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THAILAND: END HARASSMENT AND PROSECUTIONS OF OPPOSITION MEMBERS

Amnesty International calls on the Thai authorities to stop instrumentalizing the legal process to intimidate and harass the leaders and members of the Future Forward party, as the country's Constitutional Court prepares to deliver a judgment on 21 January 2020 on a judicial case that could see the party banned and its leaders prosecuted. The spate of prosecutions targeting the party appear to be in clear retaliation for activities of the party that fall within the exercise of the rights to freedom of peaceful assembly and association.

The Future Forward Party faces disbandment on 21 January. The case was initiated on 18 June 2019 by a petition filed with the Constitutional Court by Natthaporn Toprayoon, former advisor to the Chief Ombudsman. The party's leader, Thanathorn Juangroongruangkit, its secretary-general, Piyabutr Saengkanokkul, and several party executives are alleged to have violated Section 49 of the 2017 Constitution through acts deemed to have the intention of overthrowing the constitutional monarchy. Natthaphon further accused the party of having links to the Illuminati, a name given to both real and fictitious groups, citing a vague resemblance between the logos.

Despite the party's request for a full inquiry, the Court concluded that there was sufficient evidence to issue a ruling in the case, and refused to summon witnesses or examine evidence. The party could face disbandment if the court upholds the complaint, which would violate Thailand's human rights obligations, including the rights to freedom of expression, peaceful assembly and association of the party's members.

Another case against the party came after the Election Commission recommended that the Constitutional Court dissolve the party, in a filing dated 11 December 2019. The document alleged that the party was in breach of Sections 62, 66 and 72 of the Political Parties Act, allegedly because it had accepted more than 10 million Baht (approx. USD 330,000) in one year and accepted "illegitimate sources" of funds. The party's 15 executive members face a ban from competing in elections or founding a party for up to ten years, while the party itself faces dissolution. Amnesty International takes no position regarding the character of these charges.

The two cases have been accompanied by a slew of politically motivated prosecutions that have been brought against senior leaders and members of the party in the past two years. Most recently, authorities summoned five party leaders and members to hear charges in relation to the 'flash mobs' held on 14 December 2019 in response to the Election Commission's recommendation. The suit accused them of a range of offenses, including failing to notify authorities of the gathering, obstructing the operations of the train station, unlawful use of speakers, and organizing a gathering within 150-metre radius of the Royal Court. Three of the accused also face charges filed by Sonthiya Sawasdee, MP for the majority Palang Pracharath Party, including sedition under Section 116 of the Criminal Code – which is extensively used to stifle peaceful dissent by activists, human rights defenders, journalist and lawyer. If convicted, the party members would face up to seven years in jail.

A new opposition party established in 2018, the Future Forward Party won 81 seats in the general elections in March 2019, the country's first since the May 2014 coup led by Prime Minister Prayuth Chan-o-cha. Both before and after the elections, the authorities had tried to dissolve the Future Forward Party, and had disqualified Thanathorn from sitting in parliament.

The relentless onslaught against the Future Forward Party follows a trend of judicial harassment, which has been ongoing since the lead-up to the March 2019 general elections. The prospect of increased public support for political opponents is widely believed to have motivated the government's many attempts to persecute Future Forward Party members or to dissolve the party altogether. Previously, the Thai authorities used the criminal justice system to target political opponents, as evidenced by the politically-motivated disbandment of the Thai Raksa Chart Party on 7 March 2019, whose leaders were barred from competing in elections for ten years.

The ongoing attacks on the political opposition must be seen in the context of the Thai authorities' continuing surveillance, intimidation, harassment and prosecution of pro-democracy activists, human rights defenders, journalists and individuals criticizing the government since the May 2014 coup. Such actions continue to cause a chilling effect by way of silencing dissent, causing the public to fear exercising their human rights, and threatening individuals with reprisals.

Amnesty International calls on Thai authorities, as a state party to a number of international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), to immediately halt the misuse of judicial powers against political opposition leaders and members and others and drop all charges against individuals charged simply for the peaceful exercise of their human rights. The authorities must publicly commit to ensuring that all individuals will be allowed to freely exercise their rights to freedom of expression, peaceful assembly and association.

Amnesty International further calls on the members of the international community to publicly speak out against human rights violations and abuses in the country, closely monitor the government's continued crackdown, and to use political and diplomatic leverage to promote human rights reforms and accountability for violations and abuses.