



## **THAILAND**

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**Human Rights Council**

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**Joint submission prepared by the International Federation for Human Rights (FIDH)  
and the Internet Law Reform Dialogue (iLaw)**

### **Introduction**

1. The International Federation for Human Rights (FIDH) is an international human rights NGO that unites 178 member organizations from 117 countries. Since its foundation in 1922, FIDH has been defending all civil, political, economic, social, and cultural rights set out in the Universal Declaration of Human Rights (UDHR).
2. The Internet Law Reform Dialogue (iLaw) is a Thai human rights NGO that engages with civil society groups and the general public in an effort to achieve democracy, freedom of expression, civil and political rights, and a fairer and more accountable system of justice in Thailand. Founded in 2009, iLaw strongly supports public participation in achieving these goals through campaigns for legal reforms.
3. This joint submission by FIDH and iLaw focuses on the right to freedom of opinion and expression and the right to peaceful assembly.
4. This submission analyzes important Universal Periodic Review (UPR) recommendations that Thailand has accepted but has failed to implement. The submission also details how the situation concerning the right to freedom of opinion and expression and the right to peaceful assembly has markedly worsened since Thailand's first UPR with regard to recommendations that Thailand did not accept.
5. Thailand accepted 134 of the 172 recommendations it received during the first cycle of its UPR in October 2011. They included three recommendations to issue a standing invitation to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and a recommendation to issue a standing invitation to all UN special procedures. This was also one of its voluntary pledges and commitments. Thailand issued a standing invitation to all UN special procedures on 4 November 2011. Regrettably, requests for a country visit by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion

and expression and the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association have remained pending since 2012 and 2013 respectively.

## Freedom of opinion and expression increasingly restricted

6. During its first UPR, Thailand accepted only three of the 12 recommendations made by other states with regard to freedom of opinion and expression. Thailand stated that its domestic legislation “must necessarily be consistent” with the country’s international obligations, including the International Covenant on Civil and Political Rights (ICCPR). Thailand pledged to “amend its laws to be more in alignment with international human rights instruments.”
7. Thailand’s commitment remains unfulfilled. Thai laws contain numerous provisions that greatly limit the right to freedom of opinion and expression. Legislation that is inconsistent with international human rights standards and breaches Thailand’s obligations under international law include: Articles 112 (lèse-majesté), 326 (defamation), and 328 (libel) of the Criminal Code; Articles 14 and 15 of the 2007 Computer Crimes Act.
8. In addition, numerous orders and announcements issued by Thailand’s military junta, the National Council for Peace and Order (NCPO),<sup>1</sup> after it seized power in a coup d’état on 22 May 2014, imposed additional restrictions on the right to freedom of opinion and expression.
9. By virtue of Article 47 of Thailand’s interim Constitution, promulgated on 22 July 2014, all orders and announcements issued by the NCPO and its head since 22 May 2014 are considered “lawful, constitutional, and final.”
10. At its first UPR, Thailand did not accept 11 recommendations to review or repeal legislation that was inconsistent with international law and that negatively impacted the right to freedom of opinion and expression.
11. Since its first UPR, Thailand has continued to restrict people’s right to freedom of opinion and expression through the use of legislation that is inconsistent with the country’s obligations under international law, notably the ICCPR and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).
12. Thailand has continued to use the 2007 Computer Crimes Act to prosecute media workers and human rights defenders. The 2007 Computer Crimes Act relates to offenses that involve the import to a computer system of “forged” or “false computer data” that is likely to cause damage to a third party or the public.
13. On 30 May 2012, the Bangkok Criminal Court sentenced Ms. Chiranuch Premchaiporn aka Jiew, Executive Director of the online news website *Prachatai*, to one year in prison and a 30,000-baht (USD742) fine under Article 15 of the 2007 Computer Crimes Act. The court reduced the sentence to an eight-month suspended jail term and a 20,000-baht (USD494) fine. The charges were the result of Ms. Chiranuch’s failure to promptly remove comments that had been posted on the *Prachatai* web board between April and November 2008, which the court considered to have offended the monarchy.

