



สมาคมกฏหมายสิทธิมนุษยชน Human Rights Lawyers Association

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Press Release

Government urged to stop using violence against people who exercise their right to freedom of peaceful assembly

As the police have deployed forces to block and fired water cannon at the people who exercised their right to freedom of assembly to demand the monarchical reform in front of the Supreme Court around 6pm on 8 November 2020 and coupled with the 16 October 2020 incidence during which the officers also fired water cannon laced with chemicals against the pro-democracy protesters invoking the state of serious emergency declared in Bangkok to crack down on the assembly of members of the ‘Khana Ratsadon’ and as a result of such forcible dispersal in the two separate events, there have been reports of injuries;

The Human Rights Lawyers Association (HRLA) deems that;

1. The exercise of freedom of assembly to demand monarchical reform including the organization of various activities such as reading public statements, sending letters to the King, holding small rally speeches, and conducting various symbolic actions still constitute an act of peaceful and unarmed assembly. It is therefore a legitimate right of the people to exercise such freedom upheld by the Constitution of the Kingdom of Thailand 2017’s Section 44 and the International Covenant on Civil and Political Rights (ICCPR)’s Article 21 with which Thailand is obliged to act in compliance. Such restriction of the exercise of the freedom of assembly is therefore not possible. By simply invoking the fact that the demonstrators have failed to act in compliance with some provisions in the domestic law concerning public assembly, it cannot render the public assembly a non-peaceful assembly and thereby may justify the use of violence by the state against the demonstrators. In order to impose restriction of freedom of assembly, it is incumbent on the state to prove the legitimacy of such law and the necessity and proportionality of such restriction on the freedom of assembly within the context of a democratic society. It must expound clearly as to why such restriction may serve the interest of national security or public safety, or public order, or public health or the moral high ground or the protection of rights and freedoms of other people. A vague explanation is insufficient.

2. The various expressions made to demand the reform of the monarchy, since it is one of the most vital political organs to ensure its existence in compliance with democracy and its genuine non-engagement in politics, without the use of inciting speeches or hate speeches, constitute the right to freedom of expression which can be duly exercised by the people as upheld by the Constitution of the Kingdom of Thailand's Section 34 and the ICCPR's Article 19. The exercise of such right must be respected in a democratic society.

3. By firing water canon against the protesters who remained peaceful, the officials have violated the right to freedom of assembly enshrined in the Constitution and international laws. Such act also fails to comply with the criteria and procedure pursuant to the Public Assembly Act 2015. Such act is therefore considered an unlawful act and the use of disproportionate and excessive violence.

HRLA, therefore, have the following demands for the government and the Commissioner General of the Royal Thai Police;

1. The state should stop exercising its power to stifle the right to freedom of expression, freedom of opinion and freedom of peaceful assembly of all groups of the people. On the contrary, it should facilitate the exercise of such peaceful assembly and prevent violence from the third parties.
2. Concerned public authorities and officials must be held accountable to their acts through civil and criminal justice process and disciplinary action. If possible, an urgent inquiry should be opened against Pol Maj Gen Methee Rakphan, Commander of Metropolitan Police Division 6 who was in charge of the crowd control since he was the person who ordered the firing of water cannon against the demonstrators. This is to help prevent the culture of impunity and to deter and prevent such acts by the officials in the future.
3. The police must perform their duties professionally and independently and ensure that the enforcement of the law aims to serve the interest of justice and to protect people's rights and freedoms. They should not become a tool of any groups who want to use the justice process to harass their dissenters. This will eventually help to restore the public trust in the justice process

With respect in human rights and human dignity