

NATIONS UNIES
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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the human right to safe drinking water and sanitation.

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Water (2008-1)
THA 5/2013

28 May 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the human right to safe drinking water and sanitation pursuant to Human Rights Council resolutions 16/4, 15/21, 16/5, 16/2.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged threats intimidating human rights defenders contained in a statement made by Thailand's Deputy Prime Minister **prior to the 2nd Asia-Pacific Water Summit, which was held from 14 to 20 May 2013 in the International Convention and Exhibition Centre in Chiang Mai.**

According to the information received:

On 12 May 2013, Mr. Suraswadi reportedly gave a media interview while checking the status of preparations of the 2nd Asia-Pacific Water Summit, warning environmental activists, water-resources activists, and other members of civil society that they would be arrested if they protested at the upcoming 2nd Asia-Pacific Water Summit. He allegedly stated that "if you come to protest you will be arrested; do not come to protest. Those who violate this instruction will be arrested; this is not a place for demonstration. . . Do not come, it is against the law and I will order your arrest. Those people in Chiang Mai should not allow these garbage-like people to clutter up the meeting, follow what I just said".

Serious concern is expressed that Mr. Suraswadi's threats may be linked to the legitimate activities of human rights defenders, in the exercise of their rights to freedom of opinion and expression and of peaceful assembly.

While we do not wish to prejudge the accuracy of these allegations, we wish to remind your Excellency's Government of article 19 of the International Covenant on Civil and Political Rights, which provides that "[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

Similarly, we would like to refer to article 21 of the International Covenant on Civil and Political Rights, which provides that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others".

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.

With regard to the right to water, enshrined in the right to adequate standard living (article 11 of the International Covenant on Economic, Social and Cultural Rights), we would like to draw your Excellency's Government's attention to General Comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights, which states that "the right of individuals and groups to participate in decision-making processes that may affect their exercise of the right to water must be an integral part of any policy, programme or strategy concerning water" and "individuals and groups should be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties".

Moreover, since it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Please indicate how Mr. Suraswadi's statement is compatible with the aforementioned international human rights norms and standards.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of human rights defenders are respected. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of such acts.

Please accept, Excellency, the assurances of our highest consideration.

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

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

Margaret Sekaggya
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Catarina de Albuquerque

Special Rapporteur on the human right to safe drinking water and
sanitation