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<sup>1</sup> On 24 May 2014, the National Peace and Order Maintaining Council (NPOMC), the military junta that seized power from a democratically-elected government two days earlier, changed its name to the National Council for Peace and Order (NCPO).

14. On 1 September 2015, the Phuket Provincial Court dismissed computer crimes charges under Article 14(1) of the 2007 Computer Crimes Act and libel charges under Articles 326 and 328 of the Criminal Code against *Phuket Wan* journalists Mr. Alan Morison and Ms. Chutima Sidasathian aka Oi. On 16 December 2013, the Thai Navy had filed a complaint against the two journalists for a 17 July 2013 post on the *Phuket Wan* news website that quoted parts of a *Reuters* report published on the same day. In its report, *Reuters* alleged that Thai naval forces were involved in the trafficking of Rohingya boat people in Southern Thailand.
15. On 24 August 2015, the Bangkok South Criminal Court indicted migrant labor rights defender Mr. Andy Hall on computer crimes charges under Article 14(1) of the 2007 Computer Crimes Act and criminal defamation charges under Article 328 of the Criminal Code. He could face up to seven years in prison if convicted. In February 2013, Thai pineapple processing company Natural Fruit had filed a criminal defamation complaint against Mr. Hall in relation to his contribution to a report entitled "*Cheap has a high price: Responsibility problems relating to international private label products and food production in Thailand*" by the Finnish NGO Finnwatch. The report alleged serious labor rights abuses at the company's factory in Prachuap Khiri Khan Province.
16. During its first UPR, Thailand claimed that the media enjoyed "freedom to express opinions by all means" in line with the ICCPR. This statement is contradicted by the ongoing pattern of media censorship, restrictions on the media, harassment and detention of media workers, and the resulting self-censorship by the media. The situation with regard to media freedom has rapidly and significantly deteriorated following the military takeover on 22 May 2014.
17. After the coup, the NCPO summoned and arbitrarily detained numerous academics, writers, and journalists, for 'attitude adjustment' sessions. These sessions typically involved incommunicado detentions for up to seven days at military bases in various locations around the country. On 25 May 2014, Thai Army personnel arbitrarily detained Mr. Watchara Malikaew, a journalist with the *Inside Phuket* magazine, at a military base in Nakhon Si Thammarat. Mr. Pravit Rojanaphruk, a senior reporter for the English language newspaper *The Nation*, was taken into custody on 25 May 2014 and arbitrarily detained incommunicado at an undisclosed army base for seven days. Mr. Pravit was again detained for 'attitude adjustment' from 13 to 15 September 2015 for disseminating information that "could cause misunderstanding in society."
18. The NCPO issued numerous orders and announcements that restricted the dissemination of news critical of the NCPO's actions. On 22 May 2014, the NCPO issued Announcement 14/2014, which ordered all media not to interview former government officials, academics, judges or other members of independent organizations "in a way that may create conflict or confusion among the public." On the same day, the junta issued Announcement 18/2014, which banned the distribution of news that "might be threatening to the national security." Announcement 18/2014 also banned criticism of the NCPO and its officials as well as information that "might cause confusion or provoke further conflict or divisions within the Kingdom."
19. Announcement 97/2014, issued by the NCPO on 18 July 2014, replaced Announcements 14/2014 and 18/2014. Announcement 97/2014 imposed an obligation for all news outlets, both public and private, to distribute the information issued by the NCPO. In addition, the announcement banned "criticism of the work of

the NCPO” and the dissemination of information that could harm national security, cause confusion, or incite or provoke “conflict or divisions” in the country. Failure to comply with these provisions could result in the immediate shutdown of the offending news outlet.

