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THAILAND RELEASE HUNGER-STRIKING ACTIVISTS

Since 2 June 2022, two women have been on hunger strike calling for their right to bail. They have been detained since 3 May 2022. Authorities have started criminal proceedings against them and one other, who is on bail under house arrest, for conducting street polls. International human right commitments oblige the Thai government to effectively protect the human rights to freedom of expression and peaceful assembly and minimize pre-trial detention. The three must be released immediately, and all charges against them dropped.

The Thai government has denied activists Netiporn ‘Bung’ Sanesangkhom, an online English teacher, and Nutthanit ‘Bai Por’ Duangmusit, a 1st year university student, their right to bail since 3 May 2022. The pair went on hunger strike on 2 June 2022 in protest of their detention. In addition, bail conditions of house-arrest have been imposed on Tantawan ‘Tawan’ Tuatulanon, after detaining her for 36 days. Nutthanit has missed university exams due to being detained. The three face criminal proceedings including under laws on sedition and lèse majesté, solely for peacefully soliciting public opinion in an opinion poll and sharing their opinions online.

Thailand’s international human rights commitments the government to effectively protect the human rights to freedom of expression and peaceful assembly and minimize pre-trial detention. The government has accepted recommendations at the Universal Periodic Review aimed at increasing protection of these rights. The UN Working Group on Arbitrary Detention the government’s practice of prosecuting and arbitrarily detaining lèse majesté suspects, including through denying the right to bail, to be in breach of international human rights obligations.

Write to the Minister of Justice urging him to:

- immediately release and/or withdraw charges and excessive bail conditions against people targeted for peaceful exercise of their rights and drop all criminal proceedings against them
- pending the release of people targeted for peaceful exercise of their rights, ensure they have adequate access to medical treatment
- instruct officials to uphold Thailand’s international human rights obligations, including on the right to bail, freedom of expression and association, and peaceful assembly

Write to:

Minister of Justice, Somsak Thepsuthin
Ministry of Justice, 404 ChaengWatthana Rd,
Thungsong-Hong, Laksi,
Bangkok, Thailand 10210
Email: Somsak.t@moj.go.th
Salutation: Dear Minister:

And copy:

His Excellency Kallayana Vipattipumiprates
Ambassador
The Royal Thai Embassy
180 Island Park Drive
Ottawa, ON K1Y 0A2
Fax: 613 722 6624
Email: contact@thaiembassy.ca

Additional information

Netiporn and Nutthanit have been detained since 3 May 2022, with their requests for bail repeatedly denied. They have been on hunger strike since 2 June 2022 in protest of their detention. Tantawan is currently on bail under house arrest, after 36 days of hunger strike in detention after authorities revoked her initial/earlier bail on 20 April 2022.

On 10 March 2022, police initiated criminal proceedings against Netiporn, Nutthanit and Tantawan for canvassing the opinions of shoppers outside a Bangkok shopping mall on 8 February 2022, summoning the three to face complaints that they had refused to comply with police officers, and released them on bail. The three women and others had asked members of the public about their views on road traffic controls imposed when royal motorcades are travelling. Officials initiated criminal complaints against them under Article 112 of the Criminal Code governing lèse majesté, which allows three to 15 years' imprisonment for "whoever, defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent," and Article 116 of the Criminal Code, which allows for seven years imprisonment, and prohibits people "to raise unrest and disaffection amongst the people in a manner likely to cause disturbance in the country; or to cause the people to transgress the laws of the Country." International human rights experts have recommended Thai authorities amend or repeal these and other laws, in order to comply with Thailand's international human rights obligations. Police had also detained Tantawan between 5 and 7 March 2022, taking her into custody while she livestreamed Facebook commentary about traffic measures police were instituting to clear roads outside UN headquarters in Bangkok, in preparation for the passing of a royal motorcade. She was released on bail under condition that she does not carry out activities that degrade the monarchy. Police started criminal proceedings against her under Article 112 of the Criminal Code, governing lèse majesté, and provisions of the Computer Crimes Act on the import of material into computer systems. In mid-March police requested the Criminal Court and South Bangkok Criminal Court to revoke all three women's conditional release on bail. The three women were remanded to custody, with Tantawan detained on 20 April, and Netiporn and Nutthanit on 3 May 2022. Police alleged on 3 May

2022 that Nutthanit and Netiporn had violated conditions of their release by carrying out another opinion poll on 13 March 2022. Police also alleged that by advertising the poll on Facebook, they had provoked gatherings that would bring public disorder, and that Tantawan would be likely to continue her activism if not detained. Authorities repeatedly denied all three women's request for release on bail, only releasing Tantawan to 30 days of house arrest after her health deteriorated because of a hunger strike.

Thai authorities have carried out a wide-ranging crackdown on peaceful protest and online discussion since overwhelmingly peaceful pro-democracy reform protests started in July 2020. Officials are using vaguely worded provisions of laws - on security, the monarchy and computer crimes - as instruments of repression and are interpreting the peaceful exercise of rights as a threat to security or public order, or offence to the monarchy, and subsequently file criminal proceedings against activists which may result in up to life imprisonment.

Prominent protesters have also faced months of arbitrary pre-trial detention, often compromising their rights to education and access to a livelihood. They are currently subject to increasingly restrictive bail conditions which stringently limit their human rights to freedom of movement, expression and peaceful assembly, including requirements to stay within their places of residence for up to 24 hours daily, unless for medical treatment, and wear electronic monitoring bracelets 24 hours a day. During 2022, Thai authorities have filed criminal proceedings against protesters in connection with their public peaceful activism. Officials continue to increase their judicial harassment of people engaging in acts of perceived public dissent, including children, and are escalating measures to stifle public expressions of opinion and peaceful protest and are imposing excessive restrictions on people's right to peaceful protest and expression.