

No. 52101/343



PERMANENT MISSION OF THAILAND
GENEVA

7 December B.E. 2566 (2023)

Dear Sir and Madams,

With reference to the joint communication Ref. AL THA 3/2023 dated 18 August 2023 seeking information on the alleged intimidation and harassment against two women human rights defenders; Ms. Angkhana Neelapaijit and Ms. Anchana Heemmina and our Note Ref. 52101/213 dated 30 August 2023 acknowledging receipt of the joint communication, I have the honour to transmit herewith the response of the said case, as received from International Security Unit under the Ministry of Foreign Affairs, Internal Security Operation Command (ISOC), Right and Liberties Protection Department under the Ministry of Justice, and the Ministry of Digital Economy and Society. The response was compiled by the Ministry of Foreign Affairs. I hope that the response will provide you a clarification of the alleged case.

In reassuring you of Thailand's continued commitment to cooperating with all Special Procedures under the Human Rights Council to promote and protect the human rights of all people, I remain,

Yours sincerely,

(Rongvudhi Virabutr)

Ambassador and Deputy Permanent Representative
Chargé d'affaires a.i.

Ms. Dorothy Estrada-Tanck,
Chair-Rapporteur of the Working Group on discrimination against women and girls;
Ms. Irene Khan,
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression;
Mr. Clément Nyaletsossi Voule,
Special Rapporteur on the rights to freedom of peaceful assembly and of association;
Ms. Mary Lawlor,
Special Rapporteur on the situation of human rights defenders;
Ms. Margaret Satterthwaite,
Special Rapporteur on the independence of judges and lawyers;
Ms. Reem Alsalem,
Special Rapporteur on violence against women and girls, its causes and consequences,
Office of the United Nations High Commissioner for Human Rights,
GENEVA.

**Thailand's response to the Joint Communication
ref. AL THA 3/2023 dated 18 August 2023**

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

- Ms. Angkhana Neelapajit and Ms. Anchana Heemmina filed a lawsuit at the Bangkok Civil Court, alleging that the Office of the Prime Minister (which oversees the Internal Security Operation Command: ISOC) and the Royal Thai Army (RTA) arranged or permitted an online smear campaign and a disinformation campaign against them. In its verdict on 16 February 2023, while the Court recognized that the two are women human rights defenders and victims of such campaigns, it dismissed the case for the absence of proof that the website pulony.blogspot.com was affiliated with ISOC or RTA. In addition, the Secretary-General of ISOC gave a press interview stating that the website was not part of any state agency, but has been monitored and placed on the watchlist of ISOC.

2. Please indicate what measures since our previous communications have been taken by your Excellency's Government to ensure that women human rights defenders in Thailand, particularly those working to document and publicize human rights violations, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or exposure to acts of intimidation and reprisals, both online and offline.

- Thailand recognizes the important role of human rights defenders, especially women human rights defenders, in the promotion and protection of human rights in the country.
- Human rights defenders have been highlighted as one of the priority groups under both the **5th National Human Rights Plan** as well as the **2nd National Action Plan on Business and Human Rights**. Both policy documents aim to develop protection and remedial mechanisms for human rights defenders, while promoting public awareness on the role of human rights defenders. In addition, **Thailand's policy on national security**, both at national and local levels, attaches importance to ensuring respect for human rights and to addressing issues of possible impact on human rights arising from actions of government officials.
- The Government supports the role of human rights defenders, including women human rights defenders, through the **on-going efforts to further create a safe and enabling work environment** for them. These include:
 - (a) The **amendment of the Witness Protection Act** which came into force on 24 November 2022, broadening the definition of witness to include persons who provide information or testimony to the authorities regarding violations of criminal law and providing for various measures to protect them;
 - (b) The **enforcement of the Act on Prevention and Suppression of Torture and Enforced Disappearance**, effective since 22 February 2023, providing

protection and remedial measures for the victims not only from acts of enforced disappearance and torture, but also from any cruel, inhuman or degrading treatment;

- (c) **The efforts to initiate Anti-SLAPP Bill** aiming to help protect, from intimidation lawsuits, citizens who report cases of corruption or abuse of power. It was later on approved, in principle, by the Cabinet and sent to Office of the Council of State, who suggested to incorporate it into the draft Organic Act on Anti-Corruption;
- (d) **The Justice Fund/Legal assistance** which provides legal advice, mediation, protection, and legal assistance to all including human rights defenders with an aim to promote equal access to justice for all;
- (e) **Awareness-raising activities** aiming to encourage general public to support and promote the role of human rights defenders and their important work;
- (f) A **study** conducted by the Rights and Liberties Protection Department, in cooperation with UNDP **on possible measures** to further protect human rights defenders, including the development of Anti-SLAPP measures and laws.
- (g) **Trial observation** conducted by Rights and Liberties Protection Department in a defamation case against women human rights defenders.

- In addition, with regard to internal security operations, competent officials are bound by relevant laws and regulations, including the Constitution of the Kingdom of Thailand B.E. 2560 (2017), the Internal Security Act B.E. 2551 (2008), Criminal Code B.E. 2499 (1956), Criminal Procedure Code B.E. 2477 (1934), Administrative Procedure Act B.E. 2539 (1996), and Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565 (2022).¹
- At the same time, ISOC has been working with relevant agencies, including the National Human Rights Commission, Rights and Liberties Protection Department and Ministry of Social Development and Human Security, in investigating reported human rights violations and in guaranteeing that its operations are carried out in accordance with international human rights law and standards. Such collaborations include an annual training, provided to its official, on human rights laws and standards.