20. Article 5 of NCPO Order 3/2015, issued on 1 April 2015, authorized the military to issue orders that prohibit “the propagation of news or the sale or distribution of any book publication or any other media which contains [...] information that is intentionally distorted to cause public misunderstanding that affects national security or public order.”
21. Immediately after seizing power on 22 May 2014, the NCPO shut down 14 Thai satellite TV stations and about 3,000 community radio stations and blocked all international satellite TV transmissions. On the evening of 22 May 2014, Thai army personnel entered the Thai Public Broadcasting Service (TPBS) headquarters and ordered TPBS officials to stop broadcasting live news through its YouTube channel as it was in violation of military orders requiring TV and radio stations to cease all regular programs. Soldiers escorted TPBS Deputy Director-General Mr. Vanchai Tantivitayapitak to a military camp and arbitrarily detained him for several hours.
22. Many of the TV and radio stations were allowed to reopen by August 2014, on condition that they excluded the broadcast of political issues or content that affects national security in violation of NCPO Announcement 97/2014. At least seven satellite TV stations were required to change their names as the channels were previously known for their political content.
23. The NCPO also targeted certain programs for their political content. In November 2014, military authorities forced TPBS to remove Ms. Nattaya Wawweerakhup from the talk show she hosted after she had asked villagers and activists for their opinions on the NCPO’s reform process. On 29 June 2015, the National Broadcasting and Telecommunications Commission of Thailand (NBTC) summoned executive board members of TPBS for a discussion after they aired a TV news program on the backgrounds of 14 anti-junta student activists from the Neo Democracy Movement (NDM) on 28 June 2015.
24. In April 2015, two television channels regarded as being aligned with supporters of former Prime Minister Thaksin Shinawatra – Peace TV and 24 News – had their licenses temporarily suspended and were taken off the air for seven days for violating NCPO Announcement 97/2014, which prohibits criticism of the junta.
25. The NCPO also curbed access to many online media websites. In the week after the 22 May 2014 military coup, the Ministry of Information and Communication Technology (MICT) blocked access to 219 websites that were deemed a threat to “national security.” Alternative Thai news media websites, including *Midnight University*, had certain pages blocked. Foreign news outlets, including the *Daily Mail*, and certain pages, such as the Thailand section of the Human Rights Watch website, and Facebook were also temporarily blocked.
26. Much of Thailand’s internet censorship targeted alleged lèse-majesté content. On 16 December 2014, the MICT said that since the 22 May 2014 coup it had blocked about 1,200 websites that allegedly defamed the monarchy. Between 5 January and 10 March 2015, police from the Technology Crime Suppression Division (TCSD) blocked an additional 510 URLs (including pages from Facebook, YouTube, blogs, and web boards) because their content was deemed to violate Article 112. On 24

April 2015, police said they had shut down 25,069 websites that allegedly disseminated lèse-majesté content. On 7 September 2015, the Internal Security Operations Command (ISOC) said that the MICT had blocked an additional 143 websites that had been found to have lèse-majesté content.

27. New legislation, aimed at regulating digital media, is likely to further restrict the right to freedom of expression, including freedom of the media, and allow a more intrusive monitoring and control of online information. On 6 January 2015, the Thai cabinet approved a draft Cyber Security Bill that imposes pervasive controls over electronic communications. The proposed legislation envisions the establishment of a government-run committee that would have the authority to access information on personal computers, mobile phones, and other electronic devices without a court order.
28. Thailand's ongoing censorship of material that is deemed insulting to the monarchy resulted in the ban of several books and publications. On 12 November 2014, authorities banned *A Kingdom in Crisis*, by British journalist Andrew McGregor Marshall as it makes references to the Thai royal family and the issue of King Bhumibol Adulyadej's succession in the context of Thailand's ongoing political crisis. Earlier books that remain banned include *The King Never Smiles*, a biography of King Bhumibol written by US journalist Paul Handley, and *The Devil's Discus*, an investigative book into the mysterious circumstances surrounding the death of King Ananda Mahidol (Bhumibol's elder brother) in June 1946, written by British-South African author Rayne Kruger. Weekly magazine *The Economist* decided not to distribute its print issues in Thailand at least three times between May 2012 and January 2015 because they contained articles about members of the Thai royal family.<sup>2</sup> The publisher of *Matichon Weekly* decided to halt distribution of the magazine's issue for the week of 15-21 August 2014 over possible lèse-majesté content. On 3 June 2015, the *Same Sky* political magazine, known for its criticism of Thailand's lèse-majesté laws, announced that it would suspend publication indefinitely because of the "climate of fear" created by the NCPO's pervasive control over the media.
29. Since May 2014, the NCPO has also severely restricted the right to freedom of opinion and expression by banning numerous panel discussions and public events that authorities claimed might affect national security. From May 2014 to September 2015, the NCPO suppressed at least 36 public events related to human rights, history, and democracy. Events included a film festival; film screenings; academic seminars and panel discussions; human rights report presentations; commemoration ceremonies; and civil society forums on land and environmental issues and democracy.

