

**The National Human Rights Commission of Thailand (NHRCT)**  
**Report on the National Council for Peace and Order (NCPO) and the**  
**Interim Government (May – October, 2014).**

**Background**

Since August, 2013 there has been mass rally organized by groups of concerned individuals calling themselves anti-government protesters objected to the continuation of the so-called “Thaksin Regime”. Later on, after many anti-government groups emerged, the Government declared the National Security Act on October 9, 2013. Three separate distinct anti-government groups were formed, i.e. The Students and People Network for Reforming Thailand (formed on October. 11, 2013), the Santi-Asoke group, and the group led by Suthep Thuaksuban, a former Democrat Party member, which later became People’s Democratic Reform Committee (PDRC). The turning point took place after the draft Amnesty Act was deliberated in the parliament and passed all three readings in one night when the session ended the next morning at 4:00 am of November 1, 2013. Protest activities escalated and the Government declared Emergency Decree on January 21, 2014. After 9 months of protests by different groups, the country and Thai society was in disarray, impacting on economic and social progress in addition to the political stalemate. The military stepped in “to end the conflict and bring peace and happiness back to the people” by declaring Martial Law on May 20 and the *coup d’etat* on May 22, 2014. NHRCT closely monitored the rallies taking place in different parts of Bangkok and the vicinity and a separate report on the event (August 2013-May 2014) is being prepared.

**The Martial Law: May 20, 2014**

After the announcement of the Martial Law on 20 May 2014 by the Peace and Order Maintaining Command (POMC) led by the Royal Thai Army (RTA) Commander-in-Chief, General Prayut Chan-o-cha, the NHRCT has given priority to incident by immediately calling for a meeting of the NHRCT to issue a Statement against Martial Law on 21 May 2014. This Statement focused on the delivery and carrying-on of duties of competent officials under Martial Law that the officials should respect human rights principles and refrain or not commit any acts causing human rights violations or affecting human

dignities (The NHRCT's Statement on the Announcement and Declaration of Martial Law Act, B.E. 2557(2014) nationwide).

**The Coup d'etat: May 22, 2014**

On 22 May 2014, the National Council for Peace and Order (NCPO) led by General Prayut Chan-o-cha, the RTA Commander-in-Chief overthrew the Pheu Thai led-Government. The main objectives of the *coup e'tat* were to apply Martial Law to end all protests and put the country in order. An interim government will be installed during which time the reform activities will be carried out and new constitution drafted. After the completion of the constitution the election will follow. The next day after the *coup e'tat*, the NCPO issued 3 Orders summoned individuals to report to the operation center of the NCPO in Bangkok. The individuals summoned by these 3 Orders were mostly former cabinet members as well as those connected with the Pheu Thai Party. Many more summoned orders followed subsequently both in Bangkok and the provinces. Pro-Thaksin individuals living in the provinces were summoned to report to the regional or provincial Internal Security Office Center (ISOC) located near their home. One week after the *coup e'tat*, many more announcements were made to dissolve the cabinet and related committees, relocating high-ranking government officers, prohibiting assembly of people, and control of mass media.

The NHRCT promptly called an emergency meeting and adopted a Resolution and declared that such overthrow with military power is the human rights infringement. Furthermore, the NHRCT also expressed its clear position that the NHRCT expects the NCPO to be more accountable of their actions. The announcement of Martial Law by the POMC and control of power of the Government by the NCPO would be for dissolving or eliminating conflicts with avoidance of confrontation and loss of people's lives.

Actions taken by NHRCT may be presented chronologically as follows:

**1. May 28, 2014**

In an official Confidential Letter dated November 28, 2013 submitted by the NHRCT to the NCPO, it reiterates that the NHRCT has stood firm on the side of the promotion and protection of human rights. The present situation

does not mean that the NCPO shall disregard all important principles and override existing systems, particularly in relation to human rights principles.