3. Please outline the measures which are being taken to ensure accountability for human rights violations, and access to truth, justice, reparation and guarantees of non-recurrence for Ms. Angkhana Neelapaijit and Ms. Anchana Heemmina.

- Ms. Angkhana Neelapaijit and Ms. Anchana Hemmina have access to the justice system, including the right to file lawsuits under relevant laws and the right to appeal the case to the Court of Appeal. In the appeal stages of the court proceedings, if the related government agencies are found to be responsible for human rights violations against them, such agencies will be held accountable by

¹ The full list of relevant laws and regulations cited by ISOC: the Constitution of Thailand B.E. 2560 (2017), Internal Security Act B.E. 2551 (2008), Criminal Code B.E. 2499 (1956), Criminal Procedure Code B.E. 2477 (1934), Administrative Procedure Act B.E. 2539 (1996), Act on Prevention and Suppression of Torture and Enforced Disappearance B.E. 2565 (2022), and Computer-Related Crime Act B.E. 2560 (2017).

the Court, in accordance with the law, and may be ordered to provide reparation and remedy.

- Furthermore, according to ISOC, if any of its officials violates the law and causes damage and harm to others, ISOC will conduct internal investigation which may bring about disciplinary measures against the officials concerned. In addition, if the Court finds that ISOC is responsible for such violations, ISOC will strictly follow the Court's rulings including by providing remedy and compensations.

4. Please outline any specific measures which are being taken to prevent and address online and offline gender-based attacks, including online smear campaigns, against women human rights defenders.

- The Constitution of the Kingdom of Thailand B.E. 2560 (2017) contains provisions on the protection of Thai citizens from discrimination and violence.² Section 71, in particular, specifies that the State provides protection to children, women, the elderly and the marginalized from violence or unfair treatment, as well as treatment, rehabilitation and remedies to injured persons. Accordingly, Thailand has established mechanisms to provide essential services and support for victims of gender-based violence, including legal assistance and social support.
- Online attacks, including gender-based attacks, are covered by the Computer-Related Crime Act B.E. 2550 (2007), which criminalizes, inter alia, online input of distorted or false computer data that is likely to cause damage to the general public or to another person as well as online import of pictures of another person which have been electronically edited or modified in a manner which is likely to impair the reputation of that other person, to expose that other person to hatred, contempt or humiliation. Victims of such online attacks can file complaints and report the case with inquiry officials under the Act.

² Section 4 Human dignity, rights, liberties and equality of the people shall be protected.

The Thai people shall enjoy equal protection under the Constitution.

Section 27 All persons are equal before the law, and shall have rights and liberties and be protected equally under the law.

Men and women shall enjoy equal rights.

Unjust discrimination against a person on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education, or political view which is not contrary to the provisions of the Constitution or on any other grounds, shall not be permitted.

Measures determined by the State in order to eliminate an obstacle to or to promote a person's ability to exercise their rights or liberties on the same basis as other persons or to protect or facilitate children, women, the elderly, persons with disabilities or underprivileged persons shall not be deemed as unjust discrimination under paragraph three.

Members of the armed forces, police force, government officials, other officials of the State, and officers or employees of State organisations shall enjoy the same rights and liberties as those enjoyed by other persons, except those restricted by law specifically in relation to politics, capacities, disciplines or ethics.

Section 71 The State should strengthen the family unit which is an important basic element of society, provide appropriate accommodation, promote and develop the enhancement of health in order to enable people to have good health and strong mind, as well as promote and develop excellence in sports and to maximize the benefit for the people.

The State should promote and develop human resources to be good citizens with higher quality and abilities.

The State should provide assistance to children, youth, **women**, the elderly, persons with disabilities, indigent persons and underprivileged persons to be able to have a quality living, and shall protect such persons from **violence or unfair treatment**, as well as provide treatment, rehabilitation and remedies to such injured persons.

In allocating the budget, the State should take into account the different necessities and needs with respect to genders, ages and conditions of persons to ensure fairness.

5. Please outline the measures which are being taken to ensure the physical and psychological integrity of Ms. Angkhana Neelapaijit and Ms. Anchana Heemmina, in light of the recurring threats and intimidation which they have been facing.

- Ms. Angkhana Neelapaijit and Ms. Anchana Hemmina have access to the justice system, including the right to file lawsuits under relevant laws and the right to appeal the case to the Court of Appeal.
- They also have access to remedial measures, including under the Justice Fund Act. According to the Regulation of the Justice Fund Committee on the Criteria, Methods, and Conditions to Provide Assistance to Human Rights Violations Survivors or Those Affected by Human Rights Violations B.E. 2564 (2021), any person whose physical and psychological integrity or liberty have been violated by state official or agency as well as victims of other human rights violation cases as deemed fit by the Justice Fund Committee are eligible and entitled to apply for assistance.³

³ Section 9: “The following persons are eligible to apply for assistance:

(1) An injured party who employed self-defence lawfully;

(2) A defendant who has been imprisoned longer than what was imposed by the verdict

(3) A defendant who is eligible to receive compensation and expenses pursuant to the Granting of Compensation to Aggrieved Parties and the Accused in Criminal Cases Act B.E. 2544 (1991) and who is being remanded in custody during the investigation;

(4) A person whose life, physical and psychological integrity or liberty is violated by state official or agency;

(5) A victim of other human rights violations cases, as deemed fit by the Justice Fund Committee.”