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### **Thailand: Referendum marred by human rights violations**

Thailand's referendum on a draft constitution takes place this Sunday against a backdrop of pervasive human rights violations that have created a chilling climate, Amnesty International said today.

In the context of the referendum, the authorities have arbitrarily arrested scores of people, have cancelled or disrupted peaceful assemblies and took off the air a television station in recent weeks, marking just the most recent undue restrictions on the rights to freedom of expression, peaceful assembly and association.

"If people cannot speak their minds freely or take part in political activities without fear, how can they meaningfully engage in this referendum?" said Josef Benedict, Amnesty International's Deputy Director for South East Asia and the Pacific.

"What we are seeing are not temporary measures that create peace and order as the authorities have argued, but a constant criminalisation of peaceful dissent designed to silence views that the authorities do not like. Immediate and long overdue steps must be taken to lift restrictions and guarantee rights."

In a recent illustrative case, last week 11 people were taken into military custody after being accused of distributing letters criticizing the draft constitution. They have since been handed over to the police and informed that they will be tried in a military court for sedition, criminal association and violating Thailand's referendum act.

"All people who have been detained or convicted solely for peacefully expressing their views on the draft constitution should be immediately and unconditionally released and have any criminal charges expunged," said Josef Benedict.

### **Excessive, unnecessary and unjustifiable restrictions**

Since announcing its three-part "road map" following the May 2014 coup, the Thai authorities have put in place a series of undue restrictions that are contrary to the country's obligations under international human rights law.

Initially cast as temporary measures, they have become entrenched practices that are excessive, unnecessary and unjustifiable.

"At a time when the Thai authorities should be facilitating a space for a free and informed public debate, they have continued with a root and branch onslaught against the peaceful exercise of the rights to freedom of expression, association and peaceful assembly," said Josef Benedict.

In an open letter sent to Prime Minister Prayut Chan-O-Cha on 25 July, Amnesty International called for the dropping of charges against all those facing prosecution for exercising their rights to expression, assembly and association.

The organization highlighted four laws and decrees that the Thai authorities must immediately review to ensure they are in accordance with international human rights law and standards:

- Head of NCPO Order No. 3/2558 (2015), which among other things prohibits “political gatherings of five or more persons” and provides for criminal penalties of up to six months imprisonment for non-compliance. The Order also allows appointed military officers to detain people without charge or trial in unofficial places of detention for up to a week without judicial oversight.
- The Constitutional Referendum Act (2016), which governs the administration of the 7 August referendum and provides for up to 10 years’ imprisonment for “anyone who disseminates text, pictures or sounds that are inconsistent with the truth or in a violent, aggressive, rude, inciting or threatening manner aimed at preventing a voter from casting a ballot or vote in any direction or to not vote.” This provision has been applied by the government in a broad and arbitrary manner to target those opposing the draft Constitution.
- NCPO Announcement 39/2557 (2014), which restricts the political activities of a wide range of individuals, including politicians and civil society representatives, after their release from detention.
- NCPO Announcement 41/2559 (2016), which empowers the independent National Broadcasting and Telecommunications Commission (NBTC) to shut down television or radio stations for violations of NCPO orders. Authorities recently used this decree to shut down Peace TV, a television station affiliated with a political party that has opposed the draft constitution.

### **“A chilling climate of fear”**

Over the past week, at least three university events organized to discuss the referendum were cancelled under apparent pressure from the authorities. A university professor was also told by the Election Commission to stop expressing his views on the draft constitution.

These cancellations follow a pattern of government obstruction of public events deemed critical of the draft constitution and the referendum process.

While the Prime Minister has claimed that the authorities do not “intend to infringe upon anyone’s rights”, he and others have contradicted this encouraging sentiment.

On 19 April, Prime Minister Prayut Chan-O- Cha said of critics of the draft constitution:

“They have no rights to say that they disagree...I don’t allow anyone to debate or hold a press conference about the draft constitution. Yet they still disobey my orders. They will be arrested and jailed for 10 years.”

A day earlier, Deputy Prime Minister Prawit Wongsuwan was reported as saying:

“You can dislike [the draft constitution] but don’t express it [to the public] and keep it inside your head. Those wearing ‘Vote No’ or ‘Vote Yes’ T-shirts will have them taken off.”

Amnesty International calls on the Royal Thai Government to respect and protect human rights by creating an environment in which individuals and groups can freely and confidently share ideas and express their opinions on the upcoming referendum and any subsequent stage in its plans for political transition.

“Gen. Prayut’s actions have spoken louder than his words. Instead of fulfilling his commitment to respect people’s rights and allow them to speak freely, the authorities have now created a chilling climate of fear,” said Josef Benedict.

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