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# Human Rights Defenders and Fundamental Freedoms in Thailand

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Established in 2011, Destination Justice is an NGO promoting human rights and rule of law, in particular access to justice and access to information. Among other things, Destination Justice has extensively represented, assisted, and reported on persecuted human rights defenders in Southeast Asia and other regions, including before UN bodies. It has also engaged in several UPR processes.

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<p><b>Duayjai Group (DJG)</b>  <a href="https://duayjaisupport.wordpress.com">https://duayjaisupport.wordpress.com</a>  <a href="mailto:duayjaigroup61@gmail.com">duayjaigroup61@gmail.com</a>              1/3, Moo 3              Saba Yoi Sub-District, Saba Yoi District              Songkhla 90210              Thailand</p>	<p>Hearty Support Group (Duay Jai) was established on 23 January 2010 to provide assistance to families of the accused of national security charges in all areas, as well as to orphans, the needy, and families affected by the problems in the three southern border provinces and four districts in Songkhla. They believe this will lead to sustainable peace. In addition, the objectives of the “Hearty Support Group” are to protect people from human rights abuses, to provide humanitarian assistance to those affected by conflict, and to build mutual understanding among the people in society to create the lasting peace. The target groups include families affected by unrest, victims and families of persons who were accused of security charges, families of those who were extra-judicially killed, those who were tortured, and those who became fugitives. Their work takes religions, identities, and cultures into account. They respect diversity, human rights principles and peaceful ways of life.</p>
<p><b>Human Rights Lawyers Association (HRLA)</b>  <a href="https://naksit.net">https://naksit.net</a>  <a href="mailto:hrla2008@gmail.com">hrla2008@gmail.com</a>              109 Sutthisan Winitchai Road              Samsen Nok, Huai Khwang              Bangkok 10310              Thailand</p>	<p>Human Rights Lawyers Association (HRLA) was founded in 2008 to protect and promote the rule of law, social justice and fundamental human rights in Thailand. Examples of rights for which HRLA advocates include, but are not limited to, the right to freedom of expression, the right to access justice, community rights, etc. To drive legal and policy changes, HRLA engages in various activities, such as strategic litigation, capacity building for human rights lawyers, human rights documentation and academic work.</p>
<p><b>Justice for Peace Foundation (JPF)</b>  <a href="https://justiceforpeace.org">https://justiceforpeace.org</a>  <a href="mailto:info@justiceforpeace.org">info@justiceforpeace.org</a>              73/5 Soi Issaraphap 11, Issaraphap Road              Thonburi              Bangkok 10600              Thailand</p>	<p>Justice for Peace Foundation (JPF) was founded in June 2006 as Working Group on Justice for Peace (WGJP) before registered to foundation in 2009 under the Ministry of Interior. JPF is a network of human rights and peace activists to strengthen non-violent efforts to protect human rights, to promote access to justice, and to end impunity. JPF engages in human rights monitoring and advocacy while encouraging grassroots activism and supporting victims of human rights violations in their fight for justice.</p>
<p><b>Asia Centre (AC)</b>  <a href="https://asiacentre.org">https://asiacentre.org</a>  <a href="mailto:contact@asiacentre.org">contact@asiacentre.org</a>              128/183 Phayathai Plaza Building, Fl. 17              Phayathai Road              Thung Phaya Thai, Ratchathewi              Bangkok 10400              Thailand</p>	<p>Asia Centre, founded in 2015, is a not-for-profit social enterprise that seeks to create human rights impact in the region. Asia Centre develops evidence-based knowledge toolkits, organises stakeholder capacity building activities and undertakes media and social media advocacy. It is well known for its seminal analysis, “The Universal Periodic Review of Southeast Asia: Civil Society Perspectives” (2018: Palgrave Macmillan, USA).</p>

## Introduction

1. This submission\* analyses fundamental freedoms in Thailand during its third UPR cycle from May 2016 until this submission's date of 24 March 2021. Within this period, Thailand has installed a new monarch; adopted a new constitution; and transitioned from an imposed to (ostensibly) elected military administration. Since July 2020, these changes have inspired mass civilian protests<sup>1</sup> most commonly calling for the prime minister's resignation, amendment of the new constitution, and reform of the monarchy.<sup>2</sup>
2. In this context, this submission focuses on human rights defenders (**HRDs**) ranging from first-time protesters through to seasoned human rights advocates. All enjoy fundamental freedoms thanks to Thailand's commitments under the *International Covenant on Civil and Political Rights (ICCPR)* and its support of relevant UPR recommendations and Sustainable Development Goal 16.10 to "protect fundamental freedoms".<sup>3</sup>
3. However, this submission details how fundamental freedoms have been eroded in Thailand, particularly under Covid-19 related emergency rule. It addresses public participation; freedom of expression and access to information; *lèse-majesté*; freedom of assembly and association; enforced disappearances and torture; and institutional human rights protection/promotion. The following annexes are also submitted:

<b>Annex A</b>	Assessment of Thailand's implementation of past UPR recommendations
<b>Annex B</b>	Laws relevant to fundamental freedoms during Thailand's third UPR cycle
<b>Annex C</b>	Known disappearance cases during Thailand's third UPR cycle
<b>Annex D</b>	Select cases threatening fundamental freedoms during Thailand's third UPR cycle

## Methodology

4. This submission adopts a law and policy lens consistent with coalition partners' expertise. It assesses Thailand against its international law obligations and UPR commitments.<sup>4</sup> It focuses on experiences of coalition partners (which include four local and two regional organisations) and interviews with informants with relevant primary testimony. Informants are identified where permitted and safe to do so. Secondary sources are cited only supplementarily. English-language sources are preferred, with internal translations used where sources appeared mistranslated (particularly in **Annex B**). This submission condenses a more detailed report available online.<sup>†</sup>

\* **Word count** (excluding cover, endnotes, and annexes): 5,627.

† An extended submission and supplementary information are at: <https://destinationjustice.org/uprthailand2021>.

## Executive Summary

5. Contrary to Thailand's commitments under international law, supported UPR recommendations, and Sustainable Development Goal 16.10, during the last UPR cycle:
  - a. The space for public discourse has shrunk. HRDs' efforts at public participation have met judicial harassment; detention; harsh sentences; online and physical attacks; and military-run harassment campaigns. Women, LGBTIQ, and youth are at heightened risk (**Part 1**).
  - b. Online free speech has been targeted for shutdowns and prosecutions for ostensible threats to national security, while access to independent news is under increased threat (**Part 2**).
  - c. There has been a resurgence in prosecuting HRDs for serious crimes due to their advocacy, including e.g. *lèse-majesté* (**Part 3**).
  - d. Widespread crackdowns on protesters, especially via Covid-19 related emergency laws, have undermined freedom of assembly and association (**Part 4**).
  - e. In the extreme, at least nine Thai dissidents have disappeared – including from fellow ASEAN States – while the Thai military has maintained methods of torture and cruel or inhumane treatment or punishment, all while the state has failed to criminalise enforced disappearances and torture (**Part 5**).
  - f. The National Human Rights Commission's operations and independence has been undermined, and a draft NGO/CSO law risks further limiting fundamental freedoms (**Part 6**).

## Part 1. Public Participation

6. In its second UPR, Thailand welcomed recommendations that it investigate threats and attacks against HRDs, bring perpetrators to justice, ensure HRDs' protection, and safeguard public participation,<sup>5</sup> but disregarded others focused on substantive freedoms of expression, peaceful assembly, and association and protection against arbitrary detention.<sup>6</sup>

### 1.1. Judicial Harassment

7. Despite Thailand's *ICCPR* Article 25 and UPR commitments, it has pursued strategic lawsuits against public participation (**SLAPP** suits) against HRDs,<sup>7</sup> notably since protests began in July 2020. At least 223 people are being prosecuted<sup>8</sup> – sometimes first-time protesters including minors. SLAPP suits include *Penal Code* charges of *lèse-majesté* (Section 112), sedition (Section 116), and membership of a secret society to commit unlawful conduct (Section 209).<sup>9</sup> An obscure provision (Section 110) has been used to charge protesters with attempting to deviate the Queen's motorcade in October 2020,<sup>10</sup> while the *Computer-Related Crime Act* has addressed online advocacy alleged to threaten national security (Sections 14 and 20).

8. Charges have also concerned peripheral issues. Modest fines have been imposed, and since Thailand invoked the *Emergency Decree on Public Administration in the Emergency Situation (Emergency Decree)*<sup>11</sup> on 25 March 2020 to curb Covid-19, the authorities have charged protesters for alleged threats to public health.<sup>12</sup>
9. The private sector too has initiated SLAPP suits. For instance, a chicken farm has prosecuted 22 persons for defamation criminally (under *Penal Code* Sections 326 and 328)<sup>13</sup> and in more than 35 civil cases for highlighting alleged labour rights issues. Almost all these cases have been dismissed.<sup>14</sup>

## 1.2. Detention

10. When HRDs are charged with more serious offences, bail is frequently denied on the basis that accused may evade prosecution or reoffend if bailed.<sup>15</sup> Otherwise, bail is set prohibitively high, e.g. up to US\$154,000.<sup>16</sup> This sidelines HRDs, violates the presumption of innocence,<sup>17</sup> and may constitute arbitrary detention.
11. HRDs have also been detained incommunicado. The 15 October 2020-declared Severe Emergency Situation permitted authorities to detain people for 30 days without charge,<sup>18</sup> with the Police Commissioner General designating makeshift prisons for suspected protesters including at the Border Patrol Police Region 1 Headquarters. Up until the date of this submission, at least 178 persons have reportedly been detained there and 101 remain, despite the designation of makeshift prisons being repealed on 22 October 2020.<sup>19</sup>
12. Periods of detention vary.<sup>20</sup> Detainees arrive mostly at night;<sup>21</sup> detention review hearings often take place via video conference, ostensibly due to Covid-19;<sup>22</sup> and authorities regularly seize communication equipment.<sup>23</sup> This has limited detainees' access to lawyers and families.<sup>24</sup>
13. Administrative detention of HRDs has also been used, e.g. at a psychiatric hospital under the *Mental Health Act*,<sup>25</sup> despite no evidence that this was necessary.

## 1.3. Harsh Sentencing

14. In Thailand, sentences for each count accumulate into a longer sentence, amplifying SLAPP suits' punitive effect. For example, in January 2021, a woman was sentenced to 87 years' imprisonment (halved upon confession) for sharing audio clips critical of the monarchy 29 times, each share constituting one *lèse-majesté* count.<sup>26</sup> This heavily exceeds the prescribed sentence for one convicted count of such violent crimes as rape or manslaughter.<sup>27</sup> Mandatory minimum sentences, e.g. 3 years for *lèse-majesté*, also foster excessive penalties.

## 1.4. Harassment

15. HRDs suffer online and physical harassment. In May 2020, 25 HRDs who posted anti-monarchy content on Facebook were "witch-hunted" by Facebook groups that broadcast their personal details and encouraged their attack.<sup>28</sup> This has culminated in physical attacks: e.g., on 21

October 2016, Chupong Theethuan, a Thai dissident and refugee, was beaten in his home in the Philippines<sup>29</sup> after publication of his address.<sup>30</sup>

## 1.5. Military's Information Operations

16. Thailand itself appears to sometimes be the harasser. Its army reportedly attacks HRDs over Facebook and Twitter in online “information operations” (IOs),<sup>31</sup> holding over 50,000 IO Twitter accounts.<sup>32</sup> A video clip of a 17 February 2020 meeting also shows soldiers being ordered to prepare for the Future Forward Party’s dissolution four days before the Constitutional Court ruled to dissolve it.<sup>33</sup> Twitter suspended 926 army-linked accounts on 8 October 2020,<sup>34</sup> while on 3 March 2021, Facebook took down 185 army-linked accounts focused on Southern Thailand.<sup>35</sup>

## 1.6. Women, LGBTIQ, and Youth

17. Women, LGBTIQ, and youth HRDs have been at particular risk, facing additional abuse over their gender, sexual identity, and age. This includes online “witch-hunting” and verbal and physical attacks.<sup>36</sup> Youth protesters’ right to education is also threatened via disciplinary action and school pressure for protesting.<sup>37</sup>

## 1.7. Recommendations

*1.1: To ensure transparent and fair implementation of all laws and decrees in relation to the Covid-19 state of emergency, in particular the Emergency Decree on Public Administration in the Emergency Situation.*

*1.2: To ensure the end of judicial harassment and criminalisation of HRDs, in particular through strategic lawsuits against public participation pursued by State and non-State Actors.*

*1.3: To immediately end the arbitrary detention of HRDs and release those still detained, in particular under the now repealed Severe Emergency Decree.*

*1.4: To fulfill its commitment made during the last UPR review to stop all forms of harassment and intimidation of HRDs and effectively implement measures aimed at preventing violence and crimes against them, and that all alleged attacks on HRDs are promptly, thoroughly and independently investigated, and that perpetrators are held accountable.*

*1.5: To take measures to safeguard broad participation from various sectors in political and public affairs, consistent with international law including the HRDs Declaration supported by Thailand.*

## Part 2. Freedom of Expression and Access to Information

18. In its second UPR, Thailand supported 13 recommendations to guarantee freedom of expression<sup>38</sup> and prevent and investigate violence against journalists.<sup>39</sup> However, Thailand opposed recommendations urging reform of the legal/policy framework<sup>40</sup> and inviting the UN Special Rapporteur on freedom of opinion and expression to visit,<sup>41</sup> although it did voluntarily pledge after its first UPR cycle to issue a standing invitation to all UN special procedures.<sup>42</sup>

### 2.1. Free Speech Constraints

19. States urged Thailand to strengthen freedom of expression by amending the *Computer-Related Crime Act*.<sup>43</sup> However, while Thailand did do so in 2017, the amendments undermine the freedom, further outlawing, under Section 14, false and “distorted” data; data threatening national economic security or public infrastructure; and sharing such data.<sup>44</sup> Section 20 also empowers authorities to suppress data dissemination and seek its removal. These reforms backslide on Thailand’s UPR commitment to freedom of expression, risking further restrictions while lacking safeguards to prevent exceeding the modest limits permissible.<sup>45</sup>

### 2.2. Crackdown on Online Expression

20. The revised *Computer-Related Crime Act* is being enforced through an Anti-Fake News Centre established in November 2019 and the police’s new Technology Crime Suppression Division, which ostensibly aim to combat fake news.<sup>46</sup> In practice, however, these frequently operate to threaten free speech.
21. As of July 2019, at least 144 people had been prosecuted due to their expression of often critical political views.<sup>47</sup> Moreover, on 24 August 2020, the government cited sections 14(2) and 20 of the revised *Computer-Related Crime Act* to force Facebook<sup>48</sup> to shut down 23 journalists’/activists’ websites, most notably prominent critical Facebook forum Royalist Marketplace.<sup>49</sup> However, a new Royalist Marketplace has been established which already has 2.2 million members.<sup>50</sup>
22. Such unnecessary and disproportionate online crackdowns undermine *ICCPR* Article 19 and the UN Human Rights Committee’s *General Comment 34*. These prohibit harassing someone due to their opinion<sup>51</sup> or constraining dissemination public interest information due to national security.<sup>52</sup>

### 2.3. Limiting Information

23. The Covid-19 pandemic has led the government to use emergency degrees to limit access to independent information. On 17 October 2020, the government prohibited publishing information that “instigate[s] fear” or “is intended to distort information [...] affecting the security or state or public order or good morals of the people”.<sup>53</sup> Relying on this and the *Computer-Related Crime Act*, on 20 October 2020 the authorities proposed to shut down four independent news outlets due to their protest coverage. However, the Criminal Court blocked this.

24. There have also been efforts to limit offline information access. On 19 September 2020, police confiscated, without a warrant, 45,000 books by protest leaders<sup>54</sup> intended for protesters. A publishing house also reported harassment,<sup>55</sup> book confiscations,<sup>56</sup> a request to give evidence,<sup>57</sup> and an attempted police raid.<sup>58</sup>
25. Finally, the Thai government reportedly planned in October 2020 to ban the messaging application Telegram, which protesters favour.<sup>59</sup> However, it appears to remain accessible.
26. These limits to access to information violate the *ICCPR*'s requirement for limitations to be justified, necessary, and proportionate<sup>60</sup> and protection of information of legitimate public interest.<sup>61</sup> They also violate Thailand's *Constitution*, which guarantees freedom of the press (section 35(2)) and freedom to communicate by any means (section 36(1));<sup>62</sup> undermine *General Comment 34*'s requirement that media operate "without censorship or restraint";<sup>63</sup> and backslide on Thailand's UPR commitments.

## 2.4. Recommendations

*2.1: To review the Computer-Related Crime Act, in particular the 2017 amendments, to ensure Thailand fulfils its UPR 2<sup>nd</sup> cycle commitment as well as its obligations under international human rights law.*

*2.2: To ensure that the right to freedom of expression is fully respected and its exercise facilitated, including with respect to Thailand's Constitution and to Thailand's obligations under international human rights law.*

*2.3: To fulfil its voluntary pledge made during its 1<sup>st</sup> UPR review to issue standing invitation to all the special procedures of the Human Rights Council, in particular to the Special Rapporteurs on freedom of opinion and expression, and freedom of association and assembly, respectively.*

## Part 3. Case Study: *Lèse-Majesté*

27. Despite ignoring relevant UPR recommendations critical of its *lèse-majesté* prohibition (*Penal Code* Section 112),<sup>64</sup> Thailand supported general recommendations on freedom of expression,<sup>65</sup> which covers expressions critical of the monarchy.

### 3.1. Hiatus in Prosecutions

28. In its third UPR cycle, Thailand did limit Section 112's use. In February 2018, public prosecutors were directed to forward Section 112 cases to the Attorney General who now alone may decide to pursue cases.<sup>66</sup> That led to a significant drop in cases, from 10-40 cases pre-2018 to none in 2019.<sup>67</sup> However, any progress was stymied by public prosecutors' use of other grounds to prosecute such expressions, and the later resumption of Section 112 prosecutions.

### 3.2. Resumed Prosecutions

29. On 19 November 2020, to protect the "beloved monarchy", the Prime Minister and Metropolitan Police Deputy Commissioner vowed to use "all laws", including Section 112, against protesters.<sup>68</sup> By 22 March 2021, at least 75 individuals were charged under it,<sup>69</sup> including six minors the youngest of whom is 14.<sup>70</sup>

### 3.3. Violations of International Law

30. Thailand's *lèse-majesté* prosecutions exceed the *ICCPR*'s limits on expressions and *General Comment 34*'s guidance that insulting a public figure generally should not be enough for a prosecution<sup>71</sup> let alone aggravated penalties<sup>72</sup> and that imprisonment is never appropriate for insults and/or defamation.<sup>73</sup> Likewise, Thailand cannot limit expression by deeming all insults to the King to threaten national security, public order and/or public morals:<sup>74</sup> it must specify precise threats and justify convictions.<sup>75</sup> Similarly, Thailand cannot assert that its King is unique<sup>76</sup> as public morality limits are construed universally, not from one tradition.<sup>77</sup> Finally, Thailand's *lèse-majesté* prosecutions violate its UPR commitments to promote freedom of expression.<sup>78</sup>

### 3.4. Recommendations

*3.1: That steps be immediately taken to bring the Penal Code and Computer-Related Crime Act in line with Thailand's obligations under international law, with public and transparent proceedings in cases concerning these laws immediately implemented.*

*3.2: To review Sections 110, 112, 116, 209, and 210 of the Penal Code, and Articles 14 and 20 of the Computer-Related Crime Act to align them with Thailand's obligations under international human rights law.*

## Part 4. Freedom of Assembly and Association

31. Thailand accepted UPR recommendations to enhance freedom of assembly<sup>79</sup> – including vis-à-vis the constitutional referendum and election<sup>80</sup> and to safeguard protesters<sup>81</sup> – but not to amend<sup>82</sup> or repeal laws restricting freedom of assembly, or set a date for visits by the Special Rapporteur on freedoms of association and assembly.<sup>83</sup> However, it did voluntarily pledge after its first UPR cycle to issue a standing invitation to all UN special procedures.<sup>84</sup>

### 4.1. Abolition of Military Courts

32. On 11 December 2018, the Thai authorities abolished a restriction to freedom of assembly under Head of National Council for Peace and Order (**HNCPO**) *Order No. 3*<sup>85</sup> which ordered that violators be tried in military court.<sup>86</sup> However, similar clauses persist under other HNCPO orders. Thus, the military retains a broad discretion to restrict assemblies.<sup>87</sup> Nevertheless, civilians with pending charges under *Order No. 3* have had their cases transferred to civilian courts.<sup>88</sup>

### 4.2. Constitutional Referendum Crackdowns

33. The new 2017 Constitution recognises the right to peaceful assembly<sup>89</sup> consistent with the *ICCPR*.<sup>90</sup> However, at least 203 people were prosecuted for participating in referendum campaigns under *Order No. 3* and the *Organic Act on Referendum for the Draft Constitution*,<sup>91</sup> facing up to 10 years' imprisonment and/or a fine of up to 200,000 Baht (US\$6,600)<sup>92</sup> and curtailing their freedoms to associate and assemble. Even after the Constitution came into force, at least 104 individuals continued to be prosecuted.<sup>93</sup>

### 4.3. Notification Requirement

34. Thailand's *Public Assembly Act* requires at least 24 hours' notice of a protest and imposes other limitations.<sup>94</sup> At least 245 people were prosecuted under this Act between 2015 and 2019.<sup>95</sup> 57 more have been charged since mass protests began, mostly for insufficient notification, gathering in prohibited areas, or failing to comply with promoters'/participants' duties.<sup>96</sup>

35. Some have been charged despite the Act's inapplicability in certain areas (e.g. educational institutions) and while emergency laws apply.<sup>97</sup> In addition, the government's guidelines for security officers are inaccessible,<sup>98</sup> preventing scrutiny and access to remedies.<sup>99</sup> Finally, the UN Human Rights Committee's *General Comment 37* stresses that spontaneous protests that do not meet notification requirements are still protected under *ICCPR* Article 21.<sup>100</sup>

### 4.4. Covid-19 Emergency Decrees

36. On 25 March 2020, in response to Covid-19, the Prime Minister invoked the *Emergency Decree* and declared a nationwide emergency<sup>101</sup> which continues until at least the end of March 2021.<sup>102</sup> This has enabled numerous public health regulations to be issued.<sup>103</sup> However, some appear to reach beyond public health and restrict freedom of assembly and association, notably Regulations No. 1 (Clause 5), 13 (Clauses 1 and 5), 15 (Clause 3), and 16 (Clause 5).<sup>104</sup>

37. *General Comment 37* emphasises that limitations to assemblies should be modest. Public order should not “justify overbroad restrictions” especially since “assemblies are in some cases inherently disruptive”, while public health limits should apply only where “the assembly presents a substantial health risk”.<sup>105</sup> It is unclear how this could be so if, e.g., social distancing was imposed, as in many States where peaceful assemblies have occurred during Covid-19.
38. Despite the *Public Assembly Act’s* inapplicability in emergencies, at least 358 persons – mostly protesters including 10 minors, two individuals with disabilities and 16 LGBTIQ activists<sup>106</sup> – have been prosecuted under it, the emergency regulations, and other laws. These include the *Penal Code*, the *Maintenance of the Cleanliness and Orderliness of the Country Act*, the *Road Traffic Act*, the *Controlling Public Advertisement by Sound Amplifier Act*, and the *Communicable Disease Act*.<sup>107</sup>
39. Moreover, while Thailand notified the UN on 4 June 2020 of its intention to derogate from the *ICCPR* due to Covid-19, it mentioned only derogating from freedom of movement, not freedom of assembly or association.<sup>108</sup>

#### 4.5. Severe Emergency Decree

40. From 15 to 22 October 2020, the Prime Minister invoked the *Emergency Decree* to declare a Severe Emergency Situation in Bangkok due to mass protests,<sup>109</sup> although it did not notify the UN of this. The government claimed that expressions by protesters during a 15 October 2020 rally threatened national security.<sup>110</sup>
41. The ensuing Severe Emergency Decree appeared aimed at restricting the rights to peaceful assembly; to information; not to be arbitrarily arrested or detained, tortured or subjected to CIDT; and to access lawyers and families.<sup>111</sup> As of 23 October 2020, at least 78 persons were prosecuted under the decree and 21 charged for convening illegal protests.<sup>112</sup> Arrestees were detained in makeshift prisons.<sup>113</sup>
42. In addition, police dispersed a protest at Pathumwan Intersection on 16 October 2020<sup>114</sup> with high-pressure water cannon and chemicals, with at least six persons injured and 100 persons arrested.<sup>115</sup> Leaders and protesters were detained,<sup>116</sup> including in solitary confinement.<sup>117</sup>
43. Although the Prime Minister repealed the Severe Emergency Decree on 22 October 2020,<sup>118</sup> all prosecutions remain ongoing, including of three students aged under 18.<sup>119</sup>

