604 738 0338; Fax: +1 604 736 1175

3220 West 13th Avenue, Vancouver, B.C. CANADA V6K 2V5

Thailand: Military government shuts down lawyers' human rights education event

Statement
5 June 2014

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers who promote human rights and the rule of law through advocacy, education and research. LRWC is an NGO in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations (UN).

Thailand's military government, the National Council for Peace and Order (NCPO) on 4 June 2015 ordered the Foreign Correspondents Club of Thailand (FCCT) to cancel a panel discussion to launch a report by Thai Lawyers for Human Rights (TLHR) on "Human Rights One Year After the 2014 Coup,"¹ scheduled for that day. The FCCT announced the cancellation of the panel discussion, stating that on 4 June at approximately noon, police attended the premises of the FCCT and handed to FCCT personnel an official order instructing them to stop the event.²

LRWC objects to the NCPO's prevention of the TLHR's legitimate public human rights education event. By doing so, the NCPO is in violation of the UN *International Covenant on Civil and Political Rights* (ICCPR),³ which Thailand ratified in 1996. ICCPR Article 19 guarantees the right of freedom of expression, including the "freedom to seek, receive and impart information and ideas of all kinds, ... either orally, in writing or in print, in the form of art, or through any other media of his choice."

Since the military coup on 22 May 2014, the NCPO has cancelled or interfered with at least 71 public events, including human rights education events such as a human rights education event planned by the TLHR at the FCCT on 2 September 2014. The cancellation or disruption of human rights education events is part of a consistent pattern of serious human rights violations perpetrated by the NCPO since 22 May 2014, including judicial and administrative harassment lawyers and other human rights defenders and journalists, arbitrary detention of dissidents and human rights defenders, torture, internationally unlawful trials of civilians by military courts and consistent violation of freedoms of assembly, association, opinion and expression.⁴ LRWC remains deeply concerned about the

¹ Thai Lawyers for Human Rights, *Human Rights One Year After the 2014 Coup*, 4 June 2015, <https://tlhr2014.wordpress.com/2015/06/05/report-human-rights-one-year-after-the-2014-coup-a-judicial-process-in-camouflage-under-the-national-council-for-peace-and-order/>

² Announcement: Cancellation of Thai Lawyer's for Human Rights Panel Discussion, Foreign Correspondents Club of Thailand, 4 June 2014, <http://fccthai.com/items/1677.html>

³ *International Covenant on Civil and Political Rights*, 1966, <http://www.refworld.org/docid/3ae6b3aa0.html>.

⁴ See, e.g., Thailand: Pattern of International Human Rights Violations Since 22 May 2014, Statement by Lawyers' Rights Watch Canada, 223 September 2015, <http://www.lrwc.org/?p=8569>; Thailand: Trials of civilians in military courts violate

continuing prosecutions of human rights lawyer Mr. Anon Numpa and law professor Dr. Worachet and other human rights defenders in the Military Courts for violation of NCPO orders promulgated in violation of international human rights law.⁵

Violation of Thailand’s international human rights obligations

Cancellation of the TLHR’s public human rights education events contravenes Thailand’s duty to ensure the right to freedoms of expression and assembly guaranteed by the ICCPR and recognized by the UN *Declaration on Human Rights Defenders* (Declaration).⁶ The Declaration is based on human rights standards enshrined in other international instruments that are legally binding on Thailand, including the ICCPR. Adopted by consensus of the General Assembly in 1999, the Declaration represents a unanimous commitment by States to its implementation. It states that:

- “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels” (Article 12.1);
- “everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms” (Article 1);
- “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration” (Article 12.2); and
- “[i]n the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are established by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society” (Article 17).

NCPO actions curtailing the TLHR’s human rights education events also violate the UN *Basic Principles on the Role of Lawyers*⁷ which affirm in Principle 23 that lawyers “like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights.” Principle 4 requires governments to “promote programmes to inform the public about their rights and duties under the law...”

international fair trial rights: Judicial harassment of lawyers and human rights defenders, LRWC Statement, 25 May 2015 [LRWC Statement on Military Courts], <http://www.lrwc.org/?p=9095>.

⁵ LRWC Statement on Military Courts, *ibid*.

⁶ UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: resolution / adopted by the General Assembly*, 8 March 1999, A/RES/53/144, available at: <http://www.refworld.org/docid/3b00f54c14.html>. The Declaration is based on human rights standards enshrined in other international instruments that are legally binding including the ICCPR.

⁷ United Nations, *Basic Principles on the Role of Lawyers*, 7 September 1990, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>

Recommendations:

The NCPO should immediately

- Allow the TLHR to hold a public discussion and launch of the report, “Human Rights One Year After the 2014 Coup,” at the FCCT or such other place(s) as they select;
- Allow TLHR and others to disseminate the aforementioned report in accordance with the provisions of the ICCPR, that is to distribute the report, ‘orally, in writing or in print, in the form of art, or through any other media of [TLHR’s] choice’; Guarantee that all lawyers and other human rights defenders in Thailand are able to carry out their legitimate human rights activities free of all restrictions and without fear of reprisals including judicial or administrative harassment;
- Put an end to interference with or retaliation against the legitimate work of lawyers and human rights defenders by state agents, in conformity with the provisions of the *Declaration on Human Rights Defenders* and the *Basic Principles on the Role of Lawyers*;
- Ensure that all charges against Mr. Anon Numpa, Dr. Worachet Pakeerut and all other human rights defenders being tried before Military Courts are withdrawn;
- Ensure access to civilian courts by all civilians, including those in military custody, for determination of charges and the legality of detention and treatment, in accordance with the ICCPR.⁸
- Ensure that the draft Constitution 2015 adheres to all Thailand’s international human rights law obligations including those arising from the *Universal Declaration of Human Rights* and the ICCPR; and
- Restore democratic rule through free and fair full-suffrage elections.

⁸ For more information, see “Thailand: Trials of civilians in military courts violate international fair trial rights: Judicial harassment of lawyers and human rights defenders,” LRWC Statement, 25 May 2015, available at: <http://www.lrwc.org/?p=9095>