



The opinions of human rights organizations on the summons of academics for defying the NCPO orders

On 11 November 2015, Changpuak police station, Chiang Mai, issued summons for a group of six academics from various universities. The summon order accused the group of holding or participating in a political gathering of more than five people which defied the announcement or order of the Head of the National Council for Peace and Order (NCPO), after the group held a conference to express their academic opinions on freedom of knowledge in education system at Chiang Mai on 31 October 2015

Human Rights Lawyer Association (HRLA) and Human rights organizations have the opinion that the expression of academic opinion is a legitimate practice under human right principle and law as follows;

1. The academics' opinion conference on freedom of knowledge in education system was to express academic opinions about higher education, which is a public topic and a direct objective of university academics. This academic freedom is prescribed and guaranteed in many previous constitutions of Thailand, such as Article 42 of the 1974 Constitution, Article 42 of the 1997 Constitution, Article 50 of the 2007 Constitution, or even in the interim constitution that was enforced after the 2014 Coup d'état, this freedom is implicitly guaranteed in Article 4 and 5. Therefore, the academics were using academic freedom that is prescribed and guaranteed by the Constitution.

2. The accusation that appeared on the summon order cites the violation Article 12 of the NCPO's order No. 3/2015: "Political gatherings of five or more persons shall be punished with imprisonment not exceeding six months or a fine not exceeding ten thousand Baht, or both, unless permission has been granted by the Head of the NCPO or an authorized representative.", which the NCPO's announcement No. 3/2014 issued to be under the jurisdiction of military court, cannot apply to this academics' opinion conference as it did not meet the element of the offence. The conference was not a political

gathering but a normal academic activity that is a custom and important task for Thai academics. If such activity is interpreted arbitrarily to be an illegal assembly or political gathering, it will result in many academic activities set to expand knowledge and solve social problems, such as academic seminars, academic conference, academic lectures, research presentations, community workshops that are organized all over the country, to become illegal and impracticable. This will lead to the imponderable damage to Thai society, both in the present time and future. No rightful law would intend to have this terrible consequence. Moreover, the acknowledgement and protection of academic freedom in the Constitutions in the past and present confirm that the academics' action in expressing opinions was bona fide under the constitutional rights and liberties, and not an offence of political gathering as in the NCPO's order.

By the reasons listed above, Human Rights Lawyer Association (HRLA) and the undersigned human rights organizations have the following proposals:

1. We encourage the accused academic group, as well as all academics, to have the courage to stand for academic freedom and carry on their valuable duty as public intellectuals with bravery.
2. The NCPO, the government, the army, and the police must stop using law to threaten academics, by cancel the charge against the academics who did their job rightfully under constitutional academic freedom.
3. Together, Thai people must demand the NCPO, the government, the army, and the police to respect academic freedom and stop the intimidation and threatening to the academics who work honestly as the society's intellect.

With faith and respect to human dignity, rights and liberties, and democracy

Human Rights Lawyer Association (HRLA)

Union for Civil Liberties (UCL)

ENLAW Foundation

Thai Lawyers for Human Rights (TLHR)