#### 4.6. Protest Dispersals

44. Although the *Public Assembly Act* regulates how authorities can disperse illegal protests,<sup>120</sup> several have been dispersed with limited explanation.<sup>121</sup> When reasons are cited, authorities have noted, e.g., notification failures,<sup>122</sup> assembling at prohibited sites,<sup>123</sup> and the assemblies’ allegedly non-peaceful nature.<sup>124</sup>
45. At least six assemblies have been dispersed without court orders or with use of force<sup>125</sup> including water cannon, tear gas, and unidentified chemicals, possibly violating the *Guidance on Less-*

*Lethal Weapons in Law Enforcement*.<sup>126</sup> Bystanders have been injured<sup>127</sup> and authorities have used barriers e.g. buses.<sup>128</sup>

#### 4.7. Ongoing Arrests (“We Volunteer” Group)

46. Furthermore, on 6 March 2021, police arrested 48 members of “We Volunteer”, including their leader Mr Piyarat Chongthep. We Volunteer facilitates protesters’ right to peacefully assemble. Their arrest marks the highest number of arrests in a single day since protests began.<sup>129</sup> They were arrested without warrants or notification of charges, and while this occurred on a protest day, the group was simply eating dinner or about to go home when arrested.<sup>130</sup>
47. Among the 48 individuals arrested, 18 – including 2 minors – have been charged under the *Emergency Decree*, the *Communicable Disease Act*, and *Penal Code* Sections 209 (membership of a secret society to commit unlawful conduct) and 210 (conspiracy to commit an offence through criminal association).<sup>131</sup> It remains unclear how the group is unlawful or criminal. While 17 of the 48 have been released, the court denied bail requests for key leaders,<sup>132</sup> citing e.g. for Mr. Piyarat that he faces other charges and is likely to reoffend if released.<sup>133</sup>

#### 4.8. Official Immunity

48. Article 17 of the *Emergency Decree* grants immunity to those in power acting in good faith,<sup>134</sup> exempting all ensuing regulations, announcements, and notifications from judicial review. Those adversely affected cannot access remedies except through civil torts. This violates Thailand’s *ICCPR* obligation (discussed in *General Comment 34*) to provide access to effective remedies.<sup>135</sup>

#### 4.9. Recommendations

- 4.1: *To fulfil its commitment made during the previous UPR review to ensure respect for freedom of assembly for all in line with Thailand’s Constitution and obligations under international human rights law, including under recent General Comment 37.*
- 4.2: *To review current regulations enacted under emergency decrees and ensure future regulations enacted under such decrees do not restrict people’s right to freedom of peaceful assembly and association, and to ensure Thai officials can be subject to judicial review.*
- 4.3: *To expediently initiate independent investigations into crackdowns against protesters, in particular those involving use of force.*
- 4.4: *To fulfil its commitment made during the previous UPR review to take measures to ensure the rights of peaceful assembly, freedom of expression and freedom of assembly, especially in the context of peaceful protests.*

## Part 5. Enforced Disappearances and Torture

49. In both UPRs, Thailand pledged to ratify the *International Convention for the Protection of All Persons from Enforced Disappearance* (**Enforced Disappearance Convention**),<sup>136</sup> and at the last UPR, to criminalise enforced disappearance.<sup>137</sup> It also appears willing to ratify the *Optional Protocol to the Convention against Torture*<sup>138</sup> (**CAT**) and enhance protections against torture including by investigating torture allegations;<sup>139</sup> establishing a national preventive mechanism;<sup>140</sup> and criminalising torture.<sup>141</sup>

### 5.1. Withdrawn WGEID Complaints

50. Thailand has not responded directly to the UN Working Group on Enforced or Involuntary Disappearances on its 75 outstanding cases there but has recently noted that 12 cases were withdrawn.<sup>142</sup> However, this reportedly follows Thai officials visiting those victims' families alleging that the UN could not help, asking if they wanted to withdraw, and advising that they could seek compensation. Officials provided no information about the victims' fate and families reported feeling intimidated into withdrawing, with one subsequent compensation claim being denied.<sup>143</sup>

### 5.2. Limited Legislative Progress

51. Thailand signed the *Enforced Disappearance Convention* in January 2012 and became a full party to the *CAT* in October 2007. However, it has yet to criminalise torture and enforced disappearances – thus failing to operationalise the *CAT* or take steps to become a full party to the *Enforced Disappearance Convention*.<sup>144</sup> While Thailand has established a committee on torture and disappearance cases,<sup>145</sup> it has only, at best, partially implemented the relevant UPR recommendations.

52. Progress has been hampered by a glacially paced legislative process. Proposed since 2014,<sup>146</sup> a revised draft bill was approved in June 2020<sup>147</sup> and discussed at forums in December.<sup>148</sup> The House of Representatives will likely consider it at its May 2021 session,<sup>149</sup> with no deadline.<sup>150</sup> It then goes to the Senate,<sup>151</sup> potentially the Constitutional Court,<sup>152</sup> and via the Prime Minister to the King.<sup>153</sup> In short, it could be years before the law is enacted.

53. Furthermore, the current bill's definition of torture is inconsistent with international law;<sup>154</sup> cruel, inhumane, and degrading treatment or punishment (**CIDT/P**) is not criminalised;<sup>155</sup> and statutes of limitation apply.<sup>156</sup> Thus, if passed, the bill would violate Thailand's UPR commitment to criminalise the crimes in accordance with international law.

### 5.3. Disappearance of Nine Dissidents

54. Nine Thai dissidents disappeared from Laos, Vietnam, and Cambodia during the third UPR cycle. The first disappeared in June 2016 just a month after Thailand's second UPR review, and they have disappeared annually, including in 2020.<sup>157</sup> It remains unknown who is responsible. However, all were critical of the military/monarchy; six had or may face charges for *lèse-*

*majesté/sedition* or SLAPP suits;<sup>158</sup> several were politically active; and eight were online journalists.<sup>159</sup> Among the nine, two are dead;<sup>160</sup> two may be dead;<sup>161</sup> four may have been returned to Thai authorities;<sup>162</sup> and none have been heard from again.

55. Under the *ICCPR*, *Enforced Disappearance Convention*, and other international law, Thailand is likely responsible<sup>163</sup> despite them disappearing outside Thailand.<sup>164</sup> If any were disappeared by or returned to Thai authorities, Thailand must punish those who disappeared them.<sup>165</sup> Even if not involved, Thailand must investigate and seek accountability;<sup>166</sup> failing to do so may amount to acquiescence.<sup>167</sup> If Thailand knows their fate, it must inform their relatives.<sup>168</sup> Thailand is moreover obligated simply by signing the *Enforced Disappearance Convention*.<sup>169</sup> Finally, Thailand's failures to thoroughly investigate these disappearances and its decisions during the cycle to suspend investigating earlier disappearances violate its UPR commitments.<sup>170</sup>

#### 5.4. Disappearance of Military Officer

56. In 2018, a Thai Red Beret officer suspected of running an anti-monarchy/military Facebook page fled Thailand.<sup>171</sup> He arrived in the Philippines in April 2018,<sup>172</sup> where he disappeared before a meeting with UNHCR. He then reportedly appeared in Malaysia where Thai authorities returned him to Thailand. His fate remains unknown.<sup>173</sup> However, Thailand remains responsible to investigate and provide information in this regard.

#### 5.5. Disappearance of Foreign Activists

57. Foreign HRDs have likewise disappeared in Thailand:<sup>174</sup>
- a. On 26 January 2019, plainclothes Thai police reportedly apprehended Vietnamese journalist Truong Duy Nhat in Bangkok, handing him over to Vietnamese officials.<sup>175</sup> Vietnamese authorities eventually confirmed he had been in their custody since 28 January 2019.<sup>176</sup>
  - b. On 26 August 2019, Laotian activist and refugee Od Sayavong<sup>177</sup> left his house in Bangkok and disappeared. Police showed his housemates limited CCTV footage but denied that it featured Mr Od and refused to show additional footage.<sup>178</sup> His fate remains unknown.

#### 5.6. ASEAN Cooperation

58. The pattern of cases of disappearance of dissidents and activists in Thailand and its neighbouring countries suggests possible coordination/acquiescence in these abductions.<sup>179</sup>
59. Three of the nine disappeared Thai dissidents were reportedly extradited in May 2019 from Vietnam to Thailand.<sup>180</sup> That same month, at Thailand's request, Malaysia returned Praphan Pipithnamporn – a UNHCR-recognised refugee – to Thailand to face arrest for anti-monarchy activities.<sup>181</sup> The Malaysian Prime Minister defended this as an action of a “good neighbour”.<sup>182</sup>
60. On 14 December 2018, Thailand and Laos pledged to not allow individuals to use their soil to undermine each other's security and Laos promised to track down members of the “Thai Federation” group,<sup>183</sup> which included three Thai dissidents who disappeared in Laos three days

before the pledge.<sup>184</sup> In January 2017, Thailand requested that Laos extradite six Thai dissidents,<sup>185</sup> with the then-head of Thailand's National Security Council stating: "If Laos wants a criminal who violated the law in Laos and is hiding in Thailand, they may ask Thai officials to make an arrest and send that person back."<sup>186</sup> Moreover, there is said to be a Thai special forces unit operating in Laos with Laos's acquiescence.<sup>187</sup>

61. As for Cambodia, in February 2018, Thailand extradited, at Cambodia's request, a UNHCR-recognised refugee who threw shoes at a portrait of Cambodian leaders.<sup>188</sup> In March 2018, Thailand and Cambodia agreed "to monitor individuals who escape the law by crossing the border in order to prevent them from using Thailand and Cambodia to create chaos and conflict".<sup>189</sup> Later that month, dissolved Cambodian opposition party members reported seeing Cambodian military vehicles near their home in Bangkok.<sup>190</sup> In December 2018, Thailand extradited a Cambodian trade union activist at Cambodia's request.<sup>191</sup>
62. If Thai authorities aided/knew of other States' abductions of their nationals on Thai soil, this could constitute acquiescence in a disappearance violating international law. Apparent cooperation with its neighbours to extradite each other's citizens also violates Thailand's UPR commitments.

## 5.7. Southern Thailand

63. During Thailand's third UPR cycle, the military in Southern Thailand has reportedly maintained methods of torture or CIDT/P against the Muslim population in Southern Thailand. This violates the *CAT* and Thailand's UPR commitments vis-à-vis enhancing domestic torture protections.
64. In 2018, 21 individuals reported to Duayjai Group suffering torture or CIDT.<sup>192</sup> In 2016, Thai authorities charged three lawyers including for defamation<sup>193</sup> for releasing a report stating that Thai authorities assaulted and/or tortured 33 people.<sup>194</sup> Multiple sources report that in the region, the military uses sleep deprivation; standing naked in the cold; assault and torture; waterboarding; electrocution; standing one legged; and prohibition of religious activities.<sup>195</sup>
65. One case involved Abdulloh Esormusor, a suspected military insurgent who was arrested and detained on 20 July 2019.<sup>196</sup> Discovered unconscious following an interrogation,<sup>197</sup> he fell into a coma<sup>198</sup> despite being healthy when arrested.<sup>199</sup> He died on 25 August 2019,<sup>200</sup> reportedly from pneumonia and septic shock following oxygen deprivation to the brain.<sup>201</sup> The circumstances prompted suspicion of torture,<sup>202</sup> despite no traces of torture being found.<sup>203</sup> Police requested video footage but soldiers claimed that all security cameras were broken.<sup>204</sup>
66. A second case involved Masukri Salae, a suspected member of a violent movement in Pattani Province<sup>205</sup> who was detained in a military camp under the *Martial Law* on 14 March 2019<sup>206</sup> and released a week later.<sup>207</sup> While detained, Mr Masukri was reportedly forced to stand still for three days and only allowed to sit when he prayed or ate; kicked in his legs and hit in the head by a baton wrapped in cloth'; and sleep deprived, leading to a fall in a bathroom.<sup>208</sup> Furthermore, he was reportedly forced to fingerprint certain documents while exhausted.<sup>209</sup>

## 5.8. Military Conscripts

67. Each year, around 100,000 Thai men are conscripted.<sup>210</sup> There is an almost annual<sup>211</sup> pattern of physical violence, sexual abuse, excessive punishment, humiliation, etc.<sup>212</sup> amounting at least to CIDT. For instance, in January 2021, five conscripts were beaten for refusing to disclose from whom they obtained marijuana.<sup>213</sup> In November 2020, two conscripts committed suicide under suspicious circumstances.<sup>214</sup> From 2016-2017, four conscripts died, three suspected of being beaten to death while the other died after running in the sun as punishment.<sup>215</sup>

## 5.9. 11<sup>th</sup> Military Circle Prison

68. In 2015, the Ministry of Justice established a temporary prison inside the 11th Military Circle in Bangkok for national security offenders.<sup>216</sup> Its location makes it difficult to monitor,<sup>217</sup> but reports suggest use of torture or CIDT/P. In 2015, two detainees died with only the authorities participating in their autopsies. In February 2016, a detainee was reportedly tortured under interrogation.<sup>218</sup> In April 2017, two Section 112 detainees<sup>219</sup> were reportedly assaulted.<sup>220</sup>

## 5.10. Recommendations

*5.1: To fulfil its commitments during the last UPR review to criminalise enforced disappearance and torture in conformity with international standards including the Convention against Torture, and to ratify the Enforced Disappearance Convention.*

*5.2: To expediently respond directly to the UN Working Group on Enforced and Involuntary Disappearances on pending cases, to hold the responsible accountable, and to prevent any further cases of enforced disappearances.*

*5.3: To prevent henceforth extraterritorial harassment, attack, and/or abduction of Thai dissidents and HRDs abroad in apparent connection with their advocacy work.*

*5.4: To uphold the Convention against Torture by preventing the refoulement of individuals to States where there is a substantial risk of their being subject to torture.*

*5.5: To uphold the principles of ASEAN's Charter, Human Rights Declaration, and Treaty on Mutual Legal Assistance on Criminal Matters by preventing extraterritorial abductions within the region.*

*5.6: To immediately ratify the Optional Protocol to the Convention against Torture.*

*5.7: To end immediately the use of torture and ill-treatment in the military under all circumstances, including for conscripts, detainees and in Southern Thailand.*

5.8: To fulfil its commitment during the last UPR review to undertake prompt, thorough and impartial investigation of all allegations of torture and ill-treatment and bring perpetrators to justice, including in Southern Thailand.

5.9: To immediately end the use of extraordinary laws including emergency decrees and martial law in Southern Thailand.

## Part 6. Institutional Human Rights Protection/Promotion

### 6.1. National Human Rights Commission

69. In its last UPR, Thailand supported 10 recommendations to ensure its National Human Rights Commission's (NHRC) conformity with the *Paris Principles*, guarantee its independence, and ability to regain its "A" status,<sup>221</sup> as well as to generally strengthen human right institutions.<sup>222</sup>
70. However, the *Organic Act on the National Human Rights Commission (NHRC Act)* enacted under the NCPO regime has undermined the NHRC's operations and independence.<sup>223</sup> In addition to tasking the NHRC to investigate "incorrect or unfair" human rights reports about Thailand,<sup>224</sup> the law reduces the NHRC's size and scope. It also removes the NHRC's powers to intervene in court cases,<sup>225</sup> refer cases to administrative courts, and carry out joint investigations with CSOs/NGOs. In short, the mandate and conduct of the NHRC increasingly falls short of the *Paris Principles*, including on transparency and independence, backsliding on Thailand's relevant UPR commitments.

### 6.2. Draft NGO/CSO Laws

71. On 23 February 2021, Thailand's Cabinet approved in principle a draft law on the operation, promotion, and development of NGOs/CSOs. It aims to regulate and legalise NGOs/CSOs operating in Thailand and sanction those which fail to register with the State or undertake duties/mandates which purportedly harm public morals.<sup>226</sup> Without safeguards, this law could potentially further restrict the space for public participation and exercise of other fundamental freedoms, which would violate Thailand's *ICCPR* and UPR commitments.

### 6.3. Recommendations

6.1: To fulfil its commitments during the last UPR review to ensure the National Human Rights Commission conforms with the *Paris Principles*, is independent, and regains its "A" status.

6.2: To ensure that the draft NGO/CSO law conforms with international law, in particular by guaranteeing full public participation and fundamental freedoms.

## Endnotes

### Introduction

- <sup>1</sup> “Thousands in Bangkok Rally Against Thai Government”, *Bloomberg*, 18 July 2020, available at <https://www.bloomberg.com/news/articles/2020-07-18/thousands-in-bangkok-rally-against-thai-government> (last accessed 10 Mar 2021).
- <sup>2</sup> “คณะราษฎร: ประกาศ 3 ข้อเรียกร้องก่อนชุมนุมใหญ่ 14 ต.ลา ประยุทธ์ลาออก-เปิดสภาแก้ รธน.-ปฏิรูปสถาบันกษัตริย์”, *BBC*, 8 Oct 2020, available at <https://www.bbc.com/thai/thailand-54461248> (last accessed 10 Mar 2021).
- <sup>3</sup> United Nations, *SDG Indicators*, 2021, available at <https://unstats.un.org/sdgs/metadata/?Text=&Goal=16&Target=16.10> (last accessed 16 Mar 2021).

### Part 1: Public Participation

- <sup>4</sup> This submission assesses the degree of Thailand’s implementation of supported UPR recommendations throughout. See **Annex A** (Assessment of Thailand’s Implementation of Past UPR Recommendations), which sets out those recommendations and responds to OHCHR’s guidance that implementation be assessed using category values with relevant explanations and based on the available matrix of thematically clustered recommendations.
- <sup>5</sup> *Cycle 2 supported recommendations*: (1) protect Human Rights Defenders: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.119 (Luxembourg), 158.120 (Czech Republic), 158.22 (New Zealand), 158.123 (Romania); (2) investigation: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 159, recommendations 158.119 (Luxembourg), 158.120 (Czech Republic), 158.121 (Botswana), 158.22 (New Zealand), 158.122 (Norway), 158.123 (Romania), (3) safeguard public participation: 158.142 (Colombia).
- <sup>6</sup> *Cycle 2 noted recommendations*: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 159, recommendations 159.51 (United Kingdom), 159.62 (Iceland), 159.58 (Switzerland).
- <sup>7</sup> Human Rights Lawyers Association, *สถานการณ์การฟ้องคดีปิดปากในประเทศไทย: มีกลไกคัดกรองแล้วแต่ทำไมแนวโน้มคดียังสูงขึ้นต่อเนื่อง* [SLAPP Suits Situation in Thailand: Why the Number of Suits is Increasing Despite the Screening Mechanism], no date (advanced unedited version).
- <sup>8</sup> Human Rights Lawyers Association, *สถานการณ์การฟ้องคดีปิดปากในประเทศไทย: มีกลไกคัดกรองแล้วแต่ทำไมแนวโน้มคดียังสูงขึ้นต่อเนื่อง* [SLAPP Suits Situation in Thailand: Why the Number of Suits is Increasing Despite the Screening Mechanism], no date (advanced unedited version).; “เปิดรายงาน ‘ประเทศไทย: ยุติการปราบปราม เคารพสิทธิในการชุมนุม’”, *Thai Lawyers for Human Rights*, 25 Oct 2020, available at <https://tlhr2014.com/archives/22372> (last accessed 10 Mar 2021). See also **Annex D** for details of selected examples of SLAPP suits brought against HRDs.
- <sup>9</sup> See **Annex B** for the content of the relevant provisions under the *Penal Code* and *Computer-Related Crime Act*.
- <sup>10</sup> “Turning point in Thailand: Queen’s brush with protest”, *Reuters*, 22 Oct 2020, available at <https://www.reuters.com/article/thailand-protests-motorcade-insight-idUSKBN2780NX> (last accessed 28 Feb 2021).
- <sup>11</sup> The *Emergency Decree on Public Administration in Emergency Situation B.E. 2548* was introduced in 2005 and prescribes certain permissible restrictions to rights and liberties whenever an “emergency situation” (as defined in Section 4) is declared. This submission discusses a Covid-19 related emergency declared on 25 March 2020 that remains ongoing as at the date of this submission, and a severe emergency declared on 15 October 2020 that was ended on 22 October 2020 and responded to mass protests. See **Annex B** for relevant content from the *Emergency Decree*.

- <sup>12</sup> Human Rights Lawyers Association, *สถานการณ์การฟ้องคดีปิดปากในประเทศไทย: มีกลไกกลั่นกรองแล้วแต่ทำไมแนวโน้มคดียังสูงขึ้นต่อเนื่อง* [SLAPP Suits Situation in Thailand: Why the Number of Suits is Increasing Despite the Screening Mechanism], no date (advanced unedited version).: e.g. sedition charges under the *Penal Code*, Section 116, or even an act of assault against the Queen's liberty, under the *Penal Code*, Section 110, or charges of defamation, contempt, or malice against the King, Section 112 of the *Penal Code*. See **Annex B** for relevant excerpts from the *Emergency Decree*.
- <sup>13</sup> See **Annex B** for the contents of the relevant provisions of the *Penal Code*.
- <sup>14</sup> Human Rights Lawyers Association, *สถานการณ์การฟ้องคดีปิดปากในประเทศไทย: มีกลไกกลั่นกรองแล้วแต่ทำไมแนวโน้มคดียังสูงขึ้นต่อเนื่อง* [SLAPP Suits Situation in Thailand: Why the Number of Suits is Increasing Despite the Screening Mechanism], no date (advanced unedited version).

## Part 2: Freedom of Expression and Access to Information

- <sup>15</sup> “สิทธิประกันตัว: สิทธิที่มักถูกยกเว้นสำหรับผู้ต้องหาดี 112”, *Prachatai*, 21 Feb 2021, available at [https://prachatai.com/journal/2021/02/91804?ref=internal\\_relate](https://prachatai.com/journal/2021/02/91804?ref=internal_relate) (last accessed 28 Feb 2021).
- <sup>16</sup> “ย้อนดูเทรนด์การให้ - ไม่ให้ประกันตัวผู้วิจารณ์พระมหากษัตริย์ฯ ของศาลไทย”, *iLaw*, 26 Feb 2020, available at <https://freedom.ilaw.or.th/node/796> (last accessed 28 Feb 2021).
- <sup>17</sup> *Domestic law: Constitution of the Kingdom of Thailand B.E. 2560*, Section 29; *Criminal Procedure Code*, Sections 107 and 108/1. *International law: International Covenant on Civil and Political Rights*, art. 9.
- <sup>18</sup> *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, Section 12, available at [https://library2.parliament.go.th/giventake/content\\_give/em160748.pdf](https://library2.parliament.go.th/giventake/content_give/em160748.pdf), p.12 of the Government Gazette, dated 16 July 2020.
- <sup>19</sup> “เปิดสถิติผู้ถูกควบคุมตัวไป บก.ตชด. ภาค 1 จากการชุมนุมทางการเมือง”, *Thai Lawyers for Human Rights*, 14 Feb 2021, available at <https://tlhr2014.com/archives/25919> (last accessed 2 Mar 2021); “เปิดข้อหาประชาชน-เยาวชนรวม 23 ราย กรณี #มีอบ28กุมภาพันธ์ ก่อนศาลให้ประกันตัว”, *Thai Lawyers for Human Rights*, 1 Mar 2021, available at <https://tlhr2014.com/archives/26380> (2 Mar 2021).
- <sup>20</sup> Announcement of the Chief Official Responsible for Remediating the Serious Emergency Situation No. 1/2563, 16 Oct 2020, available at <http://www.nsc.go.th/wp-content/uploads/2020/10/Emerg-06.pdf> (last accessed 10 Mar 2021); Announcement of the Chief Official Responsible for Remediating the Serious Emergency Situation No. 6/2563, 17 Oct 2020, available at [http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/244/T\\_0001.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/244/T_0001.PDF) (last accessed 10 Mar 2021).
- <sup>21</sup> “เปิดสถิติผู้ถูกควบคุมตัวไป บก.ตชด. ภาค 1 จากการชุมนุมทางการเมือง”, *Thai Lawyers for Human Rights*, 14 Feb 2021, available at <https://tlhr2014.com/archives/25919> (last accessed 2 Mar 2021).
- <sup>22</sup> “อนุญาตฝากขัง 8 ผู้ต้องหา #มีอบ 13 กุมภาพันธ์ ให้ประกันตัวหลังนายศักดิ์คำณการฝากขัง ซี ตรี.จับกุมไม่ชอบด้วยกฎหมาย.”, *Thai Lawyers for Human Rights*, 15 Feb 2020, available at <https://tlhr2014.com/archives/25997> (last accessed 10 Mar 2021).
- <sup>23</sup> Interview with Human Rights Lawyers Association, 13 Feb 2021.
- <sup>24</sup> “เปิดสถิติผู้ถูกควบคุมตัวไป บก.ตชด. ภาค 1 จากการชุมนุมทางการเมือง”, *Thai Lawyers for Human Rights*, 14 Feb 2021, available at <https://tlhr2014.com/archives/25919> (last accessed 2 Mar 2021).
- <sup>25</sup> “ผู้สวมเสื้อ ‘เราหมดศรัทธาสถาบันกษัตริย์แล้ว’ ถูกจับเข้าจิตเวชแล้ว”, *Prachatai*, 13 July 2020, available at <https://prachatai.com/journal/2020/07/88564> (last accessed 11 Mar 2021). See **Annex B** for the contents of the relevant provisions of the *Mental Health Act*.
- <sup>26</sup> “ศาลจำคุก 87 ปี “อัญชัญ” คดีม.112 เหตุแชร์คลิป “บรรพต” สูงสุดเท่าที่เคยบันทึกไว้”, *Thai Lawyers for Human Rights*, 19 Jan 2021, available at <https://tlhr2014.com/archives/25282> (last accessed 27 Feb 2021).
- <sup>27</sup> The *Penal Code* imposes a sentence of up to 20 years for rape (art. 276) and 15 years for manslaughter (art. 290).
- <sup>28</sup> “ส่องสถานการณ์ ‘ล่าแมมด’ หลังเกิดกลุ่มเฟซบุ๊ก ‘รอยัลลิสต์มาร์เก็ตเพลส’”, *Thai Lawyers for Human Rights*, 2 June 2020, available at <https://tlhr2014.com/archives/18119> (last accessed 10 Mar 2021).

