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## Press Release

### Release Ms. Kritsuda Khunasen Immediately

*For Immediate Release*

21 June 2014

On 28 May 2014, Ms. Kritsuda Khunasen was taken from Chonburi province by police and soldiers and has been under detention since then. No one has been able to contact her while she has been in detention and it is not known where she is detained. On 17 June 2014, there was a summons for Ms. Kritsuda to report herself to the junta following National Council for Peace and Order (NCPO) Order No. 68/2557 [2014]. This was the case although there was neither evidence that she had been released nor had any charges been brought against her. Subsequently, on 20 June 2014, Colonel Winthai Suwaree, deputy spokesperson for the Army, admitted that it was true that Ms. Kritsuda had been detained.

Thai Lawyers for Human Rights is concerned and views the aforementioned actions of the authorities as the illegitimate use of power and as in violation of fundamental human rights for the following reasons:

1. Ms. Kritsuda has been detained without charge for a period of more than 24 days [up until the date of this press release]. This is greater than the period of time provided in Article 15 bis of the Martial Law Act of 1914, which provides authority for detention of individuals only as long as is necessary and for no longer than 7 days. Therefore, the detention of Ms. Kritsuda subsequent to 4 June 2014 is illegal detention. As Ms. Kritsuda remains in military detention, this illegal detention is ongoing.

The order of the National Council for Peace and Order summoning Ms. Kritsuda to report herself on 17 June 2014 was a duplicate, therefore the order does not have further effect over Ms. Kritsuda. The authorities therefore do not have any authority to continue to detain her.

Although the aforementioned detention derives its authority from martial law, when the authorities illegitimately exercise their power, violate the rights and liberties of individuals, the detaining authorities, or the overarching state entity, will be indisputably legally responsible following the Tort Liability of Officials Act B.E. 2539 [1996]. Individuals who are detained [under these circumstances] must receive reparations for the harm incurred.

2. The most atrocious forms of human rights violations, whether it is a violation of the right to life, torture, or enforced disappearance, often occur under circumstances in which individuals have been deprived of their freedom. Therefore, universal human rights principles stipulate that the most fundamental guarantees to protect the safety of the lives and bodies of those who are detained must be in place. This is to say, the locations of places of detention must be made public, detention cannot be carried out in secret locations, and the state must immediately inform relatives of the locations of detention and allow them to visit detainees.

However, the NCPO has refused to make public the location of the detention of Ms. Kritsuda. She has also not been allowed to meet with a lawyer, and neither has she been permitted to contact her family nor has anyone else been able to contact her. It is also not clear when Ms. Kritsuda will be released, even though she has been detained in excess of the 7 days permitted under martial law.

Given that Ms. Kritsuda is being held in secret and indefinite detention, the safety of her body and life are a matter of grave concern. In addition to being illegal and not in line with the principles of the rule of law and human rights, this detention makes her vulnerable to being tortured. This is a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Thailand is a state party. As a state party, Thailand has an obligation to prevent and not allow violations of the convention to occur.

3. The facts demonstrate that Ms. Kritsuda had not been released, and that instead, the military authorities are continuing to detain her without any legal authority and have not sent her to the investigating officials in order to bring charges against her in line with the Criminal Procedure Code. Therefore, her detention by the military authorities is illegal and violates the obligations of Thailand under Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which stipulates that individuals have the right to liberty and security of person and cannot be arbitrarily arrested or detained. When they are arrested, they must be promptly informed of the reason and charge(s) for which they were arrested.

Given the aforementioned facts and legal provisions, Thai Lawyers for Human Rights therefore calls on the National Council for Peace and Order to do the following:

1. Release Ms. Kritsuda Khunasen immediately. In addition, as her detention was illegal as she was detained in excess for the 7 days permitted under the law, provide compensation to her for being illegally detained.

2. Disclose the locations of detention of all those who have reported themselves and all those who are detained. In addition, enable their relatives to visit them immediately and throughout the period of their detention. This will provide transparency, reduce the worries and concerns, and serve to guarantee the protection of the basic rights of the people in line with universal human rights principles.

With respect for rights and liberties,  
Thai Lawyers for Human Rights