The NHRCT issued a Letter to the Chief of the NCPO, upon the NHRCT's Letter No. Sor Mor 0004/25, dated 28 May 2014, Re: Action in compliance with human rights principles, addressing that: for the actions taken by the NCPO on various issues relating to human rights, they shall be undertaken according to existing human rights instruments which Thailand has ratified. The NHRCT therefore alerts that the NCPO when exercising, once it deems expedient, its power with an issuance of Order or Announcement tending to affect human rights, this shall be carried-on with caution and awareness and shall be exercised only when appropriate and necessary, particularly in term of prohibitions towards the derogation of rights of life and to physical security. The main provision in the International Covenant on Civil and Political Rights (ICCPR) shall be considered in detail. The carrying out of such duties to prevent violations shall avoid violence, torture and all other inhumane or degrading acts of human dignity toward persons under the custody. In all cases, all detained or summoned persons shall be treated with respect to their human rights and dignity and their names shall be announced to the public. The NCPO is requested to bring principles of rule of law and human rights to enforcement. The principles outlined above will help to mobilize and encourage a harmonious society while also convincing the international community to understand and trust the management of the NCPO to handle all situations with respect to the principles of rule of law and human rights.

## **2. May 30, 2014**

The Chair of NHRCT met with a group of concerned civil society members. They expressed their worries regarding the possible human rights violations of military personnel when carrying out the orders. They were also concerned with the safety of individuals being summoned and kept at the detention centers in different locations in Bangkok and the provinces. The Chair informed the civil society members that NHRCT had delivered the confidential letter to the NCPO and expressed the concerns of the NHRCT already. However, the Chair also confirmed that the NHRCT would be carrying out their mandate to monitor human rights violations complaint cases very strictly. Close collaboration with civil society groups would be very much welcomed. After the exchange, the NHRCT received an official request from the Coalition Center for Thai Violence Watch under the Chulalongkorn

University Peace and Conflict Study Center requesting that NHRCT monitor the detention situation as well as any other potential human rights violations. The Coalition Center will provide assistance to NHRCT as a member of the coalition network.

### **3. June 6, 2014**

The NCPO sent a representative, Lieutenant General Kampanat Rujditha to meet with the Chair and members of the NHRCT. It was agreed that NCPO would follow human rights standard strictly. Individuals being summoned and detained would be released within 7 days according to the Martial Law. And, if NHRCT, in collaboration with civil society members have specific questions regarding missing individuals, NHRCT may request for clarifications. The NCPO promptly responded to the NHRCT's recommendations by opening and welcoming all concerns and recommendations given by the NHRCT, and welcome the NHRCT's role as a monitoring body upon the implementation and exercise of the NCPO powers on an independent basis.

### **4. June 9, 2014**

In regards to the investigation of human rights violations concerning allegations or suspects of acts of the NCPO and also incidents relating to the control of power by the NCPO, the NHRCT has directed the Sub-Committee on Civil and Political Rights (chaired by Mr. Nirun Phitakwatchara, Commissioner) to conduct a preliminary investigation by seeking and gathering information and testimonials from relevant persons. The Sub-Committee met with members of the Coalition Center for Thai Violence Watch at the NHRCT office on June 9, 2014. Names of individuals were submitted to be clarified by NCPO. As a result of such request, it was agreed that the NHRCT can arrange visits to people summoned under the NCPO's Orders, upon complaints and requests from their relatives.

## **Investigations and Monitoring Activities**

These investigations also cover all violations alleged to have occurred as a result of the exercise of powers by the NCPO or competent officials under the Martial Law. The detailed of work carried out by the NHRCT pertaining to the control of power by the Government and actions taken by the NCPO shall be summarized as follows:

(1) As mentioned in previous paragraph, the NHRCT issued a Letter to the Chief of the NCPO, upon the NHRCT's Letter No. Sor Mor 0004/25, dated 28 May 2014, Re: Action in compliance with human rights principles.

In reference to the aforementioned Letter, the NCPO issued a Letter from the Secretariat Office of the National Council for Peace and Order, No. Kor Sor Chor (Sor Lor Thor) 2.1/101 dated 9 July 2014 to notify the NHRCT that the NCPO has issued a Letter with Notification that was circulated to all relevant organizations to acknowledge the recommendation of the NHRCT to undertake the responsibilities outlined in Thailand's ratified international human rights treaties.