- <sup>29</sup> Telephone conversation with Chupong Theethuan, 10 Mar 2021.
- <sup>30</sup> “ว่างแล้วช่วยโทรกลับ!!! ‘หมอมเหรีญทอง’ทิ้งเบอร์โทร หัวมิตรประเทศอย่างฟิลิปปินส์ บอกที่ชุกห้วนอน ‘ซูพงษ์ ถิ่นถ้วน’ ลากคอกกลับ ดำเนินคดี!!”, *T News*, 22 Oct 2016, available at <https://www.tnews.co.th/headshot/209692/ว่างแล้วช่วยโทรกลับ!!!หมอมเหรีญทองทิ้งเบอร์โทร-หัวมิตรประเทศอย่างฟิลิปปินส์-บอกที่ชุกห้วนอนซูพงษ์-ถิ่นถ้วนลากคอกกลับ-ดำเนินคดี!!> (last accessed 11 Mar 2021).
- <sup>31</sup> “Army deployed thousands for anti-democracy Twitter campaign: Progressive Movement”, *The Nation*, 1 Dec 2020, available at [https://www.nationthailand.com/news/30398901?utm\\_source=homepage&utm\\_medium=internal\\_referral](https://www.nationthailand.com/news/30398901?utm_source=homepage&utm_medium=internal_referral) (last accessed 10 Mar 2021).
- <sup>32</sup> “ไอโอ : คณะก้าวหน้าเปิดโปงข้อมูลเครือข่ายปฏิบัติการข่าวสารกองทัพ ด้านเอกชนแฉลงโต้ชี้ข้อมูลบิดเบือน”, *BBC*, 1 Dec 2020, available at <https://www.bbc.com/thai/thailand-55145803> (last accessed 10 Mar 2021); Progressive Movement, “เปิดวงจรรูบาทไอโอฟูมูฟออนเป็นวงกลม”, *Facebook*, 1 Dec 2020, available at [https://www.facebook.com/watch/live/?v=1106804496418092&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=1106804496418092&ref=watch_permalink) (last accessed 11 Mar 2021).
- <sup>33</sup> “ก้าวไกล ชักฟอกขบวนการ IO ภาค 2 เปิดหลักฐาน มีนายทหารสัญญาบัตรคุมปฏิบัติการ”, *The Standard*, 19 Feb 2021, available at <https://thestandard.co/move-forward-party-debate-on-io-operation/> (last accessed 11 Mar 2021).
- <sup>34</sup> “Disclosing networks to our state-linked information operations archive”, *Twitter*, 8 Oct 2020, available at [https://blog.twitter.com/en\\_us/topics/company/2020/disclosing-removed-networks-to-our-archive-of-state-linked-information.html](https://blog.twitter.com/en_us/topics/company/2020/disclosing-removed-networks-to-our-archive-of-state-linked-information.html) (last accessed 10 Mar 2021).
- <sup>35</sup> “Facebook removes Thai military-linked information influencing accounts”, *Reuters*, 3 Mar 2021, available at <https://www.reuters.com/article/us-facebook-thailand-idUSKBN2AV252> (last accessed 10 Mar 2021).
- <sup>36</sup> This discussion in this part is based on the observations in the following report: The Observatory for the Protection of Human Rights Defenders, FIDH & OMCT, *Standing Tall: Women Human Rights Defenders at the Forefront of Thailand’s Pro-Democracy Protests*, 2021, pp 37-41, available at [https://www.fidh.org/IMG/pdf/rapport-tailhande2021\\_1\\_-3.pdf](https://www.fidh.org/IMG/pdf/rapport-tailhande2021_1_-3.pdf) (last accessed 17 Mar 2021).
- <sup>37</sup> See e.g. Sunai Phasuk, “Thailand’s ‘Bad Students’ are Rising Up for Democracy and Change”, *Human Rights Watch*, 17 Sep 2020, available at <https://www.hrw.org/news/2020/09/17/thailands-bad-students-are-rising-democracy-and-change#> (last accessed 17 Mar 2021); Joyce Lau, “Thai Protests Raise Academic Freedom Issues”, *Inside Higher Ed*, 28 Aug 2020, available at <https://www.insidehighered.com/news/2020/08/28/protest-movement-thailand-raises-academic-freedom-concerns> (last accessed 17 Mar 2021).
- <sup>38</sup> Cycle 2 supported recommendations (enhancing freedom of the press, expression, and opinion): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.131 (Guatemala), 158.132 (Japan), 158.133 (Lebanon), 158.134 (Republic of Korea), 158.135 (Albania), 158.136 (Chile), 158.137 (France), 158.141 (Costa Rica), and 158.142 (Colombia). In contrast, Thailand failed to support a similar such recommendation in cycle 1: see Cycle 1 noted recommendation: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendation 89.54 (New Zealand).
- <sup>39</sup> Cycle 2 supported recommendations: UN Human Rights Council report no. A/HRC/33/16, Cycle 2, para. 158, recommendations 158.130 (Czech Republic), 158.138 (Austria).
- <sup>40</sup> Cycle 2 noted recommendations: (1) review or repeal of specific laws: UN Human Rights Council report no. A/HRC/33/16, Cycle 2, para. 159, recommendations 159.50 (Finland), 159.61 (Italy), 159.63 (Brazil); (2) review or repeal of laws on lèse-majesté, defamation etc.: UN Human Rights Council report no. A/HRC/33/16, Cycle 2, para. 158, recommendations 159.52 (United Kingdom of Great Britain and Northern Ireland), 159.53 (Canada), 159.54 (Norway), 159.55 (Spain), 159.56 (Sweden), 159.57 (Latvia), 159.59 (Germany); (3) ending restrictions or infringements on freedom of the press, expression, and opinion: UN Human Rights Council report no. A/HRC/33/16, Cycle 2, para. 158, recommendations 159.58 (Switzerland), 159.60 (Botswana), 159.62 (Iceland). Cycle 1 noted recommendations (review or repeal of specific laws): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendations 89.54 (New Zealand), 89.57, (Norway), 89.58 (Slovenia), 89.59 (Sweden), 89.60 (Spain), 89.61 (Indonesia), 89.62 (Switzerland), 89.63 (Canada), 89.64 (Switzerland).
- <sup>41</sup> Cycle 1 noted recommendations (visit by the special rapporteur on freedom of opinion and expression): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendations 89.23 (Norway), 89.24 (Switzerland), 89.25 (Hungary). Cycle 2 noted recommendations (visit by the special rapporteur on freedom of opinion and expression): UN Human Rights Council, *Report of the Working Group*

on the Universal Periodic Review: Thailand (Cycle 2), UN doc. no. A/HRC/33/16, para. 159, recommendation 159.19 (Norway).

- <sup>42</sup> UPR Info, *Database on UPR Recommendations and States' Voluntary Pledges*, no date, available at [\(https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:lf,filters:\(state\\_under\\_review:\(values:!\(%271cstjpesois%27\)\)\),from:0,incldeUnpublished:lf,limit:30,order:desc,sort:creationDate,types:!\(%275d8ce05361cde0408222eb02%27\),unpublished:lf\)](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:lf,filters:(state_under_review:(values:!(%271cstjpesois%27))),from:0,incldeUnpublished:lf,limit:30,order:desc,sort:creationDate,types:!(%275d8ce05361cde0408222eb02%27),unpublished:lf)) (last accessed 16 Mar 2021).
- <sup>43</sup> *Cycle 1 noted recommendations* (amending the *Computer-Related Crime Act*): UN doc. no. A/HRC/19/8, para. 89, recommendations 89.51 (United Kingdom), 89.52 and 89.53 (France), 89.60 (Spain). *Cycle 2 noted recommendations* (amending the *Computer-Related Crime Act*): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 159, recommendations 159.53 (Canada), 159.54 (Norway), 159.55 (Spain) and 159.56 (Sweden).
- <sup>44</sup> See *Computer-Related Crime Act (No. 2) B.E. 2560*, Section 8; Thai Netizen Network, no date, *Thailand's Computer-related Crime Act 2017*, available at <https://thainetizen.org/docs/cybercrime-act-2017/> (last accessed 7 Jan 2021). See also **Annex B** for the contents of the relevant provisions of the *Computer-Related Crime Act*.
- <sup>45</sup> *International Covenant on Civil and Political Rights*, art. 19(3); UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, paras 22-37.
- <sup>46</sup> Barry Kenyon, 'Prosecutions for Covid-19 Fake News are on the Rise', *Pattaya Mail*, 3 Oct 2020, available at <https://www.pattayamail.com/news/prosecutions-for-covid-19-fake-news-in-thailand-are-on-the-rise-328607> (last accessed 11 Jan 2021); '10 arrested over spreading fake news online', *The Thaiger*, 21 June 2020, available at <https://thethaiger.com/hot-news/crime/10-arrested-over-spreading-fake-news-online> (last accessed 11 Jan 2021).
- <sup>47</sup> "Five years under NCPO, isn't that enough? Recommendations to eliminate the effects of the coup", *Thai Lawyers for Human Rights*, 18 July 2019, available at <https://tlhr2014.com/en/archives/13035> (last accessed 14 Mar 2021).
- <sup>48</sup> Facebook is considering challenging the shutdown order: Rishi Iyengar, "Facebook prepares legal action against Thai government's order to block group", *CNN Business*, 25 Aug 2020, available at <https://edition.cnn.com/2020/08/24/tech/facebook-blocks-thailand-group/index.html> (last accessed 11 Jan 2021).
- <sup>49</sup> Patpicha Tanakasempipat, "Facebook blocks group critical of Thai monarchy amid government pressure", *Reuters*, 24 Aug 2020, available at <https://www.reuters.com/article/us-thailand-facebook-idUSKBN25K25C> (last accessed 11 Jan 2021); "รอยัลลิสต์มาร์เก็ตเพลส: เฟซบุ๊กเตรียมดำเนินทางการกฎหมายกับรัฐบาลไทย หลังบังคับบล็อกการเข้าถึงกลุ่มปิดที่พูดคุยเกี่ยวกับราชวงศ์", *BBC*, 25 Aug 2020, available at <https://www.bbc.com/thai/thailand-53900663> (last accessed 14 Jan 2021); Email with *Royalist Marketplace*, 13 Dec 2020.
- <sup>50</sup> *Royalist Marketplace: Talad Luang*, Facebook, available at <https://www.facebook.com/groups/634791290746287/> (last accessed 11 Jan 2021).
- <sup>51</sup> *Faurisson v. France*, UN Human Rights Committee, Communication No. 550/1993, U.N. doc. no. CCPR/C/58/D/550/1993 (1996), as cited in UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, para. 9.
- <sup>52</sup> UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Russian Federation*, 2003, UN doc. no. CCPR/CO/79/RUS, para. 21, as cited in UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, para. 31.
- <sup>53</sup> "Regulation Issued to Promptly Resolve the Emergency Situation", *Thai Government Public Relations Department*, 17 Oct 2020, available at [https://thailand.prd.go.th/ewt\\_news.php?nid=10240&filename=index](https://thailand.prd.go.th/ewt_news.php?nid=10240&filename=index) (last accessed 11 Jan 2021).
- <sup>54</sup> "สกัดรอยัลลิสต์หนังสือ กลุ่มนักศึกษาปลดแอก 50,000 เล่ม มวลชนเผาหุ่นฟางนายกฯ", *Thairath Online*, 19 Sep 2020, available at <https://www.thairath.co.th/news/politic/1933047> (last accessed 14 Jan 2021); "Thai Police Seize 45,000 Books about Reform of the Monarchy", *Thai PBS World*, 19 Sep 2020, available at <https://www.thaipbsworld.com/thai-police-seize-45000-books-about-reform-of-the-monarchy/> (last accessed 11 Jan 2021).
- <sup>55</sup> "ดร.-ผ่ายความมั่นคง เข้าสังเกตการณ์หมู่บ้านฟ้าเดียวกัน อดหนุนหนังสือชุดกษัตริย์ศึกษา", *Prachatai*, 4 Oct 2020, available at <https://prachatai.com/journal/2020/10/89810> (last accessed 14 Jan 2021).
- <sup>56</sup> "ตำรวจบุก "ฟ้าเดียวกัน" ตรวจยึดหนังสือวิจารณ์สถาบันกษัตริย์", *MGR Online*, 19 Oct 2020, available at <https://mgronline.com/onlinesection/detail/9630000106492> (last accessed 14 Jan 2021).

- <sup>57</sup> “ตำรวจเข้ายึดหนังสือชดเชยสิทธิศึกษาของฟ้าเดียวกัน พร้อมเรียก บก.บห. ไปให้ปากคำ”, *Prachatai*, 19 Oct 2020, available at <https://prachatai.com/journal/2020/10/90035> (last accessed 14 Jan 2021).
- <sup>58</sup> “ดร. บุกล้อม สนพ.ฟ้าเดียวกัน แต่ไปวันหยุดไม่เจอใคร สุดท้ายยื่นเรื่องแกะถ้ำรูปกลับ”, *Prachatai*, 17 Oct 2020, available at <https://prachatai.com/journal/2020/10/90004> (last accessed 14 Jan 2021).
- <sup>59</sup> “สั่งแบนแอปฯ Telegram สกัด ‘มือปลดแอก’ พบสมาชิกฟุ้ง 1.6 แสนราย”, *MGR Online*, 19 Oct 2020, available at <https://mgronline.com/onlinesection/detail/9630000106476> (last accessed 14 Jan 2021).
- <sup>60</sup> UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, paras 22-37.
- <sup>61</sup> UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Russian Federation*, 2003, UN doc. no. CCPR/CO/79/RUS, para. 21, as cited in UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, para. 31.
- <sup>62</sup> See **Annex B** for the content of the relevant provisions of the Constitution.
- <sup>63</sup> UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, para. 14.

### Part 3: Case Study: *Lèse-Majesté*

- <sup>64</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendations 159.53 (Canada), 159.62 (Iceland).
- <sup>65</sup> *Cycle 2 supported recommendations* (enhancing freedom of the press, expression, and opinion): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendations 158.131 (Guatemala), 158.132 (Japan), 158.133 (Lebanon), 158.134 (Republic of Korea), 158.135 (Albania), 158.136 (Chile), 158.137 (France), 158.141 (Costa Rica), and 158.142 (Colombia).
- <sup>66</sup> “สนง.อัยการสูงสุด ออกแนวปฏิบัติใหม่ รบคดี 112 ให้ อสส.พิจารณา”, *BBC*, 27 Feb 2018, <https://www.bbc.com/thai/thailand-43209449> (last accessed 10 Jan 2021).
- <sup>67</sup> “รายงานการตั้งข้อหาทางการเมืองหลังรัฐประหาร 2557”, *iLaw*, last updated 23 Sep 2019, <https://freedom.ilaw.or.th/politically-charged> (last accessed 10 Jan 2021).
- <sup>68</sup> “PM Prayuth promises to use ‘all laws’ against Thai protesters”, *Aljazeera*, 19 Nov 2020, available at <https://www.aljazeera.com/news/2020/11/19/pm-prayuth-promises-to-use-all-laws-against-thai-protesters> (last accessed 10 Mar 2021); “ตำรวจย้ำบังคับใช้กฎหมายทุกมาตราแม้กระทั่งม.112”, *Nation TV*, 20 Nov 2020, available at <https://www.nationtv.tv/main/content/378807104> (last accessed 10 Mar 2021).
- <sup>69</sup> “สถิติผู้ถูกดำเนินคดีมาตรา 112 “หมิ่นประมาทกษัตริย์” ปี 2563-64”, *Thai Lawyers for Human Rights*, 16 Dec 2020 (last updated 11 Jan 2021), [https://tlhr2014.com/archives/23983?fbclid=IwAR3hL0INnH7916xBVXOSxD4oxaPCAHebqYnNbiGV2C3Aa9JlWj\\_o6Sipag](https://tlhr2014.com/archives/23983?fbclid=IwAR3hL0INnH7916xBVXOSxD4oxaPCAHebqYnNbiGV2C3Aa9JlWj_o6Sipag) (last accessed 14 Jan 2021). See also “ตารางรวมคดีมาตรา 112 ยุคการชุมนุมนักศึกษา-ราษฎร ตั้งแต่ปี 2563”, *iLaw*, 2 June 2020 (last updated 14 Jan 2021), [https://freedom.ilaw.or.th/node/817?fbclid=IwAR1HqiOyXi4X4oW4ewDSrI7jCsnc3mSq2Op64pKMDgqpkpX9\\_X4LstXQfgE](https://freedom.ilaw.or.th/node/817?fbclid=IwAR1HqiOyXi4X4oW4ewDSrI7jCsnc3mSq2Op64pKMDgqpkpX9_X4LstXQfgE) (last accessed 14 Jan 2021). See also **Annex D** for details of certain Section 112 cases.
- <sup>70</sup> “มาตรา 112: ศาลให้ประกันตัวเยาวชนอายุ 16 ที่ถูกแจ้งข้อหาหมิ่นสถาบันฯ”, *BBC*, 17 Dec 2020, <https://www.bbc.com/thai/thailand-55344388> (last accessed 11 Jan 2021); “จัดตั้ง-ดี พะเยา-เยาวชน 17 ปี รับทราบข้อหา ม.112 ปราศรัยวิจารณ์สถาบันกษัตริย์ที่วงเวียนใหญ่”, *Thai Lawyers for Human Rights*, 11 Jan 2021, <https://tlhr2014.com/archives/24959> (last accessed 11 Jan 2021); “17-Year-Old Student Latest Person Charged with Insulting HM King”, *Khaosod English*, 7 Jan 2021, <https://www.khaosodenglish.com/politics/2021/01/07/17-year-old-student-latest-person-charged-with-insulting-monarchy/> (last accessed 11 Jan 2021); A 16-year-old boy in Thailand is being criminally charged under an infamous law against making fun of the king and could face up to 15 years in prison”, *Insider*, 17 Dec 2020, <https://www.insider.com/thai-teen-charged-making-fun-king-could-face-15-years-2020-12> (last accessed 11 Jan 2021); “มาตรา 112: ศาลให้ประกันตัวเยาวชนอายุ 16 ที่ถูกแจ้งข้อหาหมิ่นสถาบันฯ”, *BBC*, 17 Dec 2020, <https://www.bbc.com/thai/thailand-55344388> (last accessed 11 Jan 2021); “ประมวลสถานการณ์สลายชุมนุม #มือบ20มีนา กลุ่ม REDEM และแนวร่วมเผชิญทั้งแก๊สน้ำตาและกระสุนยาง

ก่อนถูกจับ 32 ราย", *Thai Lawyers for Human Rights*, 21 Mar 2021, available at [https://tlhr2014.com/archives/27222?fbclid=IwAR28MMETDKx8p4v3sZ4p\\_EKDaSpKZirka9YhgMG0nY9Xo4eglsbfgDRWW4Y](https://tlhr2014.com/archives/27222?fbclid=IwAR28MMETDKx8p4v3sZ4p_EKDaSpKZirka9YhgMG0nY9Xo4eglsbfgDRWW4Y) (last accessed 22 Mar 2021). See also **Annex D** for case details on the minors.

- <sup>71</sup> *Marques de Morais v. Angola*, UN Human Rights Committee, Communication No. 1128/2002, U.N. doc. no. CCPR/C/83/D/1128/2002 (2005) No. 1128/2002; see also UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, para. 40.
- <sup>72</sup> UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34, para. 38. See also *Otegi Mondragon v Spain*, European Court of Human Rights, App no. 2034/07, 15 Mar 2011, para. 55.
- <sup>73</sup> UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34, para. 47.
- <sup>74</sup> *International Covenant on Civil and Political Rights*, art. 19(3).
- <sup>75</sup> *Shin v. Republic of Korea*, UN Human Rights Committee, Communication No. 926/2000, UN doc. no. CCPR/C/80/D/926/2000 (2004), para. 7.3.
- <sup>76</sup> See Constitutional Court's Ruling 28-29/2555.
- <sup>77</sup> UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34, para. 32.
- <sup>78</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendations 158.131 (Guatemala), 158.132 (Japan), 158.133 (Lebanon), 158.134 (Republic of Korea), 158.135 (Albania), 158.136 (Chile), 158.137 (France), 158.141 (Costa Rica), and 158.142 (Colombia).

## Part 4: Freedom of Assembly and Association

- <sup>79</sup> Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยตอบรับและคำมั่น โดยสมัครใจภายใต้กลไก Universal Periodic Review (UPR) (รอบที่ 2), 2017, p.37. See also Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยได้ตอบรับและให้คำมั่น โดยสมัครใจภายใต้กลไก UPR รอบที่ 2 (พ.ศ. 2559-2563), no date, available at <http://humanrights.mfa.go.th/upload/pdf/UPR%20POA%20cabinet.pdf> (last accessed 27 Feb 2021), pp. 37-38.
- <sup>80</sup> *Cycle 2 supported recommendations* (guarantee the rights to freedom of expression and assembly and ensure an inclusive debate among all stakeholders with regard to the upcoming referendum and the enactment of a new constitution): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendation 158.138 (Austria).
- <sup>81</sup> *Cycle 2 supported recommendations* (take measures to ensure the rights of peaceful assembly, freedom of expression and freedom of assembly, especially in the context of peaceful protests): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendation 158.141 (Costa Rica).
- <sup>82</sup> *Cycle 2 noted recommendations*: (1) amend ordinary and special laws: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendations 159.53 (Canada); (2) review legislation to comply with international law: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendations 159.50 (Finland), 159.51 (United Kingdom of Great Britain and Northern Ireland).
- <sup>83</sup> *Cycle 2 noted recommendations*: (1) repeal Order 3/2015 by the National Council for Peace and Order and the 2015 Public Assembly Act: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendation 159. 53 (Canada); (2) immediately end all infringements on the rights to freedom of expression, association and peaceful assembly under section 44 of the 2014 interim constitution: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendation 159. 62 (Iceland); (3) propose concrete dates for visits by the Special Rapporteurs on freedom of opinion and expression, and freedom of association and assembly, respectively: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendation 159.19 (Norway).

