

No. 52101/ 488



OHCHR REGISTRY

PERMANENT MISSION OF THAILAND
5 Rue Gustave-Moynier
1202 GENEVA

21 JUL 2015

Recipients : SPD 20 July B.E. 2558 (2015)

Dear Sirs and Madam,

I wish to acknowledge the receipt of your joint letter dated 16 July 2015 concerning allegations of arbitrary detention, prosecution, and trial before a military court of 14 students belonging to the Neo Democracy Movement (NDM) due to their participation in a series of peaceful protests.

In this connection, I would like to provide you with information regarding the abovementioned case, which has already been conveyed to Mr. Forst and Ms. Knaul in my reply to their joint letter dated 7 July 2015, as follows:

- The group of students who were arrested and charged with a number of offences, which include the incitement of unrest causing disturbance in the country, under section 116 of the Criminal Code relating to internal security of the Kingdom, and the violation of the NCPO summon orders.

- Prior to the arrest, the students were notified of their unlawful activities and were requested to present themselves to the authority on a given date two times, but they failed to do so. The arrest was carried out pursuant to the arrest warrants issued by the Court for their criminal charges. All of the students were taken to the Court immediately after the arrest.

- The students were detained by the order of the Court for 12 days. While being in detention, basic rights of the students are respected including the right to receive visits by family and the right to legal counsel. Female student has been taken to a separate pre-trial detention.

Mr. David Kaye,

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

Mr. Maina Kiai,

Special Rapporteur on the right to freedom of peaceful assembly and of association

Mr. Michel Forst,

Special Rapporteur on the situation of human rights defenders,

Ms. Gabriela Knaul,

Special Rapporteur on the independence of judges and lawyers,

GENEVA.

- On 7 July 2015, the Court denied the request to detain the students for another period of 12 days, taking into account that all of them are students enrolled in universities and that, all of the 14 students had never attempted to flee the arrest. Relatives of the arrested students as well as representatives from diplomatic corps were present at the Court to observe the said proceedings.

- On 8 July 2015, all of the students were released after the said Court's decision. Meanwhile, officers have continued to gather evidences for the prosecutor in order to proceed with the pending criminal charge.

- It is important to note that, the criminal procedure within the Military Court is carried out in same manner as cases in ordinary court and in accordance with ordinary criminal law.

- In addition, all defendants who appear before the Military Court are accorded with the same set of rights accorded to those who are trialed before an ordinary court including the right to legal representation and the right to appeal.

I hope that this information will help address some of your concerns. I also wish to inform you that your letter has been duly forwarded to the relevant agencies in Thailand for their consideration. Further information, once received from the Thai authorities concerned, will be transmitted to you in due course.

Yours sincerely,



(Thani Thongphakdi)
Ambassador and Permanent Representative