

URGENT ACTION

ACTIVISTS FACE 5 YEARS FOR REPORTING TORTURE

Three human rights activists face up to five years' imprisonment and fines of up to 300,000 baht (US \$8,400) for documenting torture in Thailand.

Three activists, **Somchai Homla-or**, **Pornpen Khongkachonkiet**, and **Anchana Heemina** face charges of criminal defamation and for committing computer crimes for their documentation, and online publication, of reports of torture by the Royal Thai Army and Royal Thai Police in Thailand's Southern Border Provinces.

In January 2016, the three activists' non-governmental organizations – Cross Cultural Foundation and Duay Jai (Hearty Support) Group - submitted a report on 54 cases of alleged torture to the Internal Security Operations Command (ISOC) Region 4, an army unit responsible for national security operations in Thailand's Southern Border Provinces. Since the report's submission, and its publication in February 2016, army officials have placed pressure on its authors to reveal the identity of the alleged victims. They also harassed Anchana by summoning her to meet with military officials, visiting her home and business and warning her against public campaigning. The three activists have been ordered to report to Pattani Police Station on 26 July 2016.

Both organizations operate in Thailand's Southern Border Provinces, where there has been widespread and systematic torture and other ill-treatment of suspects in alleged security cases. Torture and other ill-treatment are characteristically inflicted during detention without charge or trial under emergency legislation

Please write immediately in English, Thai or your own language:

- Urging authorities to immediately and unconditionally drop charges against Somchai Homla-or, Pornpen Khongkachonkiet and Anchana Heemina; and stop all threats and harassment against them;
- Urging authorities to amend laws on defamation to remove all criminal penalties;
- Urging authorities to allow human rights defenders to carry out their work without any judicial harassment;
- Urging authorities to investigate all complaints of torture and other ill-treatment, promptly, independently and effectively and bring to justice those reasonably suspected of being responsible for such act and ensuring reparations to victims.

PLEASE SEND APPEALS BEFORE 2 AUGUST 2016 TO:

Prime Minister

Gen. Prayut Chan-O-Cha

Head of ISOC

Government House

Pitsanulok Road, Dusit

Bangkok 10300, Thailand

Fax: +66 2282 5131

Email: prforeign@gmail.com

Salutation: Dear Prime Minister

Minister

Gen. Paiboon Koomchaya

Ministry of Justice

Country Govt Center Building at the

Prestigious 80th December 5, 2550

120 Moo 3, Building A Road Rd Lak Si,

Bangkok 10210

Fax: +66 2953 0503

Salutation: Dear Minister

And copies to:

Minister of Foreign Affairs

He Don Pramudwinai

Ministry of Foreign Affairs

Sri Ayudhya Road

Bangkok 10400, Thailand

Fax: +66 2643 5320 / +66 2643 5314

Email: minister@mfa.go.th

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Somchai Homla-Or and Pornpen Khongkachonkiet are respectively senior advisor/former President and Director of the Cross-Cultural Foundation, which documents human rights abuses. Pornpen was elected as Chair of Amnesty International Thailand's board in June 2016. This is the second time that the Royal Thai Army has filed charges of criminal defamation against the Cross-Cultural Foundation in connection with its documentation of torture. Anchana Heemmina is the Director of the Duay Jai Group. She established the group to provide legal support to the families of suspects in security cases in Thailand's the Southern Border Provinces.

Immediately after three organizations – the Patani Human Rights Organization, Duay Jai Group and Cross-Cultural Foundation released their report "Torture and ill treatment in The Deep South Documented in 2014-2015", in February 2016 an army spokesman alleged that they had fabricated accounts of torture in order to obtain foreign funding. The spokesman questioned the legitimacy of their investigation of official activities and threatened that they could be committing an act of defamation by issuing a report referring to international law. On 17 May 2016. ISOC Region 4, an army unit responsible for national security operations in Thailand's Southern Border Provinces, filed complaints of criminal defamation and violations of the Computer Crime Act B.E. 2550 (2007) against Pornpen Khongkachonkiet, Somchai Homla-Or and Anchana Heemmina, jointly edited the report. They have further stated in justification of filing charges that the allegations damaged the reputation of the army and that the activists have not cooperated with authorities to provide more information on cases raised in the report.

This is the second time that the Royal Thai Army has filed complaints of criminal defamation against Somchai Homlaor and Pornpen Khongkachonkiet in connection with their work on torture. Somchai and Pompen were summoned in August 2014 after the Royal Thai Army made a public complaint against them on 20 May 2014. They were charged with damaging the reputation of the Royal Thai Army, intentionally distorting the truth and spreading false statements to the public because they requested a criminal investigation into allegations of torture in an open letter in late April 2014. Charges were dropped in September 2015 after the Public Prosecutor issued an order for them not to be prosecuted.

Growing numbers of human rights defenders in Thailand are facing criminal defamation charges for their peaceful activities to defend rights and seek redress for survivors. Authorities have also been quick to summarily dismiss complaints and reports of torture, suggesting that they are being made solely to discredit authorities or for personal gain, and threaten criminal defamation charges against those reporting or alleging torture or any other real or perceived criticisms of authorities.

The use of criminal defamation charges violates Thailand's legal obligation to respect and protect the right to freedom of expression under the International Covenant on Civil and Political Rights (ICCPR) to which it is party. The UN Human Rights Committee has encouraged states to consider decriminalizing defamation and underlined that defamation laws must be crafted with care to ensure that they comply with states' international human rights obligations and do not in practice stifle freedom of expression; a public interest in the subject matter of the criticism should be recognised as a defence, and states should take care to avoid excessively punitive penalties.

Name: Pornpen Khongkachonkiet (m), Somchai Homla-Or (m) and Anchana Heemmina (f)
Gender m/f: both

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