- <sup>84</sup> UPR Info, *Database on UPR Recommendations and States' Voluntary Pledges*, no date, available at [\(https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:lf,filters:\(state\\_under\\_review:\(values:!\(%271cstjpesois%27\)\)\),from:0,incldeUnpublished:lf,limit:30,order:desc,sort:creationDate.types:!\(%275d8ce05361cde0408222eb02%27\),unpublished:lf\)](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:lf,filters:(state_under_review:(values:!(%271cstjpesois%27))),from:0,incldeUnpublished:lf,limit:30,order:desc,sort:creationDate.types:!(%275d8ce05361cde0408222eb02%27),unpublished:lf)) (last accessed 16 Mar 2021).
- <sup>85</sup> HNCPO Order No.22/2561, “*Allowing for the resumption of political activities*”, art. 1, available at [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-head-order22-2561.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-head-order22-2561.pdf) (last accessed 27 Feb 2021), p.55 of the Government Gazette dated 11 Dec 2019. See **Annex B** for the content of the abolished provisions of HCPO Order No. 3.
- <sup>86</sup> (1) NCPO Announcement No. 37/2557, “*Prosecuting civilians under the military court jurisdiction*”, art. 2, available at [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-announce37-2557.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-announce37-2557.pdf) (last accessed 27 Feb 2021), p.3 of the Government Gazette dated 30 May 2014; (2) NCPO Order Announcement No. 38/2557, “*Litigations related to the military court jurisdiction*”, available at [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-announce38-2557.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-announce38-2557.pdf) (last accessed 27 Feb 2021), p.1 of the Government Gazette dated 30 May 2014.
- <sup>87</sup> (1) HNCPO Order No. 13/2559, “*Prevention and Suppression of Particular Crimes which Harm Public Order and Cause Damage to the Economy and Society*”, art. 4, available at <http://www.ratchakittha.soc.go.th/DATA/PDF/2559/E/074/1.PDF> (last accessed 27 Feb 2021), p.2 of the Government Gazette dated 29 Mar 2017; (2) The NCPO Announcement No. 7/2557, “*Prohibiting of Political Assembling*”, prohibits the “political gathering or assembly of more than five persons” and allows for one year’s imprisonment and/or a fine not exceeding 20,000 baht (US\$625) for those who breach it, available at [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-announce7-2557.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-announce7-2557.pdf) (last accessed 27 Feb 2021), p.1 of the Government Gazette dated 26 Mar 2014.
- <sup>88</sup> HNCPO Order No. 3/2558, “*Actions taken to maintain public order and national security*”, art. 12, available at [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-head-order3-2558.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-head-order3-2558.pdf) (last accessed 27 Feb 2021), p.3 of the Government Gazette dated 1 Apr 2015.
- <sup>89</sup> *Constitution of the Kingdom of Thailand B.E. 2560*, Section 44.
- <sup>90</sup> *International Covenant on Civil and Political Rights*, art. 21.
- <sup>91</sup> “รัฐธรรมนูญใหม่ประกาศใช้ แต่ ‘ผู้ต้องหาประชามติ’ กว่า 104 ราย ยังถูกดำเนินคดี”, *Thai Lawyers for Human Rights*, 7 Apr 2017, available at <https://tlhr2014.com/archives/3924> (last accessed 2 Mar 2021). See **Annex B** for the relevant provisions of the *Organic Act*.
- <sup>92</sup> *Organic Act on Referendum for the Draft Constitution B.E. 2559*, Section 61.
- <sup>93</sup> “รัฐธรรมนูญใหม่ประกาศใช้ แต่ ‘ผู้ต้องหาประชามติ’ กว่า 104 ราย ยังถูกดำเนินคดี”, *Thai Lawyers for Human Rights*, 7 Apr 2017, available at <https://tlhr2014.com/archives/3924> (last accessed 2 Mar 2021).
- <sup>94</sup> See **Annex B** for the content of relevant restrictions under the *Public Assembly Act*.
- <sup>95</sup> “Five years under NCPO, isn’t that enough? Recommendations to eliminate the effects of the coup”, *Thai Lawyers for Human Rights*, 18 July 2019, available at <https://tlhr2014.com/en/archives/13035> (last accessed 27 Feb 2021).
- <sup>96</sup> “นักกฎหมายสิทธิฯ ชี้ ตัวเลขคนถูกดำเนินคดีการเมืองรอบ 1 ปี สูงกว่า 6-7 ปีที่ผ่านมา”, *The Active*, 4 Mar 2021, available at <https://theactive.net/news/20210304-2/> (last accessed 18 Mar 2021); “As if the NCPO Never Left: Six Years After the Coup and the Persistence of Human Rights Violations”, *Thai Lawyers for Human Rights*, 22 May 2020, available at <https://tlhr2014.com/en/archives/17808> (last accessed 27 Feb 2021).
- <sup>97</sup> “2020: The Year of Protests, Ceiling Breaking, and Political Lawsuits”, *Thai Lawyers for Human Rights*, 12 Jan 2021, available at <https://tlhr2014.com/en/archives/24956> (last accessed 27 Feb 2021).
- <sup>98</sup> Interview with Human Rights Lawyers Association, 13 Feb 2021; Interview with Amnesty International Thailand, 24 Feb 2021.
- <sup>99</sup> *International Covenant on Civil and Political Rights*, arts 21 and 2.
- <sup>100</sup> UN Human Rights Committee, *General Comment No. 37: Article 21: Freedom of peaceful assembly*, 2010, UN doc. no. CCPR/C/GC/37, para. 16.
- <sup>101</sup> *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, art. 5, available at <http://web.krisdika.go.th/data/slideshow/File/02-Thai.pdf>, p.1 of the Government Gazette dated 25 Mar 2020.

- <sup>102</sup> “ต่วน! ครม.เคาะ ต่อ พ.ร.ก. จุกเงินหัวราชอาณาจักร ครั้งที่ 10”, *Prachachat*, 23 Feb 2021, available at <https://www.prachachat.net/politics/news-618755> (last accessed 2 Mar 2021).
- <sup>103</sup> “ประกาศ/มาตรการสำคัญของ พรก.จุกเงิน ในส่วนที่เกี่ยวข้องกับประชาชนหลักๆ มีดังนี้”, *Ministry of Labour*, no date, available at <https://www.tosh.or.th/covid-19/index.php/announce> (last accessed 2 Mar 2021).
- <sup>104</sup> (1) *Clause 5 of Regulation No. 1: Emergency Decree on Public Administration in Emergency Situations B.E.2548*, art. 9 together with the Resolution No. 1, available at [https://www.tosh.or.th/covid-19/images/file/2020/T\\_0001.PDF?t=1588827974](https://www.tosh.or.th/covid-19/images/file/2020/T_0001.PDF?t=1588827974), p.10 of the Government Gazette dated 25 Mar 2020 (last accessed 2 Mar 2021); (2) *Clauses 1 and 5 of Regulation No. 13: Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, art. 9 together with the Resolution No. 13 available at [https://www.tosh.or.th/covid-19/images/file/2020/T\\_0013.PDF?t=1596427716](https://www.tosh.or.th/covid-19/images/file/2020/T_0013.PDF?t=1596427716), p.78 of the Government Gazette dated 31 July 2020 (last accessed 2 Mar 2021); (3) *Clause 3 of Regulation No. 15: Emergency Decree on Public Administration in Emergency Situations B.E.2548*, art. 9 together with the Resolution No. 15 available at [https://www.tosh.or.th/covid-19/images/file/2020/T\\_0015.pdf?t=1609747041](https://www.tosh.or.th/covid-19/images/file/2020/T_0015.pdf?t=1609747041), p.68 of the Government Gazette dated 25 December 2020; Prime Minister Order No. 5/2563, *Order to Set Up the Special Task Force to enforce the Emergency Decree on Public Administration in Emergency Situation B.E. 2548*, art. 7, paras 3 and 5, 25 Mar 2020, available at [http://123.242.172.6/covid19\\_surat/document/order/05.pdf](http://123.242.172.6/covid19_surat/document/order/05.pdf) (last accessed 2 Mar 2021); and (4) *Clause 5 of Regulation No. 16: Emergency Decree on Public Administration in Emergency Situations B.E.2548*, Article 9 together with the Resolution No. 16, available at [https://www.tosh.or.th/covid-19/images/file/2020/T\\_0016.PDF?t=1609747041](https://www.tosh.or.th/covid-19/images/file/2020/T_0016.PDF?t=1609747041), p.2 of the Government Gazette dated 3 Jan 2021 (last accessed 2 Mar 2021). These provisions are set out in full in **Annex B**.
- <sup>105</sup> UN Human Rights Committee, *General Comment No. 37: Article 21: Freedom of peaceful assembly*, 2010, UN doc. no. CCPR/C/GC/37, para. 16.
- <sup>106</sup> “สถิติเยาวชนถูกดำเนินคดีจากการแสดงออกและการชุมนุม ปี 2563-64”, *Thai Lawyers for Human Rights*, 11 Jan 2021, <https://tlhr2014.com/archives/24941> (last updated on 22 Feb 2021) (last accessed 2 Mar 2021).
- <sup>107</sup> “เรียกร้องให้ยุติการดำเนินคดีกับผู้ที่ใช้เสรีภาพในการแสดงออก และประกันสิทธิในกระบวนการยุติธรรม”, *Thai Lawyers for Human Rights*, 15 Feb 2021, <https://tlhr2014.com/archives/25940> (last accessed 2 Mar 2021).
- <sup>108</sup> Thailand: Notification under Article 4(3), C.N.194.2020. TREATIES-IV.4 (Depositary Notification), available at <https://treaties.un.org/doc/Publication/CN/2020/CN.194.2020-Eng.pdf> (last accessed 2 Mar 2021).
- <sup>109</sup> *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, Sections 9 and 11, available at [http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/241/T\\_0001.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/241/T_0001.PDF) (last accessed 2 Mar 2021), p.1 of the Government Gazette, dated 15 Oct 2020. See **Annex B** for the content of the Severe Emergency Decree.
- <sup>110</sup> *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, Sections 9 and 11, available at [http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/241/T\\_0001.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/241/T_0001.PDF) (last accessed 2 Mar 2021), para. 3 of p. 1 of the Government Gazette, dated 15 Oct 2020. See **Annex B** for the content of the Severe Emergency Decree.
- <sup>111</sup> Interview with Human Rights Lawyers Association, 13 Feb 2021.
- <sup>112</sup> “ยกเลิกพ.ร.ก.จุกเงิน แต่ยังมีเอาผิดย้อนหลังได้ 'บิ๊กร.' แจงข้อกฎหมาย เผย จับแล้ว 78 คนตัวอยู่ 8 คน”, *PPTV Online*, 23 Oct 2020, available at <https://www.pptvhd36.com/news/%E0%B8%9B%E0%B8%A3%E0%B8%B0%E0%B9%80%E0%B8%94%E0%B9%87%E0%B8%99%E0%B8%A3%E0%B9%89%E0%B8%AD%E0%B8%99/135434> (last accessed 28 Feb 2021).
- <sup>113</sup> *Announcement of the Chief Official Responsible for Remedying the Serious Emergency Situation No. 1/2563*, 16 Oct 2020, available at <http://www.nsc.go.th/wp-content/uploads/2020/10/Emerg-06.pdf> (last accessed 2 Mar 2021); *Announcement of the Chief Official Responsible for Remedying the Serious Emergency Situation No. 6/2563*, 17 Oct 2020, available at [http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/244/T\\_0001.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/244/T_0001.PDF) (last accessed 2 Mar 2021).
- <sup>114</sup> One-day(or night) event from 3pm – 10.50pm. “เกิดอะไรขึ้นบ้าง ในวันที่ 16 ตุลา 63 บันทึก "สลายการชุมนุม" มีอบคณราชฎร – มีอบคนรุ่นใหม่”, *PPTV HD*, 17 Oct 2020 (updated on 18 Nov 2020), available at <https://www.pptvhd36.com/news/ประเด็นร้อน/135039> (last accessed 14 Mar 2021).
- <sup>115</sup> “เกาะติดเหตุการณ์สลายการชุมนุม 'คณะราษฎร' ที่แยกปทุมวัน”, *BBC*, 16 Oct 2020, available at <https://www.bbc.com/thai/live/thailand-54508182> (last accessed 28 Feb 2021); “ใช้กำลังสลายการชุมนุมต่อเนื่อง 5 ชั่วโมง จับกุมนักข่าว-ประชาชนกว่าร้อยคน”, *Prachatai*, 16 Oct 2020, available at <https://prachatai.com/journal/2020/10/89987> (last accessed 28 Feb 2021).

- <sup>116</sup> “Police clear protest as emergency decree bans gatherings”, *Bangkok Post*, 15 Oct 2020, available at <https://www.bangkokpost.com/thailand/politics/2002531/government-announces-state-of-emergency-in-bangkok-to-quell-protests> (last accessed 28 Feb 2021).
- <sup>117</sup> “อยู่ในนี้มันลมหอนศกัยภาพ” เสียงต้น สุรนาก ผ่านห้องขังเดี่ยว”, *Thai Lawyers for Human Rights*, 28 Oct 2020, available at <https://tlhr2014.com/archives/22483> (last accessed 28 Feb 2021).
- <sup>118</sup> *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, Section 5 and Section 11, para. 3, available at [http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/248/T\\_0001.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/248/T_0001.PDF) (last accessed 2 Mar 2021).
- <sup>119</sup> “นักเรียนเลว: อัยการสั่งฟ้อง 3 เยาวชน คดีฝ่าฝืน พ.ร.ก.ฉุกเฉิน จัดชุมนุมแยกราชประสงค์”, *BBC*, 28 Jan 2021, available at <https://www.bbc.com/thai/thailand-55837469> (last accessed 28 Feb 2021).
- <sup>120</sup> *Public Assembly Act B.E. 2558*, Section 21.
- <sup>121</sup> “ดร.แจจ กมธ.สลายการชุมนุมตามหลักสากล-ฉีดน้ำตามวิถีโค้ง”, *Voice Online*, 12 Nov 2020, available at <https://voicetv.co.th/read/X2znuTUI-> (last accessed 28 Feb 2021); “ดร.ยอมรับใช้แก๊สน้ำตาสลายการชุมนุม #มือบ 16 ตุลา ยืนท่าตามหลักสากล”, *Bangkok Insight*, 9 Nov 2020, available at <https://www.thebangkokinsight.com/473869/> (last accessed 28 Feb 2021).
- <sup>122</sup> “อ.นิติ มธ. ย้ำตำรวจทำผิดขั้นตอนพรบ.ชุมนุมฯ จะสลายชุมนุมเลยไม่ได้ ต้องขอศาลก่อน”, *Matichon Online*, 2 Feb 2021, available at [https://www.matichon.co.th/politics/news\\_2559458](https://www.matichon.co.th/politics/news_2559458) (last accessed 2 Mar 2021).
- <sup>123</sup> “ตำรวจ แจง กมธ. สิทธิฯ วุฒิสภา ยอมรับใช้แก๊สน้ำตาผสมน้ำสลายการชุมนุมแยกปทุมวัน ยืนยันท่าตามหลักสากล”, *The Standard*, 9 Nov 2020, available at <https://thestandard.co/police-explained-senate-accepted-tear-gas/> (last accessed 28 Feb 2021); “ตำรวจสลายชุมนุมมือบเรียกร้อยแก๊สรูธรรมณูญที่หน้าสภา”, *Prachatai*, 17 Nov 2020, available at <https://prachatai.com/journal/2020/11/90463> (last accessed 28 Feb 2021).
- <sup>124</sup> “ประมวลชุมนุม #มือบ13กุมภาพันธ์ กลุ่มราษฎร 'นับ 1 ถึงล้าน คืนอำนาจให้ประชาชน", *Prachatai*, 13 Feb 2021, available at <https://prachatai.com/journal/2021/02/91670> (last accessed 28 Feb 2021).
- <sup>125</sup> See **Annex D**. See also “ประมวลสถานการณ์สลายชุมนุม #มือบ20มีนาคม กลุ่ม REDEM และแนวร่วมเผชิญทั้งแก๊สน้ำตาและกระสุนยาง ก่อนถูกจับ 32 ราย”, *Thai Lawyers for Human Rights*, 21 Mar 2021, available at [https://tlhr2014.com/archives/27222?fbclid=IwAR28MMETDKx8p4v3sZ4p\\_EKDaSpKZirka9YhgMGOnY9Xo4eglsbfqDRWW4Y](https://tlhr2014.com/archives/27222?fbclid=IwAR28MMETDKx8p4v3sZ4p_EKDaSpKZirka9YhgMGOnY9Xo4eglsbfqDRWW4Y) (last accessed 22 Mar 2021).
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- <sup>127</sup> Interview with Rights Lawyers Coalitions, 13 Feb 2021.
- <sup>128</sup> “#มือบ10ธันวาคม ชาวจะนะปักหลักชุมนุมใกล้ท่าเนียบฯ ด้านนิคมอุตสาหกรรม”, *Prachatai*, 10 Dec 2020, available at <https://prachatai.com/journal/2020/12/90763> (last accessed 2 Mar 2021).
- <sup>129</sup> “จับ Wevo-ปชช.กว่า 48 คน โดย 18 คนถูกแจ้งข้อหาอั้งยี่-ชองโจร-พ.ร.ก.ฉุกเฉินฯ อ้างเตรียมสร้างเหตุวุ่นวาย”, *Thai Lawyers for Human Rights*, 7 Mar 2021, available at <https://tlhr2014.com/archives/26648> (last accessed 11 Mar 2021).
- <sup>130</sup> “จับ Wevo-ปชช.กว่า 48 คน โดย 18 คนถูกแจ้งข้อหาอั้งยี่-ชองโจร-พ.ร.ก.ฉุกเฉินฯ อ้างเตรียมสร้างเหตุวุ่นวาย”, *Thai Lawyers for Human Rights*, 7 Mar 2021, available at <https://tlhr2014.com/archives/26648> (last accessed 11 Mar 2021).
- <sup>131</sup> “จับ Wevo-ปชช.กว่า 48 คน โดย 18 คนถูกแจ้งข้อหาอั้งยี่-ชองโจร-พ.ร.ก.ฉุกเฉินฯ อ้างเตรียมสร้างเหตุวุ่นวาย”, *Thai Lawyers for Human Rights*, 7 Mar 2021, available at <https://tlhr2014.com/archives/26648> (last accessed 11 Mar 2021).
- <sup>132</sup> iLaw, “ประมวลเหตุการณ์ ‘ซัดขวางรถตำรวจ’ หลังจับกุม ‘การัดWevo’ โดยไม่ระบุเหตุ”, *Facebook*, 7 Mar 2021, available at <https://www.facebook.com/iLawClub/posts/10165145540730551> (last accessed 11 Mar 2021); Communication with Piyarat Chongthep, 15 Mar 2021.
- <sup>133</sup> “ศาลไม่ให้ประกัน ‘โตโต้’ คดีอ้างจะก่อเหตุใน #มือบ6มีนาคม ส่วนอีก 14 ราย ปล่อยด้วยหลักทรัพย์ 45,000 บาท”, *Thai Lawyers for Human Rights*, 8 Mar 2021, available at [https://tlhr2014.com/archives/26680?fbclid=IwAR0uNfluwrSmsONGLDHJH5\\_SP6hRIMHRHQoCfR\\_ejLC6uGNB2SyYRH2avU](https://tlhr2014.com/archives/26680?fbclid=IwAR0uNfluwrSmsONGLDHJH5_SP6hRIMHRHQoCfR_ejLC6uGNB2SyYRH2avU) (last accessed 11 Mar 2021).

- <sup>134</sup> Cycle 1 noted recommendations: (1) repeal section 17 of the Emergency Decree: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendation 89.67 (Switzerland); (2) abolish provisions in the Martial Law Act and section 17 of the Emergency Decree which grant immunity to criminal and civil prosecution to State officials: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendation 89.27 (Canada); (3) repeal decree of exception: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendation 89.42 (France).
- <sup>135</sup> *International Covenant on Civil and Political Rights*, art. 2(3); UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34, paras 24, 32-33, 101.

## Part 5: Enforced Disappearances and Torture

- <sup>136</sup> Cycle 2 supported recommendations: (1) address the issue of enforced disappearance: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendation 158.79 (Republic of Korea); (2) ratify the International Convention for the Protection of All Persons from Enforced Disappearance: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.18 (Belgium), 158.18 (Slovakia), 158.18 (Panama), 158.18 (France), 158.18 (Austria), 158.18 (Argentina), 158.17 (Togo), 158.17 (Kazakhstan), 158.16 (Japan), 158.18 (Sierra Leone), 158.19 (New Zealand), 158.20 (Uruguay). Cycle 1 supported recommendations: (1) address the issue of enforced disappearance: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8/Add.1, para. 4, recommendation 89.11 (France); (2) ratify the International Convention for the Protection of All Persons from Enforced Disappearance: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8/Add.1, para. 4, recommendations 89.1 (Argentina), 89.2 (Uruguay), 89.3 (Spain), recommendation 89.4 (Austria), 89.11 (France), 89.12 (Nicaragua), 89.13 (Japan).
- <sup>137</sup> Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.19 (New Zealand), 158.20 (Uruguay), 158.32 (Congo), 158.33 (Canada), 158.77 (Spain), 158.78 (Chile).
- <sup>138</sup> Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.7 (Kazakhstan), 158.7 (Georgia), 158.8 (Mozambique), 158.9 (Honduras), 158.10 (Norway), 158.10 (Turkey), 158.10 (Uruguay), 158.10 (Portugal), 158.10 (Poland), 158.10 (Montenegro), 158.10 (Guatemala), 158.10 (France), 158.10 (Austria), 158.13 (Morocco), 158.13 (Denmark), 158.13 (Czech Republic). Cf Cycle 1 supported recommendations (study the possibility of or consider ratifying OP-CAT): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8/Add.1, para. 4, recommendations 89.1 (Argentina), 89.5 (Brazil). Cycle 1 noted recommendations (ratify OP-CAT): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 88, recommendations 89.2 (Uruguay), 89.3 (Spain), 89.4 (Austria).
- <sup>139</sup> Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.30 (Slovakia), 158.76 (New Zealand); UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16/Add.1, para. 4, recommendation 159.17 (Canada).
- <sup>140</sup> Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.13 (Morocco), 158.13 (Denmark), 158.13 (Czech Republic).
- <sup>141</sup> Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.11 (Romania), 158.12 (Spain), 158.19 (New Zealand), 158.30 (Slovakia), 158.32 (Congo), 158.33 (Canada), 158.78 (Chile).
- <sup>142</sup> UN Committee against Torture, *Second periodic report submitted by Thailand under article 19 of the Convention pursuant to the optional reporting procedure* (advance unedited version), 4 Jan 2021, para. 31.
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- <sup>215</sup> “เพื่อน พลซุทกัณันท์ ยันไม่มีบาดแผลก่อนถูกขัง ผบ.ทบ.ขอโทษสังคม”, *Prachatai*, 3 Apr 2017, available at <https://prachatai.com/journal/2017/04/70878> (27 Feb 2021); “ศพสุดท้ายอีกกี่ครั้ง?: รมว.กรณ.ซ้อมทรมาน-ตายแปลกในค่าย คุณ บ้านพักนายทหาร”, *Prachatai*, 4 Apr 2017, available at <https://prachatai.com/journal/2017/04/70894> (last accessed 27 Feb 2021); “ไต่สวนคำร้องคดีสืบโศกตติกร ถูกทำร้ายจนตายระหว่างถูกคุมในเรือนจำค่ายวิวัฒน์โยธิน”, *Prachatai*, 26 Apr 2016, available at <https://prachatai.com/journal/2016/04/65457> (last accessed 27 Feb 2021); “พลทหารค่ายพยุหคณ์เหยื่อถูกซ้อมปางตาย เสียชีวิตแล้วเช้านี้”, *Prachatai*, 4 Apr 2016, available at <https://prachatai.com/journal/2016/04/65053> (last accessed 27 Feb 2021).
- <sup>216</sup> Ministry of Justice, *คำสั่งกระทรวงยุติธรรม ที่ ๓๑๘/๒๕๕๘ เรื่อง กำหนดอาณาเขตเรือนจำชั่วคราวแขวงถนนนครไชยศรี*, 11 Sep 2018; Ministry of Justice, *ประกาศกระทรวงยุติธรรม เรื่อง กำหนดอาณาเขตเรือนจำชั่วคราวแขวงทุ่งสองห้อง*, 29 Mar 2019.
- <sup>217</sup> “ศูนย์ทนายสิทธิฯตั้งเรือนจำในค่ายทหาร ตรวจสอบไม่ได้-ละเมิดสิทธิ”, *Prachatai*, 15 Sep 2015, available at <https://prachatai.com/journal/2015/09/61407> (last accessed 1 Mar 2021).
- <sup>218</sup> “เปิดสถิติของผู้ต้องขังและผู้คุมเรือนจำชั่วคราวสถานที่ซึ่งหมอมองตายครบรอบหนึ่งปี”, *Thai Lawyers for Human Rights*, 9 Nov 2016, available at <https://tlhr2014.com/archives/2693> (last accessed 1 Mar 2021).
- <sup>219</sup> “ไม่ให้ประกันอาจารย์มหาลัยรัฐ คดี ม.112 เหตุแฮร์โพนสต์ ‘สมศักดิ์ เลียม’ ปมหมุดคณะราษฎร”, *Prachatai*, 10 May 2017, available at <https://prachatai.com/journal/2017/05/71399> (last accessed 1 Mar 2021).
- <sup>220</sup> A 10 August 2017 confidential study conducted by local NGOs.

## Part 6: Institutional Human Rights Protection/Promotion

- <sup>221</sup> *Cycle 2 accepted recommendations*: (1) ensuring conformity with Paris Principles: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendations 158.38 (Egypt), 158.39 (Honduras), 158.40 (Indonesia), 158.43 (New Zealand), 158.44 (Portugal), 158.47 (France); (2) guarantee its independence: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendations 158.41 (Paraguay), 158.42 (Poland); (3) regain its “A” status: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendations 158.45 (Senegal), 158.46 (Australia).

- <sup>222</sup> *Cycle 2 accepted recommendations*: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendation 158.48 (Nepal).
- <sup>223</sup> *Organic Act on the National Human Rights Commission B.E. 2560*, available at <http://www.ratchakitcha.soc.go.th/DATA/PDF/2560/A/123/1.PDF> (last accessed 23 Mar 2021).
- <sup>224</sup> *Organic Act on the National Human Rights Commission B.E. 2560*, Section 26(4).
- <sup>225</sup> *Organic Act on the National Human Rights Commission B.E. 2560*, Section 39(1).
- <sup>226</sup> “Govt to regulate all NGOs”, *Bangkok Post*, 24 Feb 2021, available at <https://www.bangkokpost.com/thailand/general/2073783/govt-to-regulate-all-ngos> (last accessed 23 Mar 2021).

