

22 January 2024

Ms. Katia Chirizzi
Acting Regional Representative
Office of the High Commissioner for Human Rights Regional Office for SEA
United Nations Building
Rachadamnern Nok Avenue
Bangkok 10200, Thailand

Re: Amnesty Bill and Thailand's Candidature for UN Human Rights Council Membership

Dear Ms. Katia Chirizzi,

We, the Network for People's Amnesty, are writing to express our serious concerns regarding the *ongoing* criminal proceedings against more than 1,400 human rights defenders, pro-democracy activists, and ordinary citizens who simply exercised their rights to freedom of expression and peaceful assembly. This number, however, pales in comparison to the more than 6,000 people who have been subjected to political prosecution since the military coup took over the democratically-elected government of Thailand on 19 September 2006. We believe failure to sincerely address the numerous violations of the rights to freedom of expression and peaceful assembly of individuals across the political spectrum would seriously impede the prospect of political reconciliation.

We therefore urge you, the Office of the United Nations High Commissioner for Human Rights, to call on the Thai government led by Prime Minister Srettha Thavisin to express its sincerity for the project of political reconciliation and its commitments to human rights by passing an amnesty bill for human rights defenders and pro-democracy activists, especially during its campaign for the membership of the UN Human Rights Council before the election in October 2024.

Political Background

The political conflicts which are afflicting Thailand today can be traced all the way back to the mid-2000s. At risk of oversimplification, the following political movements or events have shaped Thailand's modern political history:

- protests by the People's Alliance for Democracy against then-Prime Minister Thaksin Shinawatra in 2006, which laid the groundwork for the military coup on 19 September 2006;
- protests by the United Front of Democracy Against Dictatorship (Red Shirt) after the 2006 coup;
- protests by the People's Democratic Reform Committee against the Yingluck administration in 2013 and 2014;
- military coup led by General Prayut Chan-o-cha on 22 May 2014, overthrowing the Yingluck administration; and

- the youth-led pro-democracy movement by ordinary citizens and the new People's Party against the 2014 coup orchestrator and then-Prime Minister Prayut Chan-o-cha from July 2020 onwards.

Throughout this tumultuous history, no fewer than 6,000 people have been subjected to criminal prosecution in connection with their political activities. After the 2014 coup, approximately 2,400 civilians were tried in military court. Most recently, from moment the youth-led pro-democracy movement swept the country in the second half of 2020 until the end of 2023, at least 1,938 people — no fewer than 286 of whom are children under the age of 18 — have been charged under various repressive laws in 1,264 cases. Some of the charges include, but are not limited to:



Since the new coalition government led by Prime Minister Srettha Thavisin was sworn in in September 2023, new criminal charges continue to be brought against pro-democracy activists and political prosecution remains ongoing. From the time the new coalition government came into power in September 2023 until the end of December 2023:

Charges	No. of individuals	No. of cases
Individuals who had never been charged before	13	23
Lèse-majesté	5	9
Sedition	8	3

Public Assembly Act	16	7
Computer Crimes Act	11	10

In addition, there were a total of 31 judgments in lèse-majesté cases between September and December 2023. Of the 31 judgments, the defendants were found guilty of lèse-majesté in 28 cases (approx. 90%).

Amnesty — First Step to Political Reconciliation

Against this backdrop of political prosecution, we believe it is imperative that an amnesty be granted to individuals subjected to prosecution between 19 September 2006 and when the amnesty bill comes into force. While we do not expect amnesty to serve as a panacea to Thailand’s complex political conflicts, we nevertheless believe it is an inextricable part of the project of political reconciliation. If the Thai government insists on prosecuting the remaining more than 800 criminal cases to the very end and leaving convictions since the 2006 coup unaddressed, the country will continue to be in the eye of the political storm indefinitely.

The Network for People’s Amnesty has drafted an amnesty bill (“Bill”) which, we hope, will be introduced into the legislative process in February 2024. This Bill covers the period from the 19 September 2006 coup until the Bill comes into force, addressing the political conflicts today at their roots.

In particular, our Bill will grant amnesty to individuals who have been charged with the following offenses:

- 1) cases related to the violation of the Announcements and Orders issued by the National Council for Peace and Order (NCPO) or the Orders issued by the Head of the National Council for Peace and Order (NCPO);
- 2) cases against civilians and tried in the Military Court pursuant to the Announcement of the National Council for Peace (NCPO) no. 37/57 and the Announcement of the National Council for Peace (NCPO) no. 38/57;
- 3) cases related to the violation of Section 112 (lèse-majesté) of the Criminal Code;
- 4) cases related to the violation of the Public Administration in Emergency Situations B.E. 2548;
- 5) cases related to the violation of the Organic Act on Referendum for the Draft Constitution B.E. 2559; and
- 6) cases related to the offenses under (1) to (5).

In addition, our Bill will grant amnesty to individuals who were related to a political assembly or expression, or individuals who have not participated in a political assembly, but have committed acts motivated by or in relation to political conflicts. The Committee of Amnesty for the People will be established to determine whether individuals fall under these criteria.

Recommendations

We respectfully call on you to press the Thai government to pass the Bill before the UN Human Rights Council election in October 2024. Whether the government passes a comprehensive amnesty bill that includes Section 112 is a litmus test for its commitments for human rights and its readiness to assume the full responsibilities and duties that come with the UN Human Rights Council membership.

Furthermore, we call on you to:

- urge the Thai government to guarantee the people's rights to freedom of expression and peaceful assembly under Articles 19 and 21 of the International Covenant on Civil and Political Rights;
- urge the Thai government to refrain from criminalizing dissenting political opinions by prosecuting individuals, especially children, who engage in peaceful speeches and public assemblies;
- urge the Thai government to release all prisoners of conscience, including children who are in detention for their political expressions;
- in line with the numerous statements of UN Special Procedures and the jurisprudence of the UN Working Group on Arbitrary Detention, urge the Thai government to review and amend Section 112 (lèse-majesté) of the Criminal Code in order to bring it in line with international standards; and
- support the passing of the Bill so that it becomes law before the end of 2024.

Sincerely,
The Network for People's Amnesty