



Dear Member of Amnesty International Thailand,

As you have been informed by the Chairperson yesterday that today (17 February 2023), the Central Administrative Court is to deliver a verdict on the case relating to the failure to observe the law of public officials as they have refused to register Mr. Netiwit Chotiphathaisal, or Venerable Netiwit (Plaintiff no.2) as a Youth Board Member for Amnesty International Thailand Association (Plaintiff no.1) in 2018 citing his improper conduct, for more detail click [here](#).

The Plaintiffs have pleaded to the Court to rule as follows;

1. To revoke the order of the Department of Provincial Administration (Defendant no. 2) which has refused to register and issue a certificate to validate the registration of the entirely new Board of Directors or the change of certain members of the Board pursuant to Sor Kor 6 form.
2. To revoke the decision to dismiss the appeal filed by Amnesty International Thailand Association on 13 August 2019
3. To order the registration and issuance of a certificate to validate the registration of the entirely new Board of Members or the change of certain members of the board pursuant to Sor Kor 6 form.

I and our lawyer have attended the hearing as scheduled, and the Court has ruled on three points;

1. The Court found that the laws that bestow power on the public officials aim to serve different purposes and it is incumbent on the public officials to exercise such power exclusively to serve the purposes of the laws. No irrelevant reasons could be cited to justify the exercise of such power. Therefore, the decision to refuse to register the change of members of the Board of Directors has to only be based on the fact that the person does not have status or conduct suitable for implementing the object of the association and to ensure any activity conducted by the association is not contrary to the law or public moral or is not likely to endanger the public peace. Therefore, it is not possible for Defendant no. 1 to cite that the implementation of Plaintiff no. 1 must serve public interest and set an example of individuals and youth as a reason to justify its order.
2. By citing the multiple criminal cases faced by the Plaintiff as a reason to dismiss the appeal, it is the same reason cited by Defendant no. 2 to justify the decision to refuse to register the change of members of the Board of Directors and it has been


adjudicated above already that it was an unlawful use of discretion. Therefore, the decision of Defendant no. 2 to dismiss the appeal of Plaintiff no. 1 is likewise unlawful. Therefore, it is not necessary to review other claims or arguments cited by the parties since it shall not affect the outcome of the ruling.

3. This Court rescinds the decision on the appeal by Defendant no.1 on 13 August 2019 to dismiss the appeal of Plaintiff no. 1. Other requests are also dismissed. This Court notes about the direction or methods to execute the verdict pursuant to Section 69, first paragraph 1 (9) of the Act on Establishment of Administrative. Courts and Administrative Court Procedure B.E. 2542 and orders that Defendant no. 2 proceed to review the application for registration of the change of members of the Board of Plaintiff no. 1 dated 17 August 2018 and to ensure the act is in compliance with the law.

It marks yet another major success to create legal precedence to uphold the right to freedom of association in Thailand.

Thanks to all members who stand with us and help to promote human rights together.

Yours sincerely,



Piyanut Kotsan,

Director of Amnesty International Thailand