## Annex A: Assessment of Thailand’s Implementation of Past UPR Recommendations

This annex responds to OHCHR’s guidance that UPR submissions report on the level of implementation of recommendations using category values with relevant explanations and based on the available matrix of thematically clustered recommendations. Its structure follows the structure of the main submission. A category of “backsliding” has been added to the category values OHCHR has proposed in light of the guidance that submissions should also identify “regressive actions if any”.

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Part 1: Public Participation</b>						
Protect the human rights defenders and investigate any reported cases of intimidation, harassment and attacks against them  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Luxembourg	<u>SLAPP Suits Initiated by Private and Public Actors</u>  Since early 2020, at least 173 people have been prosecuted by the government on the basis of, <i>inter alia</i> , <i>lèse-majesté</i> under Section 112 and sedition under Section 116 of the <i>Penal Code</i> , the <i>Cleanliness Act</i> , the <i>Public Assembly Act</i> , or the <i>Emergency Decree</i> .				
Stop all forms of harassment and intimidation of human rights defenders and effectively implement measures aimed at preventing violence and crimes against them  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Czech Republic	Furthermore, private actors, including State-owned enterprises, have filed suits against HRDs on the basis of, for example, defamation under the <i>Penal Code</i> and the <i>Computer-Related Crime Act</i> .  While Section 161/1 was added to the Criminal Procedure Code in March 2019 to prevent citizens from dishonestly filing suits against other individuals, that provision does not apply to public prosecutors.				
Ensure that human rights defenders in Thailand are treated in accordance with the General Assembly Declaration on Human Rights Defenders  <b>Source of position:</b> A/HRC/33/16 - Para. 158	New Zealand	<u>Detentions</u>  After charging HRDs with criminal charges related to national security (e.g. <i>lèse-majesté</i> and sedition), Thai authorities usually subjected them to pre-trial detention and denied their bail requests. For instance, at least 7				

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<p>Ensure that the rights of the human rights defenders are properly respected and perpetrators are brought to justice</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Romania	<p>prominent protesters are being detained and the court has been denying their bail request.</p> <p>Furthermore, between 15 October 2020 and 1 March 2021, at least 130 persons were detained at the Border Patrol Police Region 1 Headquarters in Pathum Thani province by authorities who failed to apply for leave of the court under Article 12 together with Article 11(1) of the Emergency Decree. At least 53 people continue to be detained even though the Severe Emergency Decree was repealed by the Prime Minister on 22 October 2020.</p>	Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<p>Investigate and ensure justice to all reported cases of intimidation, harassment and attacks of human rights defenders and journalists</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Botswana	<p><u>Harassment of HRDs</u></p> <p>Individuals who expressed anti-monarchy and/or anti-government opinions online experienced online harassment. In some instances, authorities visited such individuals, questioned them about their online activities, and instructed them to not continue posting anti-monarchy content online.</p>				
<p>That all alleged attacks on human rights defenders are promptly and thoroughly investigated, and that perpetrators are held accountable</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Norway	<p><u>Information Operations by Royal Thai Army</u></p> <p>The Royal Thai Army reportedly uses social media platform to attack political opponents and amplify pro-government content. In this regard, on 8 October 2020, Twitter suspended 926 accounts which were reliably linked to the Royal Thai Army. Similarly, on 3 March 2021, Facebook took down 185 accounts linked to the Thai army that targeted audiences in the southern provinces of Thailand.</p>				
<p>Invigorate measures to safeguard the freedoms of press, speech, and broad participation from various sectors in political and public life</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Colombia					

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Part 2: Freedom of Expression and Access to Information</b>						
Ensure that the right to freedom of expression is fully respected and its exercise facilitated, including with respect to the drafting and adopting of the new Constitution  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Czech Republic	<u>Computer-Related Crime Act</u>  While Thailand did amend the <i>Computer-Related Crime Act</i> , the amendments further undermine the right to freedom of expression by broadening the range of outlawed expressions to include: <ul style="list-style-type: none"> <li>- putting into a computer system not only false but also “distorted” data (section 14(1));</li> <li>- putting into a computer system data that threatens the national economic security or public infrastructure (expanding upon the previous definition which already included threats to national security or liable to cause a public panic) (section 14(2)); and</li> <li>- sharing offending data (section 14(4)).</li> </ul>				
Respect fully press freedom and freedom of expression in accordance with international law  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Guatemala	Under section 20, the authorities may now seek not merely to suppress data dissemination but their removal from the offender’s computer system altogether.				
Further improve its human rights situation, including by ensuring civil and political rights such as freedom of expression and political activities  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Japan	Thailand used this law to prosecute numerous individuals and to remove online content through court removal orders. For instance, it closed down the Royalist Marketplace, a Facebook group critical of the monarchy.				
Enhance the rights of expression and opinion  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Lebanon	<u>Attempt to shut down independent media</u>  In October 2020, Thailand attempted to shut down 4 independent media outlets. The criminal court immediately blocked this attempt.				
Fully respect freedom of press and expression	Republic of Korea	<u>Thailand’s reporting</u>				

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Source of position:</b> A/HRC/33/16 - Para. 158		Thailand's current reporting offers only limited insight into its implementation of relevant recommendations. For instance, it notes that government agencies have organized regular forums to "promote opinions on various issues." <sup>1</sup> Additionally, the foreign affairs and justice ministries are reportedly evaluating which international best practices to incorporate domestically. <sup>2</sup> Finally, the Royal Thai Police has purportedly pushed for progress on cases of violence against journalists and provided relevant updates, <sup>3</sup>				
Bring national legislation on freedom of expression in compliance with international law  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Albania					
Adopt rules and programmes to ensure freedom of expression and opinion  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Chile					
Ensure the protection of freedom of opinion and expression	France					

<sup>1</sup> Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยตอบรับและคำมั่นโดยสมัครใจภายใต้กลไก Universal Periodic Review (UPR) (รอบที่ 2), 2017, p.83. See also Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยได้ตอบรับและให้คำมั่นโดยสมัครใจภายใต้กลไก UPR รอบที่ 2 (พ.ศ. 2559-2563), no date, available at <http://humanrights.mfa.go.th/upload/pdf/UPR%20POA2%20cabinet.pdf> (last accessed 14 Jan 2021), p.38.

<sup>2</sup> Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยตอบรับและคำมั่นโดยสมัครใจภายใต้กลไก Universal Periodic Review (UPR) (รอบที่ 2), 2017, p.83. See also Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยได้ตอบรับและให้คำมั่นโดยสมัครใจภายใต้กลไก UPR รอบที่ 2 (พ.ศ. 2559-2563), no date, available at <http://humanrights.mfa.go.th/upload/pdf/UPR%20POA2%20cabinet.pdf> (last accessed 14 Jan 2021), p.38.

<sup>3</sup> Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยตอบรับและคำมั่นโดยสมัครใจภายใต้กลไก Universal Periodic Review (UPR) (รอบที่ 2), 2017, p.95. See also Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยได้ตอบรับและให้คำมั่นโดยสมัครใจภายใต้กลไก UPR รอบที่ 2 (พ.ศ. 2559-2563), no date, available at <http://humanrights.mfa.go.th/upload/pdf/UPR%20POA2%20cabinet.pdf> (last accessed 14 Jan 2021), p.43.

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>						
<p>Take measures to ensure the rights of peaceful assembly, freedom of expression and freedom of assembly, especially in the context of peaceful protests</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Costa Rica					
<p>Invigorate measures to safeguard the freedoms of press, speech, and broad participation from various sectors in political and public life</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Colombia					

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Part 3: Case Study: <i>Lèse-Majesté</i></b>						
Thailand did not accept any recommendations related to the issue of the <i>lèse-majesté</i> law.						

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Part 4: Freedom of Assembly and Association</b>						
Guarantee the rights to freedom of expression and assembly and ensure an inclusive debate among all stakeholders with regard to the upcoming referendum and the enactment of a new constitution  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Austria	<u>Abolition of Orders Restricting Freedom of Assembly and Mandating the Use of Military Courts</u>  On 11 December 2018, the Thai authorities abolished a permanent restriction to the right to peaceful freedom of assembly which had been introduced under <i>HNCPO Order No. 3<sup>4</sup></i> and which ordered that violators be tried in military court. <sup>5</sup> However, any progress on freedom of assembly that this could have represented is nullified by the fact that similar clauses under other HNCPO orders and announcements remain in effect.				
Take measures to ensure the rights of peaceful assembly, freedom of expression and freedom of assembly, especially in the context of peaceful protests  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Costa Rica	<u>Public Assembly Act</u>  Thailand adopted the <i>Public Assembly Act</i> to regulate the substantive right to freedom of peaceful assembly and impose limitations by, for example, introducing the duties of protest promoters and participants and the requirement to inform authorities 24 hours in advance of a protest. In practice, however, at least 245 people, including political and student activists, political opponents and supporters, lawyers, and HRDs, were prosecuted under this law between 2015 and 2019. <sup>6</sup> Many more have been charged under this law since the commencement of peaceful mass protests.				

<sup>4</sup> HCPO Order No.22/2561, "Allowing for the resumption of political activities", art. 1, available at [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-head-order22-2561.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-head-order22-2561.pdf) (last accessed 27 Feb 2021), p.55 of the Government Gazette dated 11 Dec 2019.

<sup>5</sup> (1) NCPO Announcement No. 37/2557, "Prosecuting civilians under the military court jurisdiction", art. 2, available at [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-annouce37-2557.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-annouce37-2557.pdf) (last accessed 27 Feb 2021), p.3 of the Government Gazette dated 30 May 2014; (2) NCPO Order Announcement No. 38/2557, "Litigations related to the military court jurisdiction", available at [https://library2.parliament.go.th/giventake/content\\_ncpo/ncpo-annouce38-2557.pdf](https://library2.parliament.go.th/giventake/content_ncpo/ncpo-annouce38-2557.pdf) (last accessed 27 Feb 2021), p.1 of the Government Gazette dated 30 May 2014.

<sup>6</sup> "Five years under NCPO, isn't that enough? Recommendations to eliminate the effects of the coup", *Thai Lawyers for Human Rights*, 18 July 2019, available at <https://tlhr2014.com/en/archives/13035> (last accessed 27 Feb 2021).

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
		<p>Some protesters have been charged despite the fact that the <i>Public Assembly Act</i> had no jurisdiction over the places at which they assembled (e.g. educational institutions), and that the Act cannot be used while emergency laws are in effect,<sup>7</sup> which is currently the case.</p> <p><u>Emergency Decree</u></p> <p>On 25 March 2020, in response to the Covid-19 threat, Prime Minister Prayuth Chan-o-cha invoked Section 5 of the <i>Emergency Decree on Public Administration in Emergency Situations (Emergency Decree)</i> and declared an emergency across the country<sup>8</sup> which has been extended to at least the end of March 2021.<sup>9</sup></p> <p>Together with the Public Assembly Act (which as discussed, is ineffective during emergency) Although Article 2 of the Public Assembly Act states that during the time of emergency, all assemblies are outside its jurisdiction, at least 358 persons have been prosecuted in 198 cases under the Public Assembly Act (despite its inapplicability in emergencies) together with the above Regulations and other ordinary laws.<sup>10</sup> Most of those charged are peaceful protesters, including 10</p>				

<sup>7</sup> “2020: The Year of Protests, Ceiling Breaking, and Political Lawsuits”, *Thai Lawyers for Human Rights*, 12 Jan 2021, available at <https://tlhr2014.com/en/archives/24956> (last accessed 27 Feb 2021).

<sup>8</sup> *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, art. 5, available at <http://web.krisdika.go.th/data/slideshow/File/02-Thai.pdf>, p.1 of the Government Gazette dated 25 Mar 2020.

<sup>9</sup> “ด่วน! ครม.เคาะ ต่อ พ.ร.ก. ฉุกเฉินห้าราชอาณาจักร ครั้งที่ 10”, *Prachachat*, 23 Feb 2021, available at <https://www.prachachat.net/politics/news-618755> (last accessed 2 Mar 2021).

<sup>10</sup> “เรียกร้องให้ยุติการดำเนินคดีกับผู้ใช้เสรีภาพในการแสดงออก และประกันสิทธิในกระบวนการยุติธรรม”, *Thai Lawyers for Human Rights*, 15 Feb 2021, <https://tlhr2014.com/archives/25940> (last accessed 2 Mar 2021).

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
		<p>minors, 2 disabled individuals and 16 LGBTQ activists.<sup>11</sup></p> <p><u>Severe Emergency Decree</u></p> <p>From 17 to 22 October 2020, the Prime Minister invoked the <i>Emergency Decree</i> to in turn declare a Severe Emergency Situation in all areas of Bangkok due to mass protests.<sup>12</sup></p> <p>As of 23 October 2020, at least 78 persons were prosecuted under the <i>Severe Emergency Decree</i> and its sub-orders and 21 persons were charged for convening illegal protests of five persons or more for political purposes.<sup>13</sup> Arrestees were detained in unauthorised makeshift detention centres, apparently to limit protesters' access to lawyers. Detention could be extended up to 30 days without judicial review or informing detainees of their charges.<sup>14</sup></p> <p><u>Dispersals of Protests</u></p> <p>Thailand has used high-pressure water cannons, tear gas and unidentified chemical substances against</p>				

<sup>11</sup> "สถิติเยาวชนถูกดำเนินคดีจากการแสดงออกและการชุมนุม ปี 2563-64", *Thai Lawyers for Human Rights*, 11 Jan 2021, <https://tlhr2014.com/archives/24941> (last updated on 22 Feb 2021) (last accessed 2 Mar 2021).

<sup>12</sup> *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, Sections 5, 9 and 11, available at [http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/241/T\\_0001.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/241/T_0001.PDF) (last accessed 2 Mar 2021), p.1 of the Government Gazette, dated 15 Oct 2021.

<sup>13</sup> "ยกเลิกพ.ร.ก.ฉุกเฉิน แต่ยังไม่ผ่อนผันหลังได้ 'บัตร.' แจงข้อกฎหมาย เผย จับแล้ว 78 คนตัวอยู่ 8 คน", *PPTV Online*, 23 Oct 2020, available at <https://www.pptvhd36.com/news/%E0%B8%9B%E0%B8%A3%E0%B8%B0%E0%B9%80%E0%B8%94%E0%B9%87%E0%B8%99%E0%B8%A3%E0%B9%89%E0%B8%AD%E0%B8%99/135434> (last accessed 28 Feb 2021).

<sup>14</sup> *Announcement of the Chief Official Responsible for Remediating the Serious Emergency Situation No. 1/2563*, 16 Oct 2020, available at <http://www.nsc.go.th/wp-content/uploads/2020/10/Emerg-06.pdf> (last accessed 2 Mar 2021); *Announcement of the Chief Official Responsible for Remediating the Serious Emergency Situation No. 6/2563*, 17 Oct 2020, available at [http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/244/T\\_0001.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/244/T_0001.PDF) (last accessed 2 Mar 2021).

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
		protesters to crack down on demonstrations. (See Section 5.6)  <u>Training for Police</u>  The Royal Thai Police reportedly created a handbook on the <i>Public Assembly Act</i> in order to increase police officers' understanding of their powers and duties in relation to the people's exercise of their right to freedom of expression and assembly. Furthermore, in cooperation with other agencies, such as OHCHR, the Royal Thai Police has reportedly trained police officers on the issue of protest/crowd management. <sup>15</sup>				

<sup>15</sup> Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยได้ตอบรับและให้คำมั่นโดยสมัครใจภายใต้กลไก UPR รอบที่ 2 (พ.ศ. 2559-2563), no date, available at <http://humanrights.mfa.go.th/upload/pdf/UPR%20POA2%20cabinet.pdf> (last visited 25 Jan 2021), p.38.

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Part 5: Enforced Disappearance and Torture</b>						
<b>Ratify CED</b>						
Ratify the International Convention for the Protection of All Persons from Enforced Disappearance  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Argentina, Austria, France, Panama, Slovakia	<u>Ratify CED</u>  Thailand has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance.  Thailand stated that it will not ratify this convention unless and until it passes a law criminalising enforced disappearance and torture in domestic law.				
Ratify and accede to the International Convention for the Protection of All Persons from Enforced Disappearance  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Sierra Leone					
Immediately ratify the International Convention for the Protection of All Persons from Enforced Disappearance  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Belgium					
Expedite the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance signed in 2012  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Kazakhstan					
Accelerate the process of ratifying the International	Togo					

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
Convention for the Protection of All Persons from Enforced Disappearance  <b>Source of position:</b> A/HRC/33/16 - Para. 158						
Take the necessary measures for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Japan					
Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and pass national law criminalizing enforced disappearance and torture and recognizing the rights of victims  <b>Source of position:</b> A/HRC/33/16 - Para. 158	New Zealand					
Criminalize in national legislation enforced disappearance in conformity with international standards and ratify the International Convention for the Protection of All Persons from Enforced Disappearance	Uruguay					

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Source of position:</b> A/HRC/33/16 - Para. 158						
<b>Criminalise enforced disappearance and/or torture in domestic law</b>						
Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and pass national law criminalizing enforced disappearance and torture and recognizing the rights of victims  <b>Source of position:</b> A/HRC/33/16 - Para. 158	New Zealand	Thailand has yet criminalised torture and enforced disappearance in domestic law despite having signed the Enforced Disappearance Convention in 2012 and becoming a full party to the Convention Against Torture in 2007.  A draft law on enforced disappearance and torture has been in the legislative pipeline since 2014, and it could still be years before it is fully enacted.  Furthermore, the current bill fails to comply with international law on several fronts. For instance:				
Criminalize in national legislation enforced disappearance in conformity with international standards and ratify the International Convention for the Protection of All Persons from Enforced Disappearance  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Uruguay	<ul style="list-style-type: none"> <li>- <b>Definition of “torture”:</b> Section 5 of the bill implies that the 4 purposes for which “torture” is committed are exhaustive. This provision should state clearly that the 4 purposes are <i>illustrative</i>, not <i>exhaustive</i>, so as to make it consistent with Article 1 of the Convention Against Torture.</li> <li>- <b>Criminalization of CIDT/P:</b> Acts of cruel, inhumane and degrading treatment or punishment are not explicitly criminalized.</li> </ul>				
Accelerate the adoption process of the Law on the Prevention and Punishment of Torture and Enforced Disappearances	Congo	<ul style="list-style-type: none"> <li>- <b>Modes of liability:</b> The current bill punishes only those who commit,<sup>16</sup> conspire to commit,<sup>17</sup> or support<sup>18</sup> the commission of torture and/or</li> </ul>				

<sup>16</sup> Draft Prevention and Suppression of Torture and Enforced Disappearance Act B.E. ..., Sections 28-30.

<sup>17</sup> Draft Prevention and Suppression of Torture and Enforced Disappearance Act B.E. ..., Section 31.

<sup>18</sup> Draft Prevention and Suppression of Torture and Enforced Disappearance Act B.E. ..., Section 32.

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>		<p>enforced disappearance. The bill should also punish acts which constitute attempts to commit, participation and/or complicity in torture and/or enforced disappearance.<sup>19</sup></p>				
<p>Enact the Prevention and Suppression of Torture and Enforced Disappearance Bill to criminalize torture in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Canada	<p>- <b>Command responsibility:</b> The current bill punishes a supervisor who knows that his direct subordinate is about to or has committed torture and/or enforced disappearance, but fails to prevent or suspend the offence.<sup>20</sup> The bill should also punish a supervisor who <i>consciously disregards information which clearly indicates</i> that a subordinate under his/her <i>effective authority</i> is about to or has committed the offences.<sup>21</sup></p>				
<p>Define and legally classify enforced disappearance</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Spain	<p>- <b>The superior order defence:</b> The bill should state that no order or instruction from any public authority or other may be invoked to justify torture and/or enforced disappearance.<sup>22</sup></p>				
<p>Accelerate the approval of the bill submitted to the Council of Ministers on prevention of enforced disappearances and repression of torture</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Chile	<p>- <b>Statute of limitations:</b> Thailand insists on applying the statute of limitations to the offences of torture and enforced</p>				

<sup>19</sup> *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Art. 4, and *International Convention for the Protection of All Persons from Enforced Disappearance*, Art. 6.

<sup>20</sup> *Draft Prevention and Suppression of Torture and Enforced Disappearance Act B.E. ...*, Section 34.

<sup>21</sup> *International Convention for the Protection of All Persons from Enforced Disappearance*, Art. 6(b), and Committee Against Torture, *General Comment No. 2: Implementation of Article 2 by States Parties*, 24 Jan 2008, UN doc. no. CAT/C/GC/2, para. 26.

<sup>22</sup> *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Art. 2(3), and *International Convention for the Protection of All Persons from Enforced Disappearance*, Art. 6(2).

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<p>Ensure that the Convention against Torture is fully implemented into the national legislation</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Romania	<p>disappearance.<sup>23</sup> These offences should be imprescriptible.<sup>24</sup> Alternatively, for the offence of enforced disappearance, the prescription period shall only commence from the moment when the offence of enforced disappearance ceases,<sup>25</sup> not when the offence is committed.<sup>26</sup></p>				
<p>Reform penal laws to define torture in accordance with article 1 of the Convention against Torture and declare its non-derogable nature</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Spain					
<p>Adopt a definition of torture which is fully in compliance with article 1 of the Convention against Torture; its inclusion as a specific crime in Thailand's legislation; and undertake prompt, thorough and impartial investigation of all allegations of torture and ill-treatment</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Slovakia					

<sup>23</sup> Committee Against Torture, *Second periodic report submitted by Thailand under article 19 of the Convention pursuant to the optional reporting procedure, due in 2018*, UN doc. no. CAT/C/THA/2, para. 7(l).

<sup>24</sup> Committee Against Torture, *General Comment No. 3 (2012): Implementation of Article 14 by States Parties*, 13 Dec 2012, UN doc. no. CAT/C/GC/3, para. 40.

<sup>25</sup> *International Convention for the Protection of All Persons from Enforced Disappearance*, Art. 8(1)(b).

<sup>26</sup> *Penal Code*, Section 95.

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b><i>Ratify, or consider ratifying, the Optional Protocol to the Convention Against Torture</i></b>						
Consider the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Georgia, Kazakhstan	The reporting notes that the Rights and Liberties Protection Department has been in periodic consultations with relevant agencies to study the possibility of ratifying the Optional Protocol to the Convention Against Torture and making a declaration accepting the competence of the Committee Against Torture to receive and consider communications under Articles 21 and 22 of the convention. <sup>27</sup> Moreover, the department has reportedly proposed to the cabinet that Thailand ratify this international instrument. <sup>28</sup>				
Speed up the study on the possibility of ratifying the Optional Protocol to the Convention against Torture  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Mozambique					
Sign and ratify the Optional Protocol to the Convention against Torture  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Honduras					
Ratify the Optional Protocol to the Convention against Torture	Austria, France, Guatemala, Montenegro, Poland,					

<sup>27</sup> Committee Against Torture, *Second periodic report submitted by Thailand under article 19 of the Convention pursuant to the optional reporting procedure, due in 2018*, UN doc. no. CAT/C/THA/2, para. 99.

<sup>28</sup> Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยตอบรับและคำมั่นโดยสมัครใจภายใต้กลไก Universal Periodic Review (UPR) (รอบที่ 2), 2017, p.8. See also Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยได้ตอบรับและให้คำมั่นโดยสมัครใจภายใต้กลไก UPR รอบที่ 2 (พ.ศ. 2559-2563), no date, available at <http://humanrights.mfa.go.th/upload/pdf/UPR%20POA2%20cabinet.pdf> (last visited 25 Jan 2021), p.3.

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Source of position:</b> A/HRC/33/16 - Para. 158	Portugal, Turkey, Uruguay					
Early ratification of the Optional Protocol to the Convention against Torture  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Norway					
Ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism accordingly  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Czech Republic					
Ratify the Optional Protocol to the Convention against Torture and establish an independent, effective and well-resourced National Preventive Mechanism  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Denmark					
Ratify the Optional Protocol to the Convention against Torture and set up a national preventive mechanism to prevent torture  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Morocco					

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Enhance protections against torture and enforced disappearance, including by pledging to investigate torture allegations and establishing national preventive mechanisms</b>						
Make efforts to address the issue of enforced disappearance, such as ensuring accountability  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Republic of Korea	<u>National Preventive Mechanism</u>  Thailand's reporting notes that, in May 2017, it established the National Committee for Managing Cases Relating to Torture and Enforced Disappearance to investigate allegations of torture and enforced disappearance, provide redress if a violation is found, and promote protective mechanisms to prevent future occurrences of such cases. <sup>29</sup> Likewise, the Royal Thai Police has reportedly investigated torture allegations and prosecuted perpetrators. <sup>30</sup>				
Adopt a definition of torture which is fully in compliance with article 1 of the Convention against Torture; its inclusion as a specific crime in Thailand's legislation; and undertake prompt, thorough and impartial investigation of all allegations of torture and ill-treatment  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Slovakia	Of the 87 cases of disappearance on the list of the Working Group on Enforced or Involuntary Disappearances, 67 are being processed by the National Committee and 8 are under verification by the Department of Special Investigation and the Rights and Liberties Protection Department. <sup>31</sup> Various government				
Promptly investigate and prosecute all allegations of torture and extrajudicial killings	New Zealand					

<sup>29</sup> Committee Against Torture, *Second periodic report submitted by Thailand under article 19 of the Convention pursuant to the optional reporting procedure, due in 2018*, UN doc. no. CAT/C/THA/2, para. 9.