#### **Recommendations to the government:**

- Amend Articles 326 and 328 of Thailand's Criminal Code with a view to abolish the criminal offenses of defamation and libel.
- Amend the 2007 Computer Crimes Act to remove prison terms for offenses stemming from the legitimate exercise of the right to freedom of opinion and expression.
- Immediately repeal Article 47 of Thailand's interim Constitution.

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<sup>2</sup> *The Economist* decided not to distribute its print issues in Thailand for the weeks of 12 May 2012, 16 November 2013, and 31 January 2015.

- Immediately repeal NCPO Announcement 97/2014 and Article 5 of NCPO Order 3/2015.
- Lift all restrictions that are inconsistent with Thailand's international legal obligations with regard to the right to freedom of opinion and expression.
- Cease arbitrary detentions, intimidation, and all acts of harassment against media workers.
- Amend the Cyber Security Bill to ensure that any surveillance of electronic communications is subject to judicial oversight.
- End military trials of civilians who are merely exercising their fundamental right to freedom of opinion and expression.
- Arrange a country visit for the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression before the next UPR cycle.
- Sign and ratify the Optional Protocol to the ICCPR.

### **Number of lèse-majesté detainees soars**

30. Article 112 of Thailand's Criminal Code imposes jail terms for those who defame, insult, or threaten the King, the Queen, the Heir to the throne, or the Regent. Persons found guilty of violating Article 112 face prison terms of three to 15 years for each count.
31. Any person can file a lèse-majesté complaint under Article 112. Amid Thailand's ongoing political turmoil, individuals have used lèse-majesté complaints to attack political opponents. In some cases, the abuse of Article 112 resulted in individuals filing lèse-majesté complaints to settle personal disagreements, including business disputes.
32. During its first UPR, Thailand claimed that Article 112 was "indispensable for Thailand" and a "highly sensitive issue" that concerned the "security and unity of the nation." Thailand also said that the issue was part of its "domestic affairs, for which the Thai people will find an appropriate approach."
33. The Thai government also claimed that the lèse-majesté law did not aim to restrict the legitimate right of all persons to freedom of opinion and expression. The reality is that the overzealous application of Article 112 and the imposition of harsh prison sentences for lèse-majesté violators have effectively prevented any public debate about the Thai monarchy. The atmosphere of fear created by these disproportionate measures has also resulted in widespread self-censorship.
34. Since its first UPR, Thailand has increased arrests and prosecutions under Article 112. The deprivation of liberty under the pretext of protecting the monarchy significantly intensified after the 22 May 2014 military coup d'état. On 22 May 2014, there were six people serving prison terms for offences under Article 112. As of 21 September 2015, that number had gone up to 35 and at least 14 more remained detained awaiting trial.<sup>3</sup>
35. In some cases, after the 22 May 2014 military takeover, the Court of Appeals reversed acquittals by courts of first instance before the coup. On 15 July 2014, the

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<sup>3</sup> This number does not include individuals who were detained or imprisoned under Article 112 in connection with the prosecution of relatives of former Princess Srirasmi Suwadee.

