



No. 52101/ 472

PERMANENT MISSION OF THAILAND
5, Rue Gustave-Moynier
1202 GENEVA

1 June B.E. 2559 (2016)

Dear Sirs,

I wish to acknowledge the receipt of your joint letter ref. AL THA 4/2016 dated 27 May 2016, informing me that you have received information concerning a series of orders, acts and announcements that allegedly interfere with the exercise of the rights to freedom of expression and freedom of association, as well as severely curtail activities of civil society organizations and human rights defenders in Thailand.

While your letter has been duly forwarded to the relevant agencies in Thailand for their consideration, I wish to provide you some preliminary comments as follows:

- Thailand is in a crucial period of transition, in which the Government's efforts are focused on seeing through the Roadmap for Reconciliation, Reform and Election in partnership with all sectors of society.

- A draft Constitution will be submitted to the public in referendum set for 7 August 2016. General elections are scheduled to take place in 2017. At the same time, preparation for comprehensive reforms of Thai politics, society and the economy are being laid.

- Public order and social harmony are key for the Government to be able to see through the Roadmap. The Government has, therefore, promulgated a number of laws, including the Act on Public Assembly, to ensure that public order and social harmony prevail.

- These laws do not impinge on general freedom of expression – which we believe to be a fundamental element of a democratic society – as long as such expression does not undermine public order and social harmony. In fact, the Government has been receptive to all views regarding the current process of reconciliation and reform.

/- On ...

Mr. Michel Forst,

Special Rapporteur on the situation of human rights defenders,

Mr. Maina Kiai,

Special Rapporteur on the rights to freedom of peaceful assembly and of association,

Mr. David Kaye,

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,

GENEVA.

- On 1 April 2015, Martial Law was lifted and replaced by the National Council for Peace and Order (NCPO) Order No. 3/2015, which was issued by virtue of Section 44 of the Interim Constitution B.E. 2557 (2014). The Order is a set of specific security measures which is used constructively to ensure national reconciliation and reform process according to the roadmap, as well as to solve problems which could be delayed under normal process. Order No. 3/2558 clearly outlines the framework for law enforcement in specific cases using civilian codes of law. It serves to prevent ill-intended movement aimed at undermining or derailing the current progress of the roadmap.

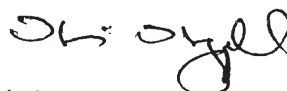
- On the NCPO Order No. 13/2016, the purpose of this order is to enable military officers to render their assistance to the police to suppress organized crime such as extortion, human trafficking, child and labour abuse, gambling and prostitution. It does not aim to intimidate dissenting voices. Defendants in such cases will go through the normal judicial process, with police as the main investigator. Their trial will be conducted in civilian courts. This order does not deprive the right of defendants to file complaints against military officers in case of abuse of power. The order is in line with the government's overall policy to crack down on any influential figures involved in organized crimes.

- The Public Assembly Act introduced in 2015 aims to lay down the principles for public assembly in the country to ensure public order and well-being of the people, while respecting people's right to freedom of assembly. The law lays down relevant rules to conduct public gathering and introduces the system of prior notification, which aims at protecting important government and public premises and maintaining security of the people participating in the gathering as well as those in the surroundings.

I also wish to reaffirm that Thailand attaches great importance to the freedom of expression, freedom of peaceful assembly as well as civil society space. I hope that the above information will help allay some of the concerns you have.

With my best regards, I remain,

Yours sincerely,



(Thani Thongphakdi)

Ambassador and Permanent Representative