



Dear Member of Amnesty International Thailand

On behalf of all board members and members, I would like to update you on the case of Mr. Netiwit Chotiphathaisal, who at present is known as Venerable Netiwit, and the case filed by Amnesty International Thailand with the Central Administrative Court against the Ministry of Interior's Department of Provincial Administration which had refused to register him as a youth member of the Board of Members of Amnesty International Thailand citing his improper conduct.

Despite being nominated by our members to become a Youth Board Member in 2018, the authorities have refused to register Venerable Netiwit as a youth board member in the same year. Even though the incident took place some years ago, Amnesty International Thailand continues to closely monitor the situation and wants to update our members as follows;

In its first hearing on 24 January 2023 of the case filed with the Central Administrative Court as the Black Case no. 2281/2562, I took the opportunity to give evidence to the court which can be summarized into four issues as follows;

1) It is an objective of Amnesty International Thailand Association to promote the awareness and adherence to the Universal Declaration of Human Rights similar to what Amnesty International has been doing at the global level to protect human rights to the extent that their work has been recognized by the United Nations and international organizations including being a Nobel Prize laureate.

2) Members of the Amnesty International Thailand Association have elected Plaintiff no. 2 as a member of the Board. Even though he was then charged with a criminal offence but it has stemmed from his exercise of his rights and freedoms prescribed in the Constitution in good faith to advocate for the protection of the people's rights. Later, it has been proven in court that while exercising his freedoms, he had committed no legal offence with detail pursuant to the attached documents filed with the Court today. The exercise of such freedom is a normal practice in a society which adheres to the principles upheld in the Universal Declaration of Human Rights, an important instrument which is also recognized by Thailand.

3) Section 85, second paragraph of the Civil and Commercial Code prescribes that the Registrar may refuse the registration of a board member of an association if that person "does not have status or conduct suitable for implementing the object of the association." The exercise of power under this Section is tantamount to a restriction of freedom of association upheld in Section 42 of the Constitution and, therefore, it must be exercised carefully commensurate to the principle of necessity as prescribed in the Constitution.

That the defendant who performs duties of a registrar pursuant to the Civil and Commercial Code opines that the conduct of Plaintiff no. 2 "may be incompatible with the proper implementation of the object of the Association" citing that he was charged in a criminal offence relating to his exercising of his rights and freedoms upheld by the Constitution, is, therefore, an exercise of power without properly taking into account the Association's object.

4) The exercise of state power as such constitutes an interference of the operation of the Association beyond the bounds of the law. In addition, it has led to uncertainty as to the administration of associations and will only make the public lose their confidence that the bureaucratic system can help to protect freedom of association.

On 17 February 2023, the Administrative Court is scheduled to rule on the case, and we will keep all of you updated of the results.

As Chairperson of Amnesty International Thailand and Plaintiff no. 1 in this case and as a scholar who has been teaching and researching on human rights law, I fervently hope the Administrative Court would ensure justice is done in this case and help to stem the exercise of state power which may likely be incompatible with the protection of people's rights and freedoms as upheld in the Constitution and the principles of international human rights laws to which Thailand has been adhering.

Yours sincerely,
Thitirat Thipsamritkul
Chairperson of Amnesty International Thailand