Court of Appeals reversed the 2013 acquittal of Mr. Asawin Esserbert and sentenced him to five years in prison for defaming the Crown Prince and King Bhumibol Adulyadej. On 24 April 2015, the Court of Appeals sentenced Mr. Udomsak Wattanaworachaiwathin, a bookseller who was caught selling a copy of *The Devil's Discus*, a book about the death of King Ananda Mahidol, to two years in prison, despite the Bangkok Criminal Court's dismissal of his case one year earlier. In one case, the Court of Appeals increased the prison sentence handed down by the court of first instance before the coup. On 3 September 2015, the Court of Appeals increased the Bangkok Criminal Court's three-year prison sentence of Mr. Chaleo Jankiad to five years for uploading audio clips, deemed to have lèse-majesté content, onto a file-sharing website.

36. Authorities also targeted Thai citizens living abroad for alleged violation of Article 112. Those targeted included students, academics, and artists who left Thailand after the 22 May 2014 military coup. Those who fled include: film director Mr. Neti Wichiansaen; songwriter and singer Mr. Yonok Faiyen and other members of his band; songwriters and composers Mr. Visa Kantap and Ms. Pajit Aksornnarong; former film actor Mr. Attachai Anantamaek; and academic Mr. Somsak Jeamteerasakul. On 21 March 2015, Justice Minister Gen Paiboon Koomchaya said the government would seek the extradition of 30 Thais living in exile who had been charged under Article 112.
37. At least 39 of the 49 individuals behind bars under Article 112 as of 21 September 2015 were detained or imprisoned in relation to cases related to freedom of opinion and expression. On 23 January 2013, the Bangkok Criminal Court sentenced Mr. Somyot Prueksakasemsuk, a former labor activist and editor of the now-defunct magazine *Voice of Taksin*, to 10 years in prison under Article 112. Mr. Somyot was convicted for allowing the publication of two satirical articles in the *Voice of Taksin*, which had been written by someone else and were deemed to have insulted the monarchy. On 23 February 2015, the Bangkok Criminal Court sentenced two activists, Ms. Pornthip Munkong aka Golf and Mr. Patiwat Saraiyaem aka Bank, to five years in prison under Article 112. The two were found guilty of lèse-majesté for performing in a political play that centered on a fictional monarchy in October 2013. The play was deemed to have insulted King Bhumibol Adulyadej. One lèse-majesté suspect, Mr. Siraphop Komarut, has been detained since June 2014 and is awaiting trial for writing a poem that alluded to King Bhumibol.
38. Numerous post-coup detentions, which stemmed from the legitimate exercise of the right to freedom of opinion and expression, involved disproportionately harsh prison sentences for Facebook posts that were deemed insulting to the monarchy. On 31 July 2014, the Ubon Ratchathani Provincial Court sentenced Mr. Prutnarin Thanabaribunsuk to 30 years in prison under Article 112 for posting nine messages on Facebook between 2011 and 2012. On 7 August 2015, the Bangkok Military Court sentenced Mr. Pongsak Sriboonpeng to 60 years in prison for posting six messages on Facebook between 2013 and 2014. On the same day, the Chiang Mai Military Court sentenced Ms. Sasivimol Patomwongfa-ngarm to 56 years in prison for posting seven messages on Facebook.
39. At its first UPR, Thailand accepted only two of the nine recommendations it received with regard to lèse-majesté legislation and prosecutions. Thailand agreed to ensure “public and transparent proceedings” in cases concerning alleged lèse-majesté violations. Thailand also claimed that individuals charged under Article 112 were “accorded the same rights as persons charged with other criminal offences.” Thailand rejected a recommendation to reconsider lèse-majesté convictions because it

claimed that lèse-majesté proceedings were carried out with relevant safeguards in place to ensure fairness.

