



No. 52101/ 282

MINISTRY OF FOREIGN AFFAIRS
BANGKOK

13 June B.E. 2557 (2014)

Mr. Chairs-rapporteur, Mr. Special Rapporteurs,

I have the honour to refer to your joint news release dated 13 June 2014 on the situation in Thailand. I value your steadfast commitment to the promotion and protection of human rights in the country and wish to take this opportunity to provide you with some information and clarifications on the matter.

To understand the development of the political situation in Thailand in recent years, it is necessary to understand the context in which it has developed. The event on 22 May 2014 should be viewed in the context of the prevailing political situation of the past six months and beyond, where Thailand was paralyzed by political division and protests, and increased incidence of violence.

Had Thailand continued on such dangerous path it was heading, the country would have faced greater divisiveness, political impasse and paralysis, and possible widespread violence. It is in this context that the military had to step in as the last resort to restore peace and order.

Mr. Mads Andenas,

Chair-rapporteur of the Working Group on Arbitrary Detention,

Mr. Ariel Dulitzky,

Chair-rapporteur of the Working Group on Enforced or Involuntary
Disappearances,

Mr. Frank La Rue,

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

Mr. Maina Kiai,

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

Mr. Juan E. Méndez,

Special Rapporteur on torture and other cruel, inhuman or degrading treatment
or punishment,

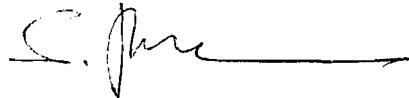
Office of the High Commissioner for Human Rights,

GENEVA.

One week after 22 May, a three-stage roadmap was announced, which would lead the country towards a fully functioning and sustainable democracy. I have also attached herewith the Aide-Mémoire on the current political situation in Thailand which will provide to you factual details on the matter.

Lastly, I wish to reassure you that Thailand has no intention of retreating away from democracy and we remain committed to democratic values and human rights obligations. I would also like to reiterate our commitment to cooperating with all Special Procedures mandate holders in the promotion and protection of human rights.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Phuanketkeow', with a long horizontal line extending to the right.

(Sihasak Phuanketkeow)

Permanent Secretary
Acting for Minister of Foreign Affairs of the Kingdom of Thailand

Aide-Memoire on the current political situation in Thailand

Overview of the situation

On 22 May 2014, the National Council for Peace and Order (NCPO) took control of the administration of Thailand in order to restore peace and order following half a year of political standoff among different protest groups that had paralyzed the country and caused profound divisiveness in the Thai society.

Had Thailand continued on that dangerous path it was heading, the country would have experienced greater confrontation, divisiveness and possible widespread violence.

The event on 22 May 2014 should thus be viewed in the context of prevailing political situation of the past six months and beyond. The NCPO was compelled to step in as the last resort to prevent further violence, restore stability and normalcy, and put the country back on track toward a more sustainable democracy.

The imposition of the Martial Law is meant to be temporary and has been applied judiciously on the basis of necessity and with utmost care. So far, only 2 provisions out of 16 from the Martial Law Act B.E. 2457 (1914) have been applied.

Since the imposition of Martial Law, there has been no incidence of violence. Caches of war-grade weapons have been seized from different groups which were poised to be used against each other.

The NCPO has pledged that individual rights and freedoms are to be upheld, and it would ensure the full respect of the rule of law which would be applied to all without exception. Any limitations that have been put in place are only those necessary to prevent further disruption and prevent untoward incidents or any efforts to instigate violence and hatred.

The majority of the people remain unaffected by the temporary limitations that have been put in place. For many, a sense of security, normalcy, law and order has returned after a prolonged period of political turmoil.

Despite the termination of the Constitution of the Kingdom of Thailand B.E. 2550, the National Human Rights Commission (NHRC) of Thailand remains active and operational under the National Human Rights Commission Act B.E. 2542, which is still fully in force. The NCPO has also been in contact with the NHRC and are kept abreast with the NHRC's concerns with regard to possible human rights violations or temporary limitations of certain rights.

3-stage Roadmap

The NCPO has announced a clear roadmap comprising 3 stages to return the country towards a fully functioning and sustainable democracy.

Phase 1 will involve efforts to achieve national reconciliation and to heal divisiveness in the society. Reconciliation centers have been established throughout the country. A reform committee will be set up to pave way for phase 2. This phase is envisaged to cover 2-3 months.

Phase 2 will involve setting up a Legislative Council to select an Interim Prime Minister and Cabinet by August to September 2014, and subsequently to draft a new Constitution. A Reform Council will also be established to address underlying problems of the political conflict and bring about necessary reforms to consolidate democratic institutions. This phase will take about one year.

Phase 3 will involve a general election under a democratic system which is accepted by all sides.

Specific issues

1. Curfews

As of 13 June 2014, curfews have already been lifted throughout the country.

2. Freedom of expression

Media outlets have resumed their normal broadcasting, with only some limitations on some outlets or programs that were in the past responsible for spreading hate messages and instigating violence and divisiveness.

Foreign and domestic journalists have been able to travel around the country to cover stories and provide reporting.

Residents in Thailand have continued to have access to the social media outlets. The NCPO has repeatedly reaffirmed that it has no policy to close down the social media.

3. So-called “detention”

Almost all of those who were asked to report themselves to the NCPO have already been released within a short period, some within the same day and some within a period of not exceeding 7 days, except those who have criminal charges and have had to undergo due judicial process.

These people, many of whom were leaders of political groups involved in past political conflict, have been brought together in the hope to reduce further incitement of violence and divisiveness. Their movements have been restricted in order to provide for a cooling-off period. Immediate family members have been given access to them.

All of them have been well treated in guest quarters. There has been no report of torture or ill-treatment of any kind.

Discussions are now ongoing to provide for an access by the National Human Rights Commission, which is an independent body, as requested on a case by case basis.

4. Thailand's commitment to human rights

Thailand's commitment to international human rights obligations remains strong and steadfast. Thailand will continue to remain actively engaged in the work of the Human Rights Council and other United Nations bodies.

The Thai authorities have been working closely with the OHCHR Regional Office in Bangkok. The Office already visited a number of provinces and commended the military for discharging its responsibilities and exercising its powers with tolerance and restraint. The Office also found that the military have had constructive dialogues with local stakeholders in its effort to bring about reconciliation on the ground.

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Ministry of Foreign Affairs of Thailand
13 June 2014