<sup>30</sup> Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยตอบรับและคำมั่น โดยสมัครใจภายใต้กลไก Universal Periodic Review (UPR) (รอบที่ 2), 2017, pp 88-92. See also Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยได้ตอบรับและให้คำมั่น โดยสมัครใจภายใต้กลไก UPR รอบที่ 2 (พ.ศ. 2559-2563), no date, available at <http://humanrights.mfa.go.th/upload/pdf/UPR%20POA%20cabinet.pdf> (last visited 25 Jan 2021), pp 40-42.

<sup>31</sup> Committee Against Torture, *Second periodic report submitted by Thailand under article 19 of the Convention pursuant to the optional reporting procedure, due in 2018*, UN doc. no. CAT/C/THA/2, para. 84.

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Source of position:</b> A/HRC/33/16 - Para. 158		agencies have given some form of remediation to 61 cases on a case-by-case basis. <sup>32</sup>				
Create an independent body to investigate all torture allegations, including in Thailand's Deep South, and bring perpetrators to justice  <b>Source of position:</b> A/HRC/33/16/Add.1 - Para. 4	Canada	While Thailand noted that 12 cases have been withdrawn from the Working Group on Enforced or Involuntary Disappearances, the families reported feeling intimidated into withdrawing their applications. Thai officials visited the victims' families in the 12 cases explaining that the UN would not be able to help them, asking if they wanted to withdraw their cases, and advising that if they did so, they could eventually apply for compensation in connection with the disappearances.				
Ratify the Optional Protocol to the Convention against Torture and set up a national preventive mechanism to prevent torture  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Morocco	<u>Suspension of Investigations</u>  Thailand suspended the investigation into the disappearance of Mr Somchai Neelaphaijit in 2017 and Mr Den Khamlae in March 2019 violate its UPR commitment to investigate <i>all</i> allegations of enforced disappearance. <sup>33</sup>				
Ratify the Optional Protocol to the Convention against Torture and establish an independent, effective and well-resourced National Preventive Mechanism  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Denmark	<u>Trainings</u>  Various government agencies have reportedly trained thousands of state officials in the armed forces, the police, prisons and other related agencies on the Convention Against Torture, national mechanisms and other related laws against torture and enforced disappearance. <sup>34</sup>				
Ratify the Optional Protocol to the Convention against Torture	Czech Republic					

<sup>32</sup> Committee Against Torture, *Second periodic report submitted by Thailand under article 19 of the Convention pursuant to the optional reporting procedure, due in 2018*, UN doc. no. CAT/C/THA/2, para. 90.

<sup>33</sup> Committee Against Torture, *Second periodic report submitted by Thailand under article 19 of the Convention pursuant to the optional reporting procedure, due in 2018*, UN doc. no. CAT/C/THA/2, para. 31(b) and (c).

<sup>34</sup> Committee Against Torture, *Second periodic report submitted by Thailand under article 19 of the Convention pursuant to the optional reporting procedure, due in 2018*, UN doc. no. CAT/C/THA/2, paras. 10-55. See also Department of International Organization, Ministry of Foreign Affairs,

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
and establish a national preventive mechanism accordingly  <b>Source of position:</b> A/HRC/33/16 - Para. 158						

แผนการปฏิบัติตามข้อเสนอแนะที่ไทยตอบรับและคำมั่นโดยสมัครใจภายใต้กลไก Universal Periodic Review (UPR) (รอบที่ 2), 2017, pp 89, 92-94. See also Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยได้ตอบรับและให้คำมั่นโดยสมัครใจภายใต้กลไก UPR รอบที่ 2 (พ.ศ. 2559-2563), no date, available at <http://humanrights.mfa.go.th/upload/pdf/UPR%20POA2%20cabinet.pdf> (last visited 25 Jan 2021), pp 40-43.

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Part 6: Institutional Human Rights Protection/Promotion</b>						
Take further steps to ensure that the National Human Rights Institution is in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Egypt	<u>Inter-agency work</u>  Relevant government agencies have reportedly worked with the National Human Rights Commission (NHRC) consistently to improve on human rights work. For instance, they have reportedly worked with the NHRC to advocate for human rights issues, such as the abolition of death penalty and business and human rights. Government agencies have also reportedly supported activities that improve the capacity of the officials at the Office of the National Human Rights Commission. <sup>35</sup>				
Adopt appropriate measures of a legislative and political nature, including allocation of financial resources, in order to align its national human rights institution with the Paris Principles  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Honduras	<u>Lack of NGO/CSO engagement in NHRC mechanism</u>  Under the <i>Organic Act on the National Human Rights Commission</i> , the establishment sub-committees and appointments of external experts can only occur where doing so is “necessary” and “unavoidable”. As a consequence, it is extremely difficult for CSO/NGO to participate in the NHRC mechanism.				
Continue support the work of the National Human Rights Commission in line with the Paris Principles  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Indonesia	<u>Duty to investigate “incorrect and unfair” human rights reports about Thailand</u>  The <i>Organic Act on the National Human Rights Commission</i> tasks the NHRC with responding to “incorrect and unfair” human rights reports about Thailand by providing correct facts and disseminating them to the public. Local NGOs note that the new tasks				
Ensure the independence of the National Human Rights Commission	Paraguay					

<sup>35</sup> Department of International Organization, Ministry of Foreign Affairs, แผนการปฏิบัติตามข้อเสนอแนะที่ไทยได้ตอบรับและให้คำมั่นโดยสมัครใจภายใต้กลไก UPR รอบที่ 2 (พ.ศ. 2559-2563), no date, available at <http://humanrights.mfa.go.th/upload/pdf/UPR%20POA2%20cabinet.pdf> (last accessed 23 Mar 2021), p. 9-10.

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
<b>Source of position:</b> A/HRC/33/16 - Para. 158		the NHRC with “defending” the actions of the Thai government.				
Ensure that the National Human Rights Commission of Thailand is an independent institution and functions in full compliance with the Paris Principles  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Poland	<u>Delay in the selection of new NHRC commissioners</u>  On 31 July 2019, two NHRC commissioners , including Angkana resigned from their position, citing that the work environment did not support their work. As a consequence, the 7-member commission was left with 3 commissioners, leaving the NHRC inquorate and unable to perform its duties. As such, on 2 November 2019, 4 individuals were appointed to the NHRC by the presidents of the Supreme Court and the Administrative Court.				
Introduce legal changes to ensure that its National Human Rights Commission is fully compliant with the Paris Principles  <b>Source of position:</b> A/HRC/33/16 - Para. 158	New Zealand	Only in January 2021 did Thailand manage to fill the NHRC with 7 members again.  It should also be noted that, in order to be selected as a commissioner, one must gain the majority vote from the Senate, the 250 members of which were appointed by the NCPO.				
Provide the National Human Rights Commission with all the necessary resources in order to guarantee that it is fully compliant with the Paris Principles  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Portugal					
Improve the functioning of the National Commission of Human Rights to regain its A status  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Senegal					

Recommendations (supported)	Recommending State(s)	Implementation by Thailand (if any)	Level of Implementation			
			Backsliding	Not implemented yet	In the process of Implementation	Fully implemented
Reform its National Human Rights Commission to regain its A status and promote and protect human rights  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Australia					
Strengthen the National Commission of Human Rights in accordance with the Paris Principles  <b>Source of position:</b> A/HRC/33/16 - Para. 158	France					
Continue efforts to strengthen national human rights institutions and mechanisms  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Nepal					

## Annex B: Laws Relevant to Fundamental Freedoms During Thailand's Third UPR Cycle

<b>Constitution of the Kingdom of Thailand B.E. 2560<sup>1</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Section 4</b>	<p>Human dignity, rights, liberties and equality of the people shall be protected.</p> <p>The Thai people shall enjoy equal protection under this Constitution.</p>
<b>Section 25</b>	<p>As regards the rights and liberties of the Thai people, in addition to the rights and liberties as guaranteed specifically by the provisions of the Constitution, a person shall enjoy the rights and liberties to perform any act which is not prohibited or restricted by the Constitution or other laws, and shall be protected by the Constitution, insofar as the exercise of such rights or liberties does not affect or endanger the security of the State or public order or good morals, and does not violate the rights or liberties of other persons.</p> <p>Any right or liberty stipulated by the Constitution to be as provided by law, or to be in accordance with the rules and procedures prescribed by law, can be exercised by a person or community, despite the absence of such law, in accordance with the intent of the Constitution.</p> <p>Any person whose rights or liberties protected under the Constitution are violated, can invoke the provisions of the Constitution to exercise his or her right to bring a lawsuit or to defend himself or herself in the Court.</p> <p>Any person injured from the violation of his or her rights or liberties or from the commission of a criminal offence by another person, shall have the right to remedy or assistance from the State, as prescribed by law.</p>
<b>Section 26</b>	<p>The enactment of a law resulting in the restriction of rights or liberties of a person shall be in accordance with the conditions provided by the Constitution. In the case where the Constitution does not provide the conditions thereon, such law shall not be contrary to the rule of law, shall not unreasonably impose burden on or restrict the rights or liberties of a person and shall not affect the human dignity of a person, and the justification and necessity for the restriction of the rights or liberties shall also be specified.</p> <p>The law under paragraph one shall be of general application, and shall not be intended to apply to any particular case or person.</p>
<b>Section 28</b>	<p>A person shall enjoy the right and liberty in his or her life and person.</p> <p>Arrest and detention of person shall not be permitted, except by an order or a warrant issued by the Court or on other grounds as provided by law.</p> <p>Search of person or any act affecting the right or liberty in life or person shall not be permitted except on the grounds as provided by law.</p> <p>Torture, brutal acts or punishment by cruel or inhumane means shall not be permitted.</p>

<sup>1</sup> Unofficial translation by the Office of the Council of State, available at [https://www.constitutionalcourt.or.th/occ\\_en/download/article\\_20170410173022.pdf](https://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf) (last accessed 23 Mar 2021).

<b>Constitution of the Kingdom of Thailand B.E. 2560<sup>1</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Section 29</b>	<p>No person shall be subject to a criminal punishment unless he or she has committed an act which the law in force at the time of commission provides to be an offence and prescribe a punishment therefor, and the punishment to be imposed on such person shall not be of greater severity than that provided by law in force at the time of the commission of the offence.</p> <p>A suspect or defendant in a criminal case shall be presumed innocent, and before the passing of a final judgment convicting a person of having committed an offence, such person shall not be treated as a convict.</p> <p>Custody or detention of a suspect or a defendant shall only be undertaken as necessary to prevent such person from escaping.</p> <p>In a criminal case, a person shall not be forced to make a statement incriminating himself or herself.</p> <p>An application for a bail of a suspect or defendant in a criminal case shall be accepted for consideration, and excessive bail shall not be demanded. The refusal of a bail must be as provided by law.</p>
<b>Section 34</b>	<p>A person shall enjoy the liberty to express opinions, make speeches, write, print, publicise and express by other means. The restriction of such liberty shall not be imposed, except by virtue of the provisions of law specifically enacted for the purpose of maintaining the security of the State, protecting the rights or liberties of other persons, maintaining public order or good morals, or protecting the health of the people.</p> <p>Academic freedom shall be protected. However, the exercise of such freedom shall not be contrary to the duties of the Thai people or good morals, and shall respect and not obstruct the different views of another person.</p>
<b>Section 35</b>	<p>A media professional shall have liberty in presenting news or expressing opinions in accordance with professional ethics.</p> <p>The closure of a newspaper or other mass media in deprivation of the liberty under paragraph one shall not be permitted.</p> <p>Censorship by a competent official of any news or statements made by a media professional before the publication in a newspaper or any media shall not be permitted, except during the time when the country is in a state of war.</p> <p>The owner of a newspaper or other mass media shall be a Thai national.</p> <p>No grant of money or other properties shall be made by the State as subsidies to private newspapers or other private mass media. A State agency which pays money or gives properties to mass media, regardless of whether it is for the purpose of advertisement or public relations, or for any other similar purpose, shall disclose the details to the State Audit Commission within the prescribed period of time and shall also announce them to the public.</p> <p>A State official who performs mass media duties shall enjoy the liberties under paragraph one, provided that the purposes and missions of the agency to which he or she is attached shall also be taken into consideration.</p>

<b>Constitution of the Kingdom of Thailand B.E. 2560<sup>1</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Section 44</b>	<p>A person shall enjoy the liberty to assemble peacefully and without arms.</p> <p>The restriction of such liberty under paragraph one shall not be imposed except by virtue of a provision of law enacted for the purpose of maintaining security of the State, public safety, public order or good morals, or for protecting the rights or liberties of other persons.</p>

<b>Penal Code<sup>2</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Section 110</b>	<p>Whoever commits an act of violence against the Queen or Her liberty, the Heir-apparent or His liberty, or the Regent or his/her liberty, shall be punished with imprisonment for life or imprisonment of sixteen to twenty years.</p> <p>Whoever attempts to commit such offence shall be liable to the same punishment.</p> <p>If such act is likely to endanger the life of the Queen, the Heir-apparent or the Regent, the offender, shall be punished with death or imprisonment for life.</p> <p>Whoever makes preparations for committing an act of violence against the Queen or Her liberty, the Heir-apparent or His liberty, or the Regent or his/her liberty, or does any act to assist in keeping secret any intention to commit such offence, shall be punished with imprisonment of twelve to twenty years.</p>
<b>Section 112</b>	Whoever, defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years.
<b>Section 116</b>	<p>Whoever makes an appearance to the public by words, writings or any other means which is not an act within the purpose of the Constitution or for expressing an honest opinion or criticism in order:</p> <ol style="list-style-type: none"> <li>1. to bring about a change in the Laws of the Country or the Government by the use of force or violence;</li> <li>2. to raise unrest and disaffection amongst the people in a manner likely to cause disturbance in the country; or</li> <li>3. to cause the people to transgress the laws of the Country,</li> </ol> <p>shall be punished with imprisonment not exceeding seven years.</p>
<b>Section 209</b>	<p>Whoever [is] a member of a [group] whose proceedings are secret and whose aim [is] unlawful, is said to be a member of a secret society, shall be punished with imprisonment not exceeding seven years and fined not exceeding fourteen thousand baht.</p> <p>If the offender be the chief, manager or office-bearer in such [group], such person shall be punished with imprisonment not exceeding ten years and fined not exceeding twenty thousand baht.</p>
<b>Section 210</b>	<p>Whenever five persons upwards conspire to commit any offence provided in this Book II and punishable with maximum imprisonment of one year upwards, every such person is said to be a member of a criminal association, and shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand baht, or both.</p> <p>If it be a conspiracy to commit an offence punishable with death, imprisonment for life or imprisonment from ten years upwards, the offender shall be punished with imprisonment of two to ten years and fined of four thousand to twenty thousand baht.</p>

<sup>2</sup> Translation by samuiforsale, a website that provides general Thai legal information and resources in English, available at <https://www.samuiforsale.com/law-texts/thailand-penal-code.html> (last accessed 20 Mar 2021).

<b>Penal Code<sup>2</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Section 215</b>	<p>Whenever ten persons [or more assemble to do or threaten to] do an act of violence, or do anything to cause a breach of the peace, every such person shall be punished with imprisonment not exceeding six months or fined not exceeding one thousand baht, or both.</p> <p>If any of the offenders carries an arm, all the offenders shall be punished with imprisonment not exceeding two years or fined not exceeding four thousand baht, or both.</p> <p>If the offender is a [leader] or person having the duty to give orders for the commission of the offence, such offender shall be punished with imprisonment not exceeding five years or fined not exceeding ten thousand baht, or both.</p>
<b>Section 216</b>	When the official orders persons who assemble to commit the offence as prescribed under Section 215 to disperse, persons who do not disperse shall be imprisoned not exceeding three years or fined not exceeding six thousand baht, or both.
<b>Section 326</b>	Whoever, imputes anything to the other person before a third person in a manner likely to impair the reputation of such other person or to expose such other person to be hated or scorned, is said to commit defamation, and shall be punished with imprisonment not exceeding one year or fined not exceeding twenty thousand Baht, or both.
<b>Section 328</b>	If the offence of defamation be committed by means of publication of a document, drawing, painting, cinematography film, picture or letters made visible by any means, gramophone record or another recording instruments, recording picture or letters, or by broadcasting or spreading picture, or by propagation by any other means, the offender shall be punished with imprisonment not exceeding two years and fined not exceeding two hundred thousand Baht.

<b>Computer-Related Crime Act B.E. 2550 (as amended in 2017)<sup>3</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Section 14</b>	<p>Any person who commits any of the following offences shall be liable for imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand Baht or to both:</p> <ol style="list-style-type: none"> <li>1. dishonestly or by deceit, bringing into a computer system a computer data which is distorted or fake, whether in whole or in part, or a computer data which is false, in a manner likely to cause damage to the public, where it is not the commission of an offence of defamation under the Penal Code;</li> <li>2. bringing into a computer system a computer data which is false in a manner likely to cause damage to the maintenance of national security, public security, national economic security or an infrastructure involving national public interest or in a manner causing public anxiety;</li> <li>3. bringing into a computer system any computer data which constitutes an offence relating to security of the Kingdom or an offence relating to terrorism under the Penal Code;</li> <li>4. bringing into a computer system any computer data of a pornographic nature, provided that such computer data is accessible by the general public;</li> <li>5. disseminating or forwarding a computer data with the knowledge that it is a computer data under (1), (2), (3) or (4).</li> </ol> <p>If the offence under paragraph one (1) is not committed against the public but is committed against any particular person, the perpetrator, the disseminator or the forwarder of such computer data shall be liable for imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or both and the offence shall be a compoundable offence.</p>
<b>Section 20</b>	<p>In the case where there occurs the proliferation of the following computer data, the competent official, with the approval of the Minister, may file with the Court of competent jurisdiction a motion, accompanied by supporting evidence, for an order compelling the discontinuance of the proliferation of the computer data or the deletion thereof from a computer system:</p> <ol style="list-style-type: none"> <li>1. a computer data constituting an offence under this Act;</li> <li>2. a computer data likely to affect the security of the Kingdom as provided in Part II, Title I or Title I/I of the Penal Code;</li> <li>3. a computer data constituting a criminal offence under the law relating to intellectual property or other law, provided that such computer data is, by nature, against public order or good morals of the public and a request is made by the official under such law or the inquiry official under the Criminal Procedure Code.</li> </ol> <p>In the case of the [dissemination] of a computer data which is, by nature, against public order or good morals of the public, the Minister, with the approval of the committee on computer data screening, may entrust the competent official to file with the Court of competent jurisdiction a motion, accompanied by supporting evidence, for an order compelling the discontinuance of the dissemination of the computer data or the deletion thereof from a computer system. In this</p>

<sup>3</sup> Tentative translation by Associate Professor Dr Pinai Nanakorn under contract with the Office of the Council of State, available at [http://web.krisdika.go.th/data/document/ext809/809777\\_0001.pdf](http://web.krisdika.go.th/data/document/ext809/809777_0001.pdf) (last accessed 20 Mar 2021).

<b>Computer-Related Crime Act B.E. 2550 (as amended in 2017)<sup>3</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
	<p>regard, the provisions on tribunals with the powers to conduct administrative proceedings under the law on administrative procedures shall apply to a meeting of the committee on computer data screening <i>mutatis mutandis</i>.</p> <p>The Minister shall appoint one or more committees on computer data screening under paragraph two. Each committee shall consist of nine members, three of whom must be from representatives of the private sector in the field of human rights, mass communication or information technology or other relevant fields, and members shall be entitled to remuneration in accordance with the rules prescribed by the Minister with the approval of the Ministry of Finance.</p> <p>The Criminal Procedure Code shall apply to the proceedings of the Court under paragraph one and paragraph two <i>mutatis mutandis</i>. In the case where the Court issues an order compelling the discontinuance of the proliferation of computer data or the deletion thereof under paragraph one and paragraph two, the competent official may carry out the discontinuance of the proliferation of computer data or the deletion thereof by himself or may order service providers to do so, provided that the Minister shall, by Notification, prescribe the rules, a period of time and practice procedures for the discontinuance of the proliferation of computer data or the deletion thereof by the competent official or service providers with a view to assuring uniformity, having regard to changing technological development, unless otherwise ordered by the Court.</p> <p>In the case of urgent necessity, the competent official may file a motion under paragraph one prior to the approval of the Minister, or the competent official with the approval of the committee on computer data screening may file a motion under paragraph two prior to the entrustment by the Minister, provided that it shall expeditiously be reported to the Minister.</p>

<b>Public Assembly Act B.E. 2558<sup>4</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Section 7</b>	<p>No public assembly shall be held within the radius of one hundred and fifty meters from the boundary of the Grand Palace, Royal Palace, Royal Residence of the Heir to the Throne or of His or Her Royal Highness Prince or Princess, Royal Palace Up-Country or Royal Mansion or from the place where the King, the Queen, the Heir to the Throne or His or Her Royal Highness Prince or Princess stays or resides, or from the place of Royal Visitors.</p> <p>No public assembly shall be held within the National Assembly, the Government House and the Courts; provided that, the specific place for public assembly is provided therein.</p> <p>The Courts under paragraph two mean the Constitutional Court, the Court of Justice, the Administrative Court, the Military Court and other Courts established by law.</p> <p>In case of necessary and for the maintenance of public safety and public order, the Commissioner General of the Royal Thai Police or his entrusted person shall, after having considered the numbers of participant and related circumstances of each public assembly, have the power to notify no public assembly zone within the radius of not exceeding fifty meters from the boundary of the places under paragraph two.</p>
<b>Section 10</b>	<p>Whoever intends to cause to have public assembly shall notify the authority at least twenty four hours prior to begin that public assembly.</p> <p>It shall be deemed that the person who encourages or begs another by any means to attend public assembly on specific date, time and place as well as the applicant for the use of public place or amplifier for public assembly or who requests for official facilitation for public assembly is a person who desires to cause to have public assembly under paragraph one.</p> <p>The notification shall identify objective of, and date, time and place for, public assembly in accordance with the procedure notified by the Minister. Such procedure shall be facilitative and shall also be made via information technology.</p>
<b>Section 14</b>	<p>The public assembly held in violation of section 6 or without notification under section 10 or in contrary to the order of the authority under section 11 or after the applicant receives the written order of refusing the extension of the notification period under section 12 shall be deemed illegal public assembly.</p>

<sup>4</sup> Translation by Pakorn Nilrapunt, Full-time Law Councilor at the Office of the Council of State, available at <http://lawdrafter.blogspot.com/2015/08/translation-thai-public-assembly-act-of.html> (last accessed 20 Mar 2021).

<b>Organic Act on Referendum for the Draft Constitution B.E. 2559<sup>5</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Article 61</b>	<p>Any person who commits the following acts:</p> <ol style="list-style-type: none"> <li>1. instigate trouble in order to cause disorder in the voting;</li> <li>2. give, offer or promise to give or make preparations for giving properties or other benefits being calculated as monetary value to any person in order to induce an eligible voter to refrain from voting, or vote in a certain way or abstain from voting;</li> <li>3. deceive, force, threaten or use influence in order to prevent an eligible voter from voting, cause an eligible voter to vote in a certain way or abstain from voting, or to cause misunderstanding of the date, time, polling station or voting procedures;</li> <li>4. open, destroy, cause damage, convert, cause the loss of, invalidity, remove or obstruct the transport of a ballot box or ballot paper, except where such actions are taken pursuant to the lawful authority;</li> <li>5. gamble or arrange for any gambling which induces an eligible voter to refrain from voting, vote in a certain way or abstain from voting;</li> <li>6. call, receive or accept money, properties or other benefits for oneself or other persons in order to refrain from voting or vote in a certain way or abstain from voting;</li> <li>7. sell, distribute, give or host of all kinds of alcoholic beverage in a constituency between 18.00 hours of the day before the voting day until the end of the voting day.</li> </ol> <p>Any person who disseminates texts, pictures, sound in newspaper, radio, television, electronic media or any other channels that are distorted from the fact or having violent, aggressive, rude, inciting, or threatening characteristics aiming to induce eligible voters refrain from voting or vote in a certain way or abstain from voting. Such person shall be regarded as a person who instigates trouble in order to cause disorder in the voting.</p> <p>Any person who commits any act under (1), (2), (3), (4), (5), or (6) shall be liable to imprisonment not exceeding ten years and to a fine of not exceeding two hundred thousand baht. The court may also order the revocation of voting right for a period not exceeding five years.</p> <p>In the case where any wrongdoing under (1), (2), (3), (4), (5), or (6) is committed by a group of more than five persons shall be liable to imprisonment one year to ten years and to a fine of twenty thousand baht to two hundred thousand baht. The court may also order the revocation of voting rights for a period of ten years.</p> <p>Any person who commits any act under (7) shall be liable to imprisonment not exceeding six months or to a fine of not exceeding ten thousand baht, or both.</p> <p>In the case where a person committing any act under (6) is the person who accepts or agrees to accept money, properties or other benefits for oneself or other persons, has notified such action to the Election Commission or persons assigned by the Election Commission prior to or on the voting day, such person shall not be liable to a penalty and the voting rights shall not be revoked.</p>

<sup>5</sup> Unofficial translation by ANFREL, available at <https://anfrel.org/organic-act-on-referendum-for-the-draft-constitution-2016/> (last accessed 24 Mar 2021).