40. In practice, Thai authorities have consistently failed to guarantee the principle of equality of all persons before the courts and the right to a fair trial in cases involving alleged lèse-majesté violators. This trend has been exacerbated by the declaration of martial law on 20 May 2014 and the seizure of power by the military two days later.
41. Because of the 20 May 2014 declaration of martial law and the issuance of NCPO Announcement 37/2014 on 25 May 2014, military courts assumed jurisdiction over lèse-majesté cases. Despite the revocation of martial law on 1 April 2015, the replacing order, NCPO Order 3/2015, required that lèse-majesté cases continue to be tried by military courts.
42. As a result, individuals who allegedly committed lèse-majesté offenses between 25 May 2014 and 31 March 2015 have no right to appeal a decision made by a military court as a result of the declaration of martial law and in accordance with Article 61 of the 1955 Military Court Act.
43. Many lèse-majesté trials conducted in both military and civilian courts were closed-door because court officials claimed that they might “affect national security” or “affect public moral.”
44. Closed-door trials, the lack of independence of military courts from the executive branch, and the lack of an appeal process in military tribunals are inconsistent with Thailand’s international legal obligations regarding the right to fair trials. Article 14 of the ICCPR states that everyone is entitled to a “fair and public hearing by a competent, independent and impartial tribunal established by law.”
45. Finally, both military and civilian courts have routinely denied the right to bail to defendants in lèse-majesté cases. In denying them bail, the courts have used the justification that the cases are a “threat to national security” and that defendants are a “flight risk” since Article 112 carries a heavy punishment. In the 53 cases of detention and imprisonment under Article 112 since the 22 May 2014 military coup, court officials have granted bail to only eight lèse-majesté detainees awaiting trial and to three individuals who appealed their sentences. Mr. Somyot Prueksakasemsuk (see above, paragraph #37) has been denied requests for bail 16 times. The courts’ frequent denial of the right to bail for alleged lèse-majesté violators is in violation of Article 9 of the ICCPR, which elucidates the principle that release must be the rule and detention the exception for individuals awaiting trial.

#### **Recommendations to the government:**

- Immediately repeal NCPO Announcement 37/2014 and end military trials of civilians accused of lèse-majesté.
- Establish a moratorium on prosecutions under Article 112 of individuals who are merely exercising their fundamental right to freedom of opinion and expression.
- Immediately and unconditionally release Mr. Somyot Prueksakasemsuk and all other individuals imprisoned under Article 112 for the mere exercise of their fundamental right to freedom of opinion and expression.
- Amend Article 112 of Thailand’s Criminal Code to remove prison terms for offenses stemming from the legitimate exercise of the right to freedom of opinion and expression.

- Reserve the sole power to file complaints under Article 112 to the Bureau of the Royal Household.
- Lift the ban on publications and all other material related to the Thai monarchy to ensure a free flow of ideas and information.
- End censorship of all print and online material that contains information related to the Thai monarchy.
- Arrange country visits for the UN Special Rapporteur in the field of cultural rights and the UN Working Group on Arbitrary Detention before the next UPR cycle.
- Sign and ratify the Optional Protocol to the ICESCR.

### **Right to freedom of peaceful assembly curbed**

46. At its first UPR, Thailand rejected four recommendations that called for a review of legislation that limits the right to freedom of peaceful assembly and that is inconsistent with Thailand's international law obligations. Thailand claimed that there were no laws that restricted this right, in accordance with the ICCPR.
47. Following the Thai Army's declaration of martial law and the junta's seizure of power in May 2014, restrictions on people's right to freedom of peaceful assembly dramatically increased. On 22 May 2014, the NCPO banned public gatherings of more than five people under Announcement 7/2014, which provides a punishment of one year in prison or a 20,000-baht (USD494) fine, or both, for violators. NCPO Order 3/2015, issued on 1 April 2015, contains additional restrictions on public assemblies. Article 12 of NCPO Order 3/2015 bans political gatherings of more than four people and prescribes prison terms of up to six months or a 10,000-baht (USD247) fine, or both, for violators.
48. These provisions banning peaceful assemblies contravene Article 21 of the ICCPR, which states that no restrictions can be placed on the exercise of the right to peaceful assembly other than those that are "necessary in a democratic society in the interests of national security or public safety, public order."
49. NCPO Announcement 7/2014 and NCPO Order 3/2015 have been routinely used to detain activists and individuals who express their opposition to military rule. From 22 May 2014 to 31 August 2015 authorities arrested at least 209 individuals for taking part in peaceful demonstrations opposing military rule. In some cases, peaceful assemblies that resulted in the arrest of participants involved symbolic acts of defiance, such as readings George Orwell's novel *1984* in public and eating sandwiches. At least 68 were charged under NCPO Announcement 7/2014 or NCPO Order 3/2015. Military courts tried at least 62 of them and sentenced 16 to a three-month suspended prison sentence and a 5,000-baht (USD124) fine.
50. In some cases, authorities used Article 116 of the Criminal Code (sedition) to target peaceful public assemblies held by anti-junta activists. Article 116 punishes with prison terms of up to seven years "whoever makes an appearance to the public by words, writings or any other means" in order to "to raise unrest and disaffection among the people in a manner likely to cause disturbance in the country."
51. On 26 June 2015, police arrested 14 student activists from the Neo Democracy Movement (NDM) in relation to their involvement in a peaceful anti-junta rally at Bangkok's Democracy Monument a day earlier. Despite their release on 8 July 2015, the 14 still face charges of violating Article 116 and NCPO Order 3/2015 in a military court.

