



สมาคมนักกฎหมายสิทธิมนุษยชน Human Rights Lawyers Association

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Public Statement

The National Council for Peace and Order (NCPO) urged to stop prosecuting political opponents

It has been reported that the Pathumwan Police Station's inquiry officers have summoned **Mr. Thanathorn Juangroongruangkit**, Leader of the Future Forward Party (FFP) to answer to charges in the criminal case no. 691/2558. It has stemmed from a report filed with the police by the National Council for Peace and Order (NCPO)'s legal officer accusing Mr. Thanathorn Juangroongruangkit, Leader of the Future Forward Party (FFP), of making 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 to raise unrest and disaffection amongst the people in a manner likely to cause disturbance in the country and assisting other persons who commit or are alleged of having committed an offence which is not a petty offence so that such persons may not be punished by giving them lodging, by hiding, or by assisting them by any means so that he may not be arrested, an offence against Sections 116 and 189 of the Penal Code. Mr. Thanathorn is expected to meet the inquiry officers to answer to the charges on 6 April 2019.

In the meantime, it has been reported that the NCPO has also authorized its legal officer to report the case to the Technology Crime Suppression Division (TCSD) to hold culpable the owners of the website <http://futureforwardparty.org/> or other individuals involved with the commission of the offence. On 27 March 2019, the Royal Thai Police has summoned **Mr. Piyabutr Saengkanokkul**, Secretary General of the Future Forward Party (FFP) to give evidence to the inquiry officers as a witness since he was the person who has reportedly "read a public statement about the dissolution of the Thai Raksa Chart Party and has disseminated such information through the website 'http://futureforwardparty.org'".

The charge against Mr. Thanathorn has stemmed from an incidence at the Pathumwan Police Station on 24 June 2015. He has gone there to show his solidarity with student activists who were members of the New Democracy Movement (NDM)¹ and it was an exercise of his freedom as a citizen. The police did not take

¹ According to the Deputy National Police Commissioner, Pol Gen Srivara Ransibrahmanakul, and inquiry officials of the Pathumwan Police Station, the summoning of the Leader of the Future Forward Party (FFP), Mr. Thanathorn Juangroongruangkit, per the offence against Section 116 or sedition has stemmed from his participating in a gathering on 24 June 2015 around 10.00pm with other people to show their solidarity with the student activists who were facing charges as a result of their activities and how Mr. Thanathorn has offered a ride to Mr. Rangsiman. Source: Srivara "The

action against the people who were gathered outside the police station and there was no circumstance which could be held as an offence against Section 116. That the officials have released the students from custody and how one of the students, Mr. Rangsiman, has been offered a ride by Mr. Thanathorn, could not be construed as an act of giving an alleged offender lodging or by assisting him to escape an arrest.

The criminal proceedings against Mr. Thanathorn Juangroongruangkit and Mr. Piyabutr Saengkanokkul have started after both have run as candidates of the Future Forward Party (FFP) for MP election during which time they have declared their stance against having Gen Prayuth Chan-ocha as the next Prime Minister, the act of which has been construed as an attempt by the NCPO to proliferate its power. Both have also declared their intention to amend and democratize the Constitution of the Kingdom of Thailand 2017 and to reform the army. Such proposition and policy have garnered massive support from the people. Also, in the aftermath of the election, both have cast their suspicions over several issues concerning the performance of the Election Commission of Thailand (ECT) and have declared their intention to press ahead with scrutinizing the ECT's performance of duties. Such ideas have been conveyed and received by many followers and supporters.

The Human Rights Lawyers Association has these following opinions to share;

1. By declaring his political stand, Mr. Thanathorn Juangroongruangkit and Mr. Piyabutr Saengkanokkul have exercised their right peacefully without inciting or propagating any violence. It is a due right in a democracy and such right is recognized in the Constitution of the Kingdom of Thailand's Section 34 which provides that "A person shall enjoy the liberty to express opinions, make speeches, write, print, publicize and express by other means.", the Universal Declaration of Human Rights (UDHR)'s Article 19 to which Thailand is a state party and the International Covenant on Civil and Political Rights (ICCPR)'s Article 19 with an obligation Thailand has to abide by.

Therefore, we urge the government and the NCPO to recognize and respect the right to freedom of expression, to criticize, to communicate and to hold the government accountable.

2. By pressing charges against Mr. Thanathorn Juangroongruangkit and Mr. Piyabutr Saengkanokkul as well as other individuals, particularly by picking out an incidence that happened more than four years ago (2015) to initiate a legal action against Mr. Thanathorn after the elections, and how he has to face sedition charge, an offence against Section 116 of the Penal Code, which is a felony against internal security and which obliges Mr. Thanathorn to be subject to an investigation by military authorities and to stand trial in the Military Court per the NCPO Announcements and Orders, could cajole international community to perceive the NCPO's attempt as using the judicial process as a tool to muzzle the right to freedom of

summoning of Thanahorn on sedition has nothing to do with the elections" (Online)

<https://workpointnews.com/2019/04/03/ทีวี 7 ทีวี>.

expression, a fundamental right in a democracy. Moreover, it could make them think NCPO is using criminal proceeding to intimidate and harass its political opponents.

Therefore, we urge that the government and NCPO stop doing such thing.

3. We understand and emphasize the frustration shared by officials involved with the judicial process under the rule of NCPO, particularly, the inquiry officials.

Therefore, we would like to show our solidarity with the inquiry officials and encourage them to continue to perform their duties, professionally and independently and not do anything at the behest of other groups including the National Council for Peace and Order (NCPO) and some high ranking officers in the Royal Thai Police. **The inquiry officials should apply laws to ensure justice and protection of people's rights and freedoms and refrain from being a tool for any group which aims to use judicial process as a tool to achieve political harassment.** They are encouraged to become part of the effort to restore trust in the justice process.

With respect in human rights and human dignity

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ENLAW Foundation

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