<b>Organic Act on Referendum for the Draft Constitution B.E. 2559<sup>5</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Emergency Decree on Public Administration in Emergency Situations B.E. 2548<sup>6</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Section 4 (excerpt)</b>	<p>In this Emergency Decree:</p> <p>“Emergency situation” means a situation, which affects or may affect the public order of the people or endangers the security of the State or may cause the country or any part of the country to fall into a state of difficulty or contains an offence relating to terrorism under the Penal Code, a battle or war, pursuant to which it is necessary to enact emergency measures to preserve the democratic regime of government with the King as Head of State of the Kingdom of Thailand under the Constitution of the Kingdom of Thailand, independence and territorial integrity, the interests of the nation, compliance with the law, the safety of the people, the normal living of the people, the protection of rights, liberties and public order or public interest, or the aversion or remedy of damages arising from urgent and serious public calamity.</p>
<b>Section 5</b>	<p>In the event of the occurrence of an emergency situation and the Prime Minister considers that it is appropriate to use the force of administrative officials or police officers, civil officials or military officers to jointly provide assistance, prevent, remedy, suppress, withhold the emergency situation, rehabilitation or provide assistance to the people, the Prime Minister upon the approval of the Council of Ministers is empowered to declare an emergency situation applicable to the whole Kingdom or in some area or locality as necessary for the situation. In the case where the approval of the Council of Ministers cannot be obtained in a timely manner, the Prime Minister may declare the emergency situation immediately and shall subsequently seek the approval of the Council of Ministers within three days. If approval of the Council of Ministers is not obtained within the time prescribed, or the Council of Minister refuses approval, such declaration of emergency situation shall cease to be in force.</p> <p>The declaration of emergency situation under paragraph one shall be in force for the duration prescribed by the Prime Minister, but shall not exceed three months from the date of declaration. In the case where it is necessary to extend such period, the Prime Minister upon the approval of the Council of Ministers shall have the power to declare the extension of duration of enforcement provided that each extension shall not exceed three months.</p> <p>At the end of the emergency situation or upon the disapproval of the Council of Ministers or upon the lapse of the period under paragraph two, the Prime Minister shall declare the annulment of such emergency situation.</p>
<b>Section 9</b>	<p>In the case of necessity in order to remedy and promptly resolve an emergency situation or to prevent the worsening of such situation, the Prime Minister shall have the power to issue the following Regulations:</p> <ol style="list-style-type: none"> <li>1. to prohibit any person from departing from a dwelling place during the prescribed period, except with the permission of a competent official or being an exempted person;</li> </ol>

<sup>6</sup> Translation by Office of the Council of State, available at [https://www.krisdika.go.th/data/document/ext810/810259\\_0002.pdf](https://www.krisdika.go.th/data/document/ext810/810259_0002.pdf) (last accessed 20 Mar 2021).

<b>Organic Act on Referendum for the Draft Constitution B.E. 2559<sup>5</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
	<ol style="list-style-type: none"> <li>2. to prohibit the assembly or gathering of persons at any place or the commission of any act which may cause unrest;</li> <li>3. to prohibit the press release, distribution or dissemination of letters, publications or any means of communication containing texts which may instigate fear amongst the people or is intended to distort information which misleads understanding of the emergency situation to the extent of affecting the security of state or public order or good moral of the people both in the area or locality where an emergency situation has been declared or the entire Kingdom;</li> <li>4. to prohibit the use of routes or vehicles or prescribe conditions on the use of routes or vehicle;</li> <li>5. to prohibit the use of buildings or enter into or stay in any place;</li> <li>6. to evacuate people out of a designated area for the safety of such people or to prohibit any person from entering a designated area.</li> </ol> <p>Regulations under paragraph one may prescribe a time condition for the compliance of Regulations or conditions for the exercise of functions by the competent official, or authorize a competent official to designate an area and additional details, so as not to perform any act which causes unreasonable hardship to the people.</p>
<b>Section 12</b>	<p>In arresting and taking suspected persons into custody under section 11 (1), the competent official shall apply for leave of a court of competent jurisdiction or the Criminal Court. Upon obtaining leave of the court, the competent official shall be empowered to arrest and take the suspected persons into custody for a period not exceeding seven days. The suspected persons shall be taken into custody at a designated place which is not a police station, detention centre, penal institution or prisons and shall not be treated as a convict. In case where it is necessary to continue the detention in order to remedy the emergency situation, the competent official shall apply for the leave of the court to extend such detention period by seven days at a time, provided that the total period shall not exceed thirty days. Upon the expiration of such period, if the detention is still required, the competent official shall proceed under the Criminal Procedure Code.</p> <p>In proceeding under paragraph one, the competent officials shall file a report on the arrest and detention of such suspected persons for submission to the court issuing the order under paragraph one. A copy of such report shall be deposited at the office of the competent official so that relatives of the suspected persons may access such reports for the entire duration of such detention.</p> <p>The provisions on the procedures governing the issue of a warrant under the Criminal Procedure Code shall apply <i>mutatis mutandis</i> to the application for leave of the Court under paragraph one.</p>

<b>Organic Act on Referendum for the Draft Constitution B.E. 2559<sup>5</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b><i>Selected Covid-19 Related Nationwide Regulations Issued under the Emergency Decree</i></b>	
<b>Regulation Issued under Section 9 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (No. 1)<sup>7</sup></b> (issued on 25 March 2020 and came into effect on 26 March 2020)	
<b>Clause 5</b>	Prohibition of the Assembly of Persons: It is prohibited to assemble, to carry out activities, or to gather at any place that is crowded, or to commit any act which may cause unrest in areas determined by the Chief Officer responsible for remedying the emergency situation on matters relating to security.
<b>Regulation Issued under Section 9 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (No. 13)<sup>8</sup></b> (issued on 31 July 2020 and came into effect on 1 August 2020)	
<b>Clause 1</b>	The Organisation of Group Activities: The organisation of group activities or the exercise of rights to assembly of the people may be carried out within the scope of the exercise of rights and liberties under the constitution and laws, in accordance with the criteria prescribed by the laws on public assembly. The responsible persons for the organisation of such activities shall ensure that the participants comply with disease prevention measures prescribed by the government.
<b>Clause 5</b>	Implementation of Disease Prevention Measures: Owners or responsible persons of places, activities and businesses shall implement disease prevention measures prescribed by the government. Customers or persons entering into such places or participating in such activities shall wear surgical or alternative masks, maintain social distancing and comply with disease prevention measures prescribed by the government, as well as checking in via the “Thaichana” application if used, and shall undergo quarantine for the duration and at the place determined by the government for persons fitting the criteria to be quarantined.
<b>Regulation Issued under Section 9 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (No. 15)<sup>9</sup></b> (issued on 25 December 2020 and came into effect on 25 December 2020)	
<b>Clause 3</b>	Prohibition of the Assembly of Persons: It is prohibited to assemble, to carry out activities, or to gather at any place that is crowded, or to commit any act which may cause unrest in areas determined by the Chief Officer responsible for remedying the emergency situation on matters relating to security.

<sup>7</sup> Unofficial translation by the Ministry of Foreign Affairs, available at [https://image.mfa.go.th/mfa/0/mkKfL2iULZ/migrate\\_directory/news3-20200329-164122-910029.pdf](https://image.mfa.go.th/mfa/0/mkKfL2iULZ/migrate_directory/news3-20200329-164122-910029.pdf) (last accessed 20 Mar 2021).

<sup>8</sup> Unofficial translation by the Ministry of Foreign Affairs, available at [https://image.mfa.go.th/mfa/0/mkKfL2iULZ/migrate\\_directory/news3-20200818-163419-920365.pdf](https://image.mfa.go.th/mfa/0/mkKfL2iULZ/migrate_directory/news3-20200818-163419-920365.pdf) (last accessed 20 Mar 2021).

<sup>9</sup> Unofficial translation by the Ministry of Foreign Affairs, available at [https://image.mfa.go.th/mfa/0/mkKfL2iULZ/COVID\\_06-01-21/สื่อกำหนด \(15\) Eng.pdf](https://image.mfa.go.th/mfa/0/mkKfL2iULZ/COVID_06-01-21/สื่อกำหนด (15) Eng.pdf) (last accessed 20 Mar 2021).

<b>Organic Act on Referendum for the Draft Constitution B.E. 2559<sup>5</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Regulation Issued under Section 9 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (No. 16)<sup>10</sup></b> (issued on 3 January 2021 and came into effect on 4 January 2021)	
<b>Clause 5</b>	Appropriate Measures According to the Situation in each Area: In order to prevent and suppress the spread of the disease according to the situation in each COVID-19 zoning area, the Governor of Bangkok or Provincial Governors may consider, in accordance with the laws on communicable diseases, ordering the closure of, restriction on or prohibition of operation in the areas, places or vehicles, or ordering the prohibition to carry out any other activities which are risk-prone to the spread of the disease in the area under their responsibility in addition to those already prescribed in accordance with the measures or guidelines prescribed by the Regulation (No. 15).
<b><i>Protest-Related Regulations Applicable to Bangkok Issued under the Emergency Decree (the “Severe Emergency Decree”)</i></b>	
<b>Regulation Issued under Sections 9 and 11 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548<sup>11</sup></b> (issued on 15 October 2020 and came into effect immediately; repealed on 22 October 2020)	
<b>Clause 1</b>	It is prohibited to assemble or gather five or more persons at any place or to commit any act which instigates unrest.
<b>Clause 2</b>	It is prohibited to present news, distribute or disseminate letters, publications or any other means of communication, including all electronic data, containing text which may instigate fear amongst the people or is intended to distort information which misleads understanding of the emergency situation to the extent of affecting the security or state or public order or good morals of the people throughout the Kingdom.
<b>Clause 3</b>	The use of transportation routes or vehicles may be prohibited or allowed with conditions, as prescribed by the responsible Chief Official.
<b>Clause 4</b>	The use of, the entry into or the staying in any buildings or places may be prohibited, and the exit from any buildings or places may be ordered, as prescribed by the responsible Chief Official.
<b>Clause 5</b>	In the implementation of Clause 1 to Clause 4, the responsible Chief Official may prescribe timeframes for the compliance with Regulations or conditions for the exercise of functions by competent officials as deemed appropriate, so as not to perform any act which causes unreasonable hardship to the people.

<sup>10</sup> Unofficial translation by the Ministry of Foreign Affairs, available at [https://image.mfa.go.th/mfa/0/mkKfL2iULZ/COVID\\_08-01-21/ข้อกำหนด\\_16\\_Eng.pdf](https://image.mfa.go.th/mfa/0/mkKfL2iULZ/COVID_08-01-21/ข้อกำหนด_16_Eng.pdf) (last accessed 20 Mar 2021).

<sup>11</sup> Unofficial translation by the Government Public Relations Department, available at [https://thailand.prd.go.th/ewt\\_news.php?nid=10240&filename=index](https://thailand.prd.go.th/ewt_news.php?nid=10240&filename=index) (last accessed 24 Mar 2021).

<b>Head of the National Council for Peace and Order Order No. 3/2558<sup>12</sup></b> (issued on 1 April 2015)	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Article 3</b>	<p>Peacekeeping Officers shall act swiftly to prevent and suppress acts which constitute the following offences:</p> <ol style="list-style-type: none"> <li>1. offenses against the King, the Queen, the Heir Apparent and the Regent under Sections 107 to 112 of the Penal Code.</li> <li>2. offenses against the security of the state under Sections 113 to 118 of the Penal Code.</li> <li>3. offenses under the laws on firearms, ammunition, explosives, fireworks and artificial weapons, only in respect of firearms, ammunition and explosives used in warfare.</li> <li>4. violations of announcements or orders of the NCPO or of the Head of the NCPO.</li> </ol>
<b>Article 4</b>	<p>In acting according to Article 3, Peacekeeping Officers have the following powers:</p> <ol style="list-style-type: none"> <li>1. To order any person to report to peacekeeping authorities, or to come to give a deposition, or hand over any document or evidence relating to the commission of an offense under Article 3.</li> <li>2. To arrest any person discovered committing an offense under Article 3, and to hand over that person to an investigating officer for further proceedings.</li> <li>3. To assist or support investigating officers in their duties or take part directly in investigations of offences under Article 3, in which case Peacekeeping Officers shall be deemed to be investigating officers as defined in the Code of Criminal Procedure.</li> <li>4. To enter any residence or any place to carry out searches of the premises, including searches of persons or of vehicles, when there is sufficient reason to suspect that a person who has committed an offence under Article 3 is hiding on the premises, or has kept property or evidence relating to such an offence on the premises, and where a delay while applying for the issuance of a search warrant might risk the abscondance of the suspect or the removal or destruction of said property or evidence.</li> <li>5. To seize or freeze any assets discovered under (4).</li> <li>6. To carry out any other act as assigned by the National Council for Peace and Order.</li> </ol>
<b>Article 5</b>	<p>In circumstances where it is necessary to swiftly remedy a situation which threatens national security or public order, or to prevent the situation from getting worse, Peacekeeping Officers are empowered to issue orders prohibiting the propagation of any item of news or the sale or distribution of any book or publication or material likely to cause public alarm or which contains false information likely to cause public misunderstanding to the detriment of national security or public order.</p>

<sup>12</sup> Unofficial translation by iLaw, available at <https://voicefromthais.files.wordpress.com/2015/04/order-number-3-2558-3-2015-of-the-head-of-the-ncpo-on-maintaining-public-order-and-national-security.pdf> (last accessed 20 Mar 2021).

<b>Head of the National Council for Peace and Order Order No. 3/2558<sup>12</sup></b> (issued on 1 April 2015)	
<b>Provision</b>	<b>Text (English translation)</b>
	<p>When issuing such orders, Peacekeeping Officers may attach conditions or time frames for compliance to their orders.</p> <p>In order to accomplish results in accordance with the first paragraph, the Chief of the NCPO may set conditions or guidelines regarding the issuance of such orders.</p>
<b>Article 6</b>	<p>For the purposes stipulated in Article 3, when there is some evidence to suspect that an individual may have committed an offense under Article 3, Peacekeeping Officers have the authority to summon that individual to report to them for questioning or to give a deposition, and while the questioning is uncompleted the individual may be detained for not more than seven days. However, detention must be carried out on premises other than police stations, detention facilities, or prisons, and the detainee is not to be treated as an accused person.</p> <p>When there are sufficient grounds to bring charges against such an individual, either Peacekeeping Officers in their capacity as administrative officials or police officers are to proceed according to the law.</p>
<b>Article 12</b>	<p>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.</p> <p>Anyone who commits an offence under paragraph one who voluntarily agrees to receive corrective training from Peacekeeping Officers for a period not exceeding seven days may be released with or without the conditions stipulated in Article 11 paragraph 2 at the discretion of Peacekeeping Officers. The case will then be considered closed according to Section 37 of the Code of Criminal Procedure as amended by the Criminal Code Amendment Act (No. 16), 1986.</p> <p>Any person who contravenes or fails to comply with conditions of release shall be punished with imprisonment not exceeding six months, or a fine not exceeding ten thousand Baht, or both.</p>
<b>Article 13</b>	<p>Actions under this order are not subject to the laws on administrative procedures and the Law on the Establishment of the Administrative Court and the Administrative Procedures Code.</p>
<b>Article 14</b>	<p>Peacekeeping Officers and Assistant Peacekeeping Officers who act in good faith in accordance with this order, without bias or undue severity shall be protected according to Article 17 of the Decree on Public Administration in Emergency Situations 2005, without prejudice to the rights of individuals to claim compensation from the government in accordance with the laws governing liability of officers.</p>

<b>Mental Health Act B.E. 2551<sup>13</sup></b>	
<b>Provision</b>	<b>Text (English translation)</b>
<b>Section 17</b>	Treatment by means of physical restraint, confinement or seclusion of a patient shall not be given, provided that it is necessary for the protection of the patient, other persons or properties of other persons and it is given under close monitoring of the person giving such treatment in accordance with his professional standard.
<b>Section 21</b>	<p>Treatment may be given when reasons, necessities, details and benefits thereof have been explained to patient and consent for treatment has been given by the patient, except for the patient under section 22.</p> <p>If a patient has to be admitted in a State hospital or infirmary, the consent under paragraph one shall be made in writing and signed by the patient.</p> <p>In the case where the patient is less than eighteen years of age or incapable to have decision in giving consent for treatment, his spouse, ancestor, descendant, protector, curator, guardian or a person who takes care of that person, as the case may be, shall give consent under paragraph two on his behalf.</p> <p>The written consent under paragraph two and paragraph three shall be in accordance with the form as prescribed by the Board and published in the Government Gazette.</p>
<b>Section 22</b>	<p>A person with any of the following mental disorders shall have to receive treatment:</p> <ol style="list-style-type: none"> <li>1. being in threatening condition;</li> <li>2. having requirement for treatment.</li> </ol>

<sup>13</sup> Unofficial translation by Pakorn Nilrapunt from the Office of the Council of State, available at [https://omhc.dmh.go.th/law/files/thaimentalhealthlaw\\_unofficial\\_translation\\_english.pdf](https://omhc.dmh.go.th/law/files/thaimentalhealthlaw_unofficial_translation_english.pdf) (last accessed 23 Mar 2021).

## Annex C: Known Disappearance Cases During Thailand's Third UPR Cycle

No.	Name	Last seen/ Date disappeared	Location of Disappearance	Circumstances of Disappearance	Known Activities	Prior Charges or Convictions for Human Rights Activity	Information on Perpetrators	Fate if known
<b>Nine Thai Dissidents</b>								
1	Itthipol SUKPAN /Sukpaen (aka DJ Sunho) <sup>1</sup>	22 June 2016	Vientiane, Laos	He had been eating in a restaurant in Laos on 22 June 2016, leaving on a motorcycle to return home around midnight. Later, a man was heard crying out in the area. His motorcycle and one of his shoes were found the next day 1 km from the restaurant.	- Political activist - Leader of the Chiang Mai 51 (a Red Shirt group) and host of their radio show - Had criticised the monarchy through comments made on Facebook - Following flight to Laos, posted critiques of the military on YouTube and Facebook - Affiliated with "Power of Democracy of Dang Siam Network" (UDD)	- Had been summoned to report to the military in 2014, charges unknown but appeared to relate to anti-monarchy posts online - Charged under 112, with corresponding arrest warrant <sup>2</sup>	Information received by his associates stated that he was arrested by Thai authorities and taken to the 36th Infantry Military Circle in Petchchaboon Province, but the military denied this.	Rumoured to have been taken to the 36th Infantry Military Circle in Petchchaboon Province.
2	Wuthipong KACHATHAMAKUL / Wutthipong Kachathamakun / Kochathmmakun (aka Ko Tee aka Comrade Ma Noi) <sup>3</sup>	29 July 2017	Vientiane, Laos	10 armed men arrived at his home at 9.45pm and assaulted him, his wife and a friend before they entered the house. The men hit them, shocked them with stun guns, tied their hands with plastic handcuffs, covered their eyes, gagged their mouths. They then put him into a car and drove away,	- Red Shirt activist - Affiliated with "Power of Democracy of Dang Siam Network" (UDD) - Member of the Organisation for Thai Federation seeking to shift from a ceremonial constitutional monarchy governance model to a federal democracy	- Escaped to avoid 112 charges; it appeared that he was being investigated for such - Government accused him of involvement with anti-government militia groups and plotting to assassinate Prayut and other junta members - Had 29 arrest warrants out for him	Assailants were reportedly speaking among themselves in Thai.	Rumoured to be dead

<sup>1</sup> Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Communication with Thailand*, UN doc. no. UA THA 3/2019, 6 Mar 2019, available at [https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24391&fbclid=IwAR0xbNf3noxiPqKAn\\_lc0Le33pUCLldwJJ16noF4BTODUzrsvL-l5vpEdk8](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24391&fbclid=IwAR0xbNf3noxiPqKAn_lc0Le33pUCLldwJJ16noF4BTODUzrsvL-l5vpEdk8) (last accessed 22 Mar 2021).

<sup>2</sup> “ยังไม่รู้ชะตา ‘สุรชัย แซ่ด่าน’ และอีก 2 นักเคลื่อนไหวทางการเมืองที่หายไป”, *The Momentum*, 10 Jan 2019, available at [https://themomentum.co/surachai-sae-dan-and-refugee-friends-disappear/?fbclid=IwAR3CUJ\\_xK4DLp8\\_xELes7r0Gs7bm8TMRT3CuE8M8MdK04s6beOmWPxSBbK8](https://themomentum.co/surachai-sae-dan-and-refugee-friends-disappear/?fbclid=IwAR3CUJ_xK4DLp8_xELes7r0Gs7bm8TMRT3CuE8M8MdK04s6beOmWPxSBbK8) (last accessed 12 Mar 2021).

<sup>3</sup> “Laos/Thailand: Investigate Abduction of Exiled Red Shirt Activist”, *Human Rights Watch*, 1 Aug 2017, available at <https://www.hrw.org/news/2017/08/01/laos/thailand-investigate-abduction-exiled-red-shirt-activist> (last accessed 13 Mar 2021).

No.	Name	Last seen/ Date disappeared	Location of Disappearance	Circumstances of Disappearance	Known Activities	Prior Charges or Convictions for Human Rights Activity	Information on Perpetrators	Fate if known
<b>Nine Thai Dissidents</b>								
				leaving the wife and friend at the scene.	- Host of a community radio network affiliated with UDD that is strongly anti-monarchy and anti-military, in Thailand and after fleeing to Laos after May 2014			
3	Surachai DANWATTANASUSORN (aka Surachai Sae-dang, also misspelled Danwattanusorn) <sup>4</sup>	11 Dec 2018	Vientiane, Laos	Planned to leave home in Vientiane on 12 Dec 2018 due to planned Thai PM's visit on 13 Dec 2018. Home was unlocked and empty, belongings untouched, van still present, his blood pressure monitor untaken.	- Anti-monarchy activist - Operated an underground podcast called "Thailand Reformation/Revolution" ("Patiroob Prated Thai") from Laos critical of military and monarchy (2014-2018) - Co-founder of political group "Power of Democracy of Dang Siam Network" (UDD) - Former leader of the Thai Communist Party in the 1980s	- Charged with 112 and imprisoned from 2011 but pardoned in 2013 - Summoned by NCPO on 13 June 2014, but did not report themselves to NCPO, causing an arrest warrant to be issued against him. - Charged in 2014, in association with his participation in anti-government demonstrations calling for an election (in 2009 in Pattaya, which caused the shut-down of the 2009 ASEAN Summit, and in 2010 Bangkok protest), with: -- possession of illegal weapons (Firearms Act) -- sedition (Crim Code 116) -- participating in illegal association (Crim Code 209) - Has an outstanding fine for breach of bail that the Pattaya Provincial Court refuses to waive since there is no evidence he is dead	Deputy Commissioner of Royal Thai Police on 24 Jan 2019 denied allegations of enforced disappearance and killing Danwattanusorn, Luelert or Bubphawan	Unknown
4	Chatchan BUPHAWAN / Buppawan / Bubphawan (aka	11 Dec 2018	Vientiane, Laos	Planned to leave home in Vientiane on 12 Dec 2018 due to planned Thai PM's visit on 13 Dec 2018. Home was unlocked and empty, belongings	- Anti-monarchy activist - Associate and friend of Surachai Danwattanusorn - Operated an underground podcast called "Thailand Reformation/Revolution"	- Summoned by NCPO on 13 June 2014, but did not report themselves to NCPO, causing an arrest warrant to be issued against him.	Deputy Commissioner of Royal Thai Police on 24 Jan 2019 denied allegations of enforced	Dead

<sup>4</sup> Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Communication with Thailand*, UN doc. no. UA THA 3/2019, 6 Mar 2019, available at [https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24391&fbclid=IwAR0xbNf3noxIPgKAn\\_Ic0Le33pUCLIdwJJ16noF4BTODUzrsvL-I5vpEdk8](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24391&fbclid=IwAR0xbNf3noxIPgKAn_Ic0Le33pUCLIdwJJ16noF4BTODUzrsvL-I5vpEdk8) (last accessed 22 Mar 2021).