52. On 5 August 2015, Mr. Baramée Chairat, a coordinator of Thailand's Assembly of the Poor, a grassroots people's movement that works for the protection and promotion of land rights, reported to a Bangkok police station to face sedition charges under Article 116. The charges stemmed from Mr. Baramée's presence at the 25 June 2015 peaceful protest held by the 14 NDM student activists at Bangkok's Democracy Monument.
53. Restrictions on freedom of assembly have affected grassroots groups. Since May 2014, the NCPO has prohibited numerous gatherings and assemblies. In some cases, public events were allowed to take place, but authorities closely monitored the proceedings.
54. Thailand has also enacted new legislation aimed at curbing freedom of assembly. On 1 May 2015, the National Legislative Assembly approved the Public Assembly Act, which came into effect on 13 August 2015. The 2015 Public Assembly Act requires protesters to apply for permission from police 24 hours in advance. It bans demonstrations within 150 meters of Government House, Parliament, royal palaces, and courthouses, unless a specific area has been authorized and designated by authorities. It also bans the use of loudspeakers between midnight and 6am as well as marching or the relocation of a rally from 6pm to 6am and bars protesters from blocking entrances or creating a disturbance at government offices, airports, seaports, train and bus stations, hospitals, schools, and embassies. Violators of the law could face prison terms of up to six months and fines of up to 10,000 baht (USD247).
55. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has stressed that the exercise of the right to peaceful assembly should not be subject to prior authorization by the authorities but, at most, to a prior notification procedure.
56. Within a month of its coming into effect, provisions of the 2015 Public Assembly Act had already been invoked twice in an attempt to restrict the right to freedom of peaceful assembly. On 26 August 2015, military authorities prevented an environmental youth camp from taking place in Wang Saphung District, Loei Province. Military officers warned that the event would be illegal under the 2015 Public Assembly Act if organizers failed to secure prior permission from the authorities. After intense negotiations, the camp took place from 28-30 August while authorities closely monitored the event. On 5 September 2015, police in Bangkok prevented activists from holding a protest against the proposed draft Constitution. Police claimed the event venue was within 150 meters of a royal residence, in violation of Article 7 of the 2015 Public Assembly Act. Despite the prohibition, several activists held a symbolic protest amid a massive deployment of police and plainclothes military officers.

**Recommendations to the government:**

- Immediately repeal NCPO Announcement 7/2014 and Article 12 of NCPO Order 3/2015 and lift all other restrictions that are inconsistent with Thailand's international legal obligations with regard to the right to freedom of peaceful assembly.
- Amend Article 116 of the Criminal Code to make it compliant with Thailand's international legal obligations with regard to the right to freedom of peaceful assembly.
- Amend Article 10 of the 2015 Public Assembly Act to replace the prior authorization system with a prior notification procedure.

- End military trials of civilians who are merely exercising their fundamental right to freedom of peaceful assembly.
- Arrange a country visit for the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association before the next UPR cycle.