No.	Name	Last seen/ Date disappeared	Location of Disappearance	Circumstances of Disappearance	Known Activities	Prior Charges or Convictions for Human Rights Activity	Information on Perpetrators	Fate if known
<b>Nine Thai Dissidents</b>								
	Comrade Phu Chanah / Chana <sup>5</sup>			untouched, van still present.	("Patiroob Prated Thai") from Laos critical of military and monarchy (2014-2018) - Co-founder of political group "Power of Democracy of Dang Siam Network" (UDD)	- Charged in 2014, in association with his participation in anti-government demonstrations calling for an election, with: -- possession of illegal weapons (Firearms Act)	disappearance and killing Danwattananusorn, Luelert or Bubphawan	
5	Kraidej LUELERT (aka Comrade Kasalong) <sup>6</sup>	11 Dec 2018	Vientiane, Laos	Planned to leave home in Vientiane on 12 Dec 2018 due to planned Thai PM's visit on 13 Dec 2018. Home was unlocked and empty, belongings untouched, van still present.	- Anti-monarchy activist - Associate and friend of Surachai Danwattanasusorn - Operated an underground podcast called "Thailand Reformation/Revolution" ("Patiroob Prated Thai") from Laos critical of military and monarchy (2014-2018) - Co-founder of political group "Power of Democracy of Dang Siam Network" (UDD)	N/A	Deputy Commissioner of Royal Thai Police on 24 Jan 2019 denied allegations of enforced disappearance and killing Danwattananusorn, Luelert or Bubphawan	Dead
6	Chucheeep CHIVASUT / Chivasut (aka Uncle Sanam Luang)	Reportedly arrested and detained by Vietnamese authorities in Jan 2019 <sup>7</sup>	Vietnam (border with Laos)	Rumoured to have been detained by Vietnamese authorities and returned to Thailand <sup>8</sup>	- Anti-monarchy activist - DJ who broadcast an anti-monarchy YouTube channel - Leader of the Organisation for Thai Federation seeking to shift from a ceremonial constitutional monarchy	- Charged under Section 112	Reportedly Vietnamese immigration officials	Rumoured to have been returned to Thailand on 8 May 2019, but this was denied by both the

<sup>5</sup> Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Communication with Thailand*, UN doc. no. UA THA 3/2019, 6 Mar 2019, available at [https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24391&fbclid=IwAR0xbNf3noxiPqKAn\\_Ic0Le33pUCLldwJJ16noF4BTODUzrsvL-I5vpEdk8](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24391&fbclid=IwAR0xbNf3noxiPqKAn_Ic0Le33pUCLldwJJ16noF4BTODUzrsvL-I5vpEdk8) (last accessed 22 Mar 2021).

<sup>6</sup> Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Communication with Thailand*, UN doc. no. UA THA 3/2019, 6 Mar 2019, available at [https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24391&fbclid=IwAR0xbNf3noxiPqKAn\\_Ic0Le33pUCLldwJJ16noF4BTODUzrsvL-I5vpEdk8](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24391&fbclid=IwAR0xbNf3noxiPqKAn_Ic0Le33pUCLldwJJ16noF4BTODUzrsvL-I5vpEdk8) (last accessed 22 Mar 2021).

<sup>7</sup> "The ideas of "Thai Federation," the origins of 6 serious lawsuits, 17 defendants, 4 people disappeared", *iLaw*, 1 Oct 2019, available at [https://freedom.ilaw.or.th/en/blog/ideas-"thai-federation"-origins-6-serious-lawsuits-17-defendants-4-people-disappeared](https://freedom.ilaw.or.th/en/blog/ideas-) (last accessed 13 Mar 2021).

<sup>8</sup> "ภาคีไทยเพื่อสิทธิฯ' แถลง 'ลุงสนามหลวง' กับพวกอีก 2 คน ถูกส่งตัวกลับไทย จับกุมติดตามหลักสิทธิมนุษยชน", *Prachatai*, 9 May 2019, available at <https://prachatai.com/journal/2019/05/82388> (last accessed 13 Mar 2021).

No.	Name	Last seen/ Date disappeared	Location of Disappearance	Circumstances of Disappearance	Known Activities	Prior Charges or Convictions for Human Rights Activity	Information on Perpetrators	Fate if known
<b>Nine Thai Dissidents</b>								
					governance model to a federal democracy - Supporter of Thaksin Shinawatra <sup>9</sup>			Vietnamese and Thai authority.
7	Siam THEERAWUT (aka Comrade Khaoneaw Mamuang) <sup>10</sup>	Jan 2019 (last in contact)	Vietnam (border with Laos)	Rumoured to have been detained by Vietnamese authorities and returned to Thailand <sup>11</sup>	- Anti-monarchy YouTuber - One of the leaders of the Organisation for Thai Federation seeking to shift from a ceremonial constitutional monarchy governance model to a federal democracy - Participated in a student play, The Wolf Bride, satirising a (fictional) king	- Interrogated in a military camp in relation to his involvement with the Organisation for Thai Federation - Charged under Section 112 for his involvement in a student play, arrest warrant still active today	Reportedly Vietnamese immigration officials	Rumoured to have been returned to Thailand on 8 May 2019, but this was denied by both the Vietnamese and Thai authority.
8	Kritsana THAPTHAI / Tapthai (aka Comrade Young Blood)	Reportedly arrested and detained by Vietnamese authorities in Jan 2019 <sup>12</sup>	Vietnam (border with Laos)	Rumoured to have been detained by Vietnamese authorities and returned to Thailand <sup>13</sup>	- One of the leaders of the Organisation for Thai Federation seeking to shift from a ceremonial constitutional monarchy governance model to a federal democracy <sup>14</sup>	- Charged under Sections 116 (sedition) and 209 (secret association), released on bail in September 2018 <sup>15</sup>	Reportedly Vietnamese immigration officials	Rumoured to have been returned to Thailand on 8 May 2019, but this was denied by both the Vietnamese and Thai authority.

<sup>9</sup> “รู้จัก ‘ลุงสนามหลวง’ ชูชีพ ชิวสุทธิ – เส้นทางวิทยุใต้ดิน – กลุ่มเหยื่อสหพันธ์รัฐไทย”, *Prachatai*, 21 May 2019, available at <https://prachatai.com/journal/2019/05/82565> (last accessed 13 Mar 2021).

<sup>10</sup> Mandates of the Working Group on Enforced or Involuntary Disappearances; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Communication with Thailand*, UN doc. no. AL THA 8/2020, 11 Dec 2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25646> (last accessed 22 Mar 2021).

<sup>11</sup> “ภาคีไทยเพื่อสิทธิฯ’ แถลง ‘ลุงสนามหลวง’ กับพวกอีก 2 คน ถูกส่งตัวกลับไทย จับปฏิบัติตามหลักสิทธิมนุษยชน”, *Prachatai*, 9 May 2019, available at <https://prachatai.com/journal/2019/05/82388> (last accessed 13 Mar 2021).

<sup>12</sup> “The ideas of ‘Thai Federation,’ the origins of 6 serious lawsuits, 17 defendants, 4 people disappeared”, *iLaw*, 1 Oct 2019, available at <https://freedom.ilaw.or.th/en/blog/ideas-“thai-federation”-origins-6-serious-lawsuits-17-defendants-4-people-disappeared> (last accessed 13 Mar 2021).

<sup>13</sup> “ภาคีไทยเพื่อสิทธิฯ’ แถลง ‘ลุงสนามหลวง’ กับพวกอีก 2 คน ถูกส่งตัวกลับไทย จับปฏิบัติตามหลักสิทธิมนุษยชน”, *Prachatai*, 9 May 2019, available at <https://prachatai.com/journal/2019/05/82388> (last accessed 13 Mar 2021).

<sup>14</sup> “The ideas of ‘Thai Federation,’ the origins of 6 serious lawsuits, 17 defendants, 4 people disappeared”, *iLaw*, 1 Oct 2019, available at <https://freedom.ilaw.or.th/en/blog/ideas-“thai-federation”-origins-6-serious-lawsuits-17-defendants-4-people-disappeared> (last accessed 13 Mar 2021).

<sup>15</sup> “The ideas of ‘Thai Federation,’ the origins of 6 serious lawsuits, 17 defendants, 4 people disappeared”, *iLaw*, 1 Oct 2019, available at <https://freedom.ilaw.or.th/en/blog/ideas-“thai-federation”-origins-6-serious-lawsuits-17-defendants-4-people-disappeared> (last accessed 13 Mar 2021).

No.	Name	Last seen/ Date disappeared	Location of Disappearance	Circumstances of Disappearance	Known Activities	Prior Charges or Convictions for Human Rights Activity	Information on Perpetrators	Fate if known
<b>Nine Thai Dissidents</b>								
9	Wanchalerm SATSAKIT (aka Tar) <sup>16</sup>	4 June 2020	Phnom Penh, Cambodia	On 4 June 2020, at around 4.45pm, he was abducted by 4 armed unidentified persons while on the phone with a family member. Men who abducted him were heard speaking in the Khmer language, while Wanchalerm was heard saying that he could not breathe in Thai. He was taken into a dark blue Toyota Highlander vehicle (license plate: 2 X 2307).	- Political activist - Associated with the United Front for Democracy against Dictatorship (UDD) - Assumed to be the author of a Facebook page ("I will surely get 100 million Baht from Thaksin") critical of the Thai government and NCPO	- Ordered to report to NCPO following 2014 coup, but failed to report to NCPO. Consequently, the military court issued an arrest warrant for him. (8 June 2014) - On 25 June 2018, another arrest warrant for him was issued under the Computer-Related Crime Act in relation to a satirical Facebook page ("I will surely get 100 million Baht from Thaksin") critical of the Government and NCPO.	Men who abducted him were heard speaking to each other in Thai.	Unknown

<sup>16</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25351>.

No.	Name	Last seen/ Date disappeared	Location of Disappearance	Circumstances of Disappearance	Known Activities	Prior Charges or Convictions for Human Rights Activity	Information on Perpetrators	Fate if known
<b>Military Officer</b>								
1	Chaloemsak RUENMONGKON <sup>17</sup>	7/8 Apr 2018	Either the Philippines or Malaysia	Some sources report that he travelled to and was arrested in Malaysia by Thai authorities before being taken back to Thailand.	- Suspected of running an anti-monarchy and anti- military Facebook page (now closed) translated as "Palace People's Pizza"	N/A	Some sources report that he travelled to and was arrested in Malaysia by Thai authorities before being taken back to Thailand.	Unknown

<sup>17</sup> Andrew MacGregor Marshall, "The Story of Chaloemsak Ruenmongkon — the ninth victim of Thai assassins abroad", *Facebook*, 12 Feb 2020, available at <https://www.facebook.com/zenjournalist/posts/10157533760936154> (last accessed 25 Feb 2021); Communication with Andrew MacGregor Marshall.

No.	Name	Last seen/ Date disappeared	Location of Disappearance	Circumstances of Disappearance	Known Activities	Prior Charges or Convictions for Human Rights Activity	Information on Perpetrators	Fate if known
<b>Two Foreign HRDs Disappeared in Thailand</b>								
1	Truong Duy NHAT <sup>18</sup>	Disappeared on 26 Jan 2019.  He has since been found.	Bangkok, Thailand	On 26 January 2019, at around 5.30pm, Thai police in plainclothes reportedly apprehended Mr Nhat at a Bangkok shopping mall before handing him over to 3 Vietnamese officials who put him in a white van. His fate and whereabouts remained unknown until Vietnamese authorities provided persons associated with him with a document stating that he was in State custody in Vietnam since 28 January 2019, suggesting that he was involuntarily repatriated from Thailand to Vietnam.	- Vietnamese journalist and blogger who regularly posted content critical of the Vietnamese state	N/A	Reportedly Thai authorities and Vietnamese authorities	Reportedly detained in Vietnam
2	OD Sayavong <sup>19</sup>	26 Aug 2019	Bangkok, Thailand	On 26 August 2019, at around 5.30pm, Mr Od left his house and was never seen again. His friend filed a report about his disappearance with the Bueng Kum police station in Bangkok on 2 September 2019.	- a Laotian human rights defender and a former member of "Free Lao" group in Bangkok - While residing in Bangkok, he publicly engaged on issues relating to human rights and corruption in Laos, including through social media. - Led a demonstration in Bangkok calling for the release of 3 members of	N/A	N/A	Unknown

<sup>18</sup> Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Communication with Thailand*, UN doc. no. UA THA 5/2019, 18 Apr 2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24536> (last accessed 22 Mar 2021).

<sup>19</sup> Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extreme poverty and human rights, *Communication with Thailand*, UN doc. no. UA THA 8/2019, 25 Sep 2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24870> (last accessed 22 Mar 2021).

No.	Name	Last seen/ Date disappeared	Location of Disappearance	Circumstances of Disappearance	Known Activities	Prior Charges or Convictions for Human Rights Activity	Information on Perpetrators	Fate if known
<b>Two Foreign HRDs Disappeared in Thailand</b>								
					"Free Lao" group who were imprisoned in Laos, for Lao authorities to cease issuing land concessions, and regarding the collapse of Xe-Pian Xe-Namnoy dam			

## Annex D: Select Cases Threatening Fundamental Freedoms During Thailand's Third UPR Cycle

No.	Name of Defendant	No. of Section 112 cases	Description of Alleged Conduct	Case Status
<b>Lèse-Majesté Cases</b>				
<b>Summary (as at 22 March 2021)</b> Number of individuals charged under Section 112 since November 2020: at least 75 Number of minors charged under Section 112 since November 2020: at least 6				
<b>Case Details:</b> See the databases maintained by the NGOs iLaw ( <a href="https://bit.ly/3enZ7iw">https://bit.ly/3enZ7iw</a> ) and Thai Lawyers for Human Rights ( <a href="https://bit.ly/3cuTj11">https://bit.ly/3cuTj11</a> ).				
<b>Cases Involving Protest Leaders and/or Prominent Activists</b>				
1	Anon Nampa	12	<ul style="list-style-type: none"> <li>- Anti-monarchy speeches at protests</li> <li>- Dissemination of anti-monarchy content on Facebook</li> </ul>	Detained on 9 Feb 2021, bail request denied.
2	Parit Chiwarak	20	<ul style="list-style-type: none"> <li>- Anti-monarchy speeches at protests</li> <li>- Wore crop top at protest</li> <li>- Dissemination of anti-monarchy content on Facebook</li> <li>- Posted and tweeted online about banning Siam Commercial Bank</li> <li>- Posted online about the royal property of King Rama VII</li> </ul>	Detained on 9 Feb 2021, bail request denied.
3	Panusaya Sithijirawattanakul	9	<ul style="list-style-type: none"> <li>- Anti-monarchy speeches at protests</li> <li>- Wore crop top at protest</li> <li>- Dissemination of anti-monarchy content on Facebook</li> </ul>	Detained on 8 Mar 2021, bail request denied.
4	Panupong Jadnok	8	<ul style="list-style-type: none"> <li>- Anti-monarchy speeches at protests</li> <li>- Wore crop top at protest</li> <li>- Posted anti-monarchy content on Facebook</li> </ul>	Detained on 8 Mar 2021, bail request denied.
5	Jatupat Boonpattaraksa	1	Anti-monarchy speeches at protests	Detained on 8 Mar 2021, bail request denied.
6	Patiwat Saraiya	1	Anti-monarchy speeches at protests	Detained on 9 Feb 2021, bail request denied.
7	Somyot Prueksakasemsuk	2	Anti-monarchy speeches at protests	Detained on 9 Feb 2021, bail request denied.

No.	Name of Defendant	Offence(s)	Date of Alleged Offence(s)	Description of Alleged Conduct	Case Status
<b>Lèse-Majesté Cases</b>					
<b>Cases Involving Minors</b>					
1	No name available, 16-year-old boy <sup>1</sup>	Section 112	29 Oct 2020	Wore a crop top and displayed words on his body, both of which purportedly insulted the King.	Released on bail (no bail money).
2	"Thanakorn" (17-year-old) <sup>2</sup>	Section 112	6 Dec 2020	Spoke at a protest on 6 Dec 2020.	Released on bail at 5,000 baht.
			20 Dec 2020	Wore crop top at a protest, purportedly insulting the King.	Released on bail.
3	"Nut" (younger than 18 years of age) <sup>3</sup>	Section 112	20 Dec 2020	Wore crop top at a protest, purportedly insulting the King.	Released on bail.
4	"Phoom Hua Lamphong" (17-year-old)	Section 112	14 Jan 2021	Threw dog food and gave a speech.	N/A
5	No name available, 15-year-old <sup>4</sup>	Section 112	20 Mar 2021	Burned trash in front of the King's portrait, though the police claimed that they tried to burn the King's portrait.	N/A
6	No name available, 14-year-old <sup>5</sup>	Section 112	20 Mar 2021	Burned trash in front of the King's portrait, though the police claimed that they tried to burn the King's portrait.	N/A

<sup>1</sup> "เอฟ: สามชุดครอบครัวที่อุปในการชุมนุมแฟชั่นโชว์", *iLaw*, no date, available at <https://freedom.ilaw.or.th/case/918> (last accessed 9 Mar 2021).

<sup>2</sup> "ณัฐ: ใส่ครอบครัวที่อุปเดินพาราгон", *iLaw*, no date, available at <https://freedom.ilaw.or.th/case/926#detail> (last accessed 9 Mar 2021).

<sup>3</sup> "ณัฐ: ใส่ครอบครัวที่อุปเดินพาราгон", *iLaw*, no date, available at <https://freedom.ilaw.or.th/case/926#detail> (last accessed 9 Mar 2021).

<sup>4</sup> "2เยาวชนร่วมมือบริเตม20มินาโดนจับถูกปล่อยตัวแล้ว", *Post Today*, 21 Mar 2021, available at <https://www.posttoday.com/politic/news/648421> (last accessed 22 Mar 2021).

<sup>5</sup> "2เยาวชนร่วมมือบริเตม20มินาโดนจับถูกปล่อยตัวแล้ว", *Post Today*, 21 Mar 2021, available at <https://www.posttoday.com/politic/news/648421> (last accessed 22 Mar 2021).

No.	Name of Defendant	Offence(s)	Date of Alleged Offence(s)	Description of Alleged Conduct	Case Status
<b>Lèse-Majesté Cases</b>					
<b>Illustrative Examples of Lèse-Majesté Cases</b>					
1	Jatupat Boonpattaraksa <sup>6</sup>	s. 112 of <i>Penal Code</i> s.14(3) of <i>Computer-Related Crime Act</i>	2 Dec 2016	Shared a BBC article on the biography of the new King, Rama X.	Convicted and sentenced to 5 years' imprisonment (halved to 2.5 years due to confession).  Served his sentence.
2	"Narin"	s.112 of <i>Penal Code</i>	19 Sep 2020	Stuck a "กูกุล" sticker on a photo of the King in front of the Supreme Court. <sup>7</sup>	Released on bail (no bail money required).
3	"Lunna"	ss.112 and 360 (destruction of property) of <i>Penal Code</i>	17 Oct 2020	Removed the King's photo during protest.	Has not appeared before authorities to hear charges.
4	Jatuporn Sae Ung	s.112 of <i>Penal Code</i>	29 Oct 2020	Wore a crop top at a protest.	Released on bail (no bail money required).
5	Nutchanon Pairoj <sup>8</sup>	s.112 of <i>Penal Code</i> and s.8 of <i>Printing Recordation Act B.E. 2550</i>	-	Published the book 'Sky Shaking Phenomenon: Monarchy Reformation Demands on 10th August', around 40,000 copies of which were planned to be distributed to protesters before confiscated by authorities.	N/A

<sup>6</sup> "Case name | Jatupat: shared BBC's article", *iLaw*, no date, available at <https://freedom.ilaw.or.th/en/case/756> (last accessed 9 Mar 2021).

<sup>7</sup> "เปิดข้อหาคดี 'ม.112' ติดสติ๊กเกอร์ 'กูกุล' ระหว่างชุมนุม #19คนยาทางคืนอำนาจราษฎร", *Thai Lawyers for Human Rights*, 22 Dec 2020, available at <https://tlhr2014.com/archives/24341> (last accessed 10 Mar 2021).

<sup>8</sup> "ถนัดชนน : หนังสือ 'ปรากฏการณ์สะพานฟ้า'", *iLaw*, no date, available at <https://freedom.ilaw.or.th/case/920> (last accessed 10 Mar 2021).

No.	Name of Defendant	Offence(s)	Date of Alleged Offence(s)	Description of Alleged Conduct	Case Status
6	"Nut" (admin of "People's Party" Facebook page)	s.112 of <i>Penal Code</i>	N/A	Sold "yellow duck" calendars that purportedly insulted the King. <sup>9</sup>	Released on bail.
7	Sirichai Nathuang <sup>10</sup>	ss.112 and 358 (destruction of property) of <i>Penal Code</i>	Jan 2021	Sprayed paint on King's portraits.	Released on bail, which was set at 150,000 baht.
8	Chaiamorn Kaewwiboonpan <sup>11</sup>	s.112 of <i>Penal Code</i> , etc.	28 Feb 2021	Set fire to portrait of the King.	Under detention.
9	Tiwakorn Withiton <sup>12</sup>	No charge.  Brought to a psychiatric hospital for psychological checkup on 9 July 2020 under the <i>Mental Health Act B.E. 2551</i>	After May 2020	Mr Tiwakorn posted anti-monarchy content on Facebook and wore anti-monarchy shirts (e.g. "We have lost faith in the institution of the monarchy") in public.	Released from the psychiatric hospital on 22 July 2020. <sup>13</sup>
		ss.112, 116 of <i>Penal Code</i>  s.14 of <i>Computer-Related Crime Act</i>	11 and 18 Feb 2021	Posted anti-monarchy content on Facebook, asking the monarchy to stop using s.112 of <i>Penal Code</i> against protesters.	Charges brought against him on 4 Mar 2021.

<sup>9</sup> "ศาลให้ประกันตัว แอดมินเพจคณะราษฎร หลังถูกดำเนินคดี ม.112 จากการขายปฏิทินรูปเปิด", *Prachatai*, 2 Jan 2021, available at <https://prachatai.com/journal/2021/01/91038> (last accessed 10 Mar 2021).

<sup>10</sup> "ม.112: ศาลอนุญาตให้ประกันตัวนักศึกษา มธ. หลังถูกแจ้งข้อหามาตรา 112", *BBC*, 14 Jan 2021, available at <https://www.bbc.com/thai/55656188> (last accessed 10 Mar 2021).

<sup>11</sup> "Bottom Blues singer Ammy held on lese-majesty charges, alleged arson", *The Nation*, 3 Mar 2021, available at <https://www.nationthailand.com/news/30403234> (last accessed 10 Mar 2021).

<sup>12</sup> "ดร.จับ 'ทิวากร' ข้อหา ม.112 เหตุโพสต์ขอให้สถาบันกษัตริย์หยุดใช้ ม.112 และใส่เสื้อ 'เราหมดศรัทธาสถาบันกษัตริย์แล้ว'", *Prachatai*, 4 Mar 2021, available at <https://prachatai.com/journal/2021/03/91956> (last accessed 9 Mar 2021).

<sup>13</sup> "'ทิวากร' ได้รับการปล่อยตัวจาก รพ.จิตเวช", *Prachatai*, 23 July 2020, available at <https://prachatai.com/journal/2020/07/88707> (last accessed 11 Mar 2021).

No.	Name of Defendant	Offence(s)	Date of Alleged Offence(s)	Description of Alleged Conduct	Case Status
<b>Other Serious Charges</b>					
1	Prawet Prapanukul <sup>14</sup>	s.116 of <i>Penal Code</i> (3 counts), s.14(3) of <i>Computer-Related Crime Act</i>  (initially charged with s.112 as well)	Arrested on 29 Apr 2017	Posted on Facebook calling both red-shirt and yellow-shirt supporters to oppose the military dictatorship, and calling for a republican-federal system of governance.	Sentenced to 16 years of imprisonment. Sentence served.
2	"Supakorn" <sup>15</sup>	s.14(2), (5) of <i>Computer-Related Crime Act</i> (9 counts)	10-23 Apr 2020	Allegedly created a Facebook account to post anti-monarchy content that is untrue on multiple Facebook pages.	10 Mar 2021 – Sentenced to 9 years of imprisonment, halved to 4.5 years due to confession.

<sup>14</sup> "ปล่อยทนายประเวศแล้วหลังขังเต็ม 16 เดือน ประกาศสู้คดียืนเดิม", *Prachatai*, 26 Aug 2018, available at <https://prachatai.com/journal/2018/08/78443> (last accessed 18 Mar 2021); "ตัดสินคดี 'ประเวศ' ยกฟ้อง 112 ลงโทษจำคุกเฉพาะ ม.116 รวม 16 เดือน", *Prachatai*, 27 June 2018, available at <https://prachatai.com/journal/2018/06/77593> (last accessed 18 Mar 2021).

<sup>15</sup> "พิพากษาจำคุก 54 เดือน 'ศุภกร' คดีพ.ร.บ.คอมฯ โปสเตอร์ภาพตัดต่อกษัตริย์ ศาลสั่งให้ศาลอุทธรณ์พิจารณาคำร้องประกัน", *Thai Lawyers for Human Rights*, 10 Mar 2021, available at <https://tlhr2014.com/archives/26776> (last accessed 18 Mar 2021).