(2) The NHRCT expressed its concerns on the issuance of NCPO Orders summoning persons and then detaining them under such Orders. The NHRCT entrusted Office of the NHRCT to issue an Order to establish a Working Group to visit persons under custody by virtue of Martial Law, to arrange human rights protection for those under custody and to monitor and observe the operations of officials and places of detentions. The Working Group coordinated with the NCPO and visited persons and places of detention four times as follows:

Visit no.1: On 18 June 2014, Mr. Nirun Phitakwatchara, National Human Rights Commissioner and Members of Working Group visited persons under custody by virtue of Martial Law. They initially met Lieutenant General Kampanat Rujditha, Director of the Reconciliation Center for Reform (RCR), the Royal Thai Army, to assess how the protection and expression of human rights functioned in places of detention, and therefore the persons under such custody and the officials in charge of their care. Director of the RCR expressed his willingness to cooperate and entrusted the Head of the Directorate of Civil Affairs to be a focal point.

Visit no.2: On 20 June 2014, the Working Group, led by Mr. Kanchai Kongsanai, Deputy Secretary General to the NHRCT, visited persons under custody, places of detention in a Military Camp to observe representatives of the Ministry of Foreign Affairs. Under this visit, officials in charge of custody provided custodial guidance while the Working Group met and interviewed three persons under custody to confirm their humane treatment and freedom from torture or other human rights violations. The Working Group

also visited and observed places of detention where houses of military officers were equipped with facilities and cleanliness, while Mr. Nirun Phitakwatchara, Commissioner, also visited persons under custody in Bangkok Remand Prison.

Visit no.3: On 21 June 2014, Mr. Nirun Phitakwatchara, Commissioner, entrusted Mr. Kanchai Kongsanai, Head of Working Group, to coordinate the visit to Miss Krisuda Khunasen.

Visit no.4: On 27 June 2014, the Working Group, led by Mr. Kanchai Kongsanai, Deputy Secretary General to the NHRCT, visited persons under custody, places of detention in two Military Camps in Ayudhaya and Ratchaburi provinces.

In addition to the visits to the detention centers, the Sub-Committee carried out interviews with other individuals being summoned and released. All of them indicated that they were treated well and there were no human rights violations during the time of detention. Interviews may be briefly summarized as follows:

Date	Name	Position
July 8, 2014	Thaenkun Jit-Issara	Former member of Democrat Party
July 29, 2014	Wichan Meechainan	Former member of Pheu Thai Party
August 5, 2014	Pravit Rojanaphruk	Media, the Nation Group
Personal facebook	Thida Thavornset	Chair, UDD
Interview News	Issara Seri Wongmontha	Former PDRC member

### **NCPO Roadmap and Role of NHRCT**

The NCPO announced the Roadmap to bring back normalcy to the country. The 3 phases and the accomplishments may be summarized below:

**Phase One (May – July 2014):** Preparatory stage by NCPO.

During this phase which should last between 1-2 months, the NCPO will use the Martial Law to put things to order. NCPO orders and announcements were declared and followed strictly, to enable the NCPO to carry out their mandates efficiently. The NCPO's 9 strategic plans and 11 reform issues have been announced. This phase should end after the establishment of the Temporary Constitution, which was announced in the Royal Gazette on July 22, 2014. The Temporary Constitution outlines the constitution drafting process indicating the establishment of the National Legislative Assembly, the National Reform Council, the Constitution Drafting Committee as well as the time line.

**Phase One is now complete.**

**Phase Two (July 2014 –October 2015):** Establish National Legislative Assembly and Interim Government as well as complete the draft constitution.

Activities already accomplished during Phase Two include:

1. Names of members of the National Legislative Assembly, were first announced on 31 July, 2014 and published in the Royal Gazette on the same day. There were additional names announced and published in the Royal Gazette on 17 August as well as another set announced on 25 September and published in the Royal Gazette on 27 September, 2014. The names of the Chair and Deputy Chair was announced and published in the Royal Gazette on 17 August, 2014.

2. After the Chair of the National Legislative Assembly came to power, General Prayuth Chan-ocha was nominated as the Prime Minister and names of the 32 Interim Cabinet members were announced on 30 August and published in the Royal Gazette on 31 August, 2014.

3. Names of members of National Reform Council were announced on 2 October 2014 and published in the Royal Gazette on 6 October, 2014. The first meeting took place on 21 October, 2014 when one Chair and two Deputy Chairs of the Council were elected.

Meanwhile, the NHRCT and civil society coalition networks continue to monitor human rights violations incidents. Civil society organizations publish statements demanding for the lift of Martial Law which will subsequently allow for freedom of expression and rights to assembly.

**Phase Two of the Roadmap is in process.**

**Phase Three (after July 2015):** Preparation for Election

This Phase of the Roadmap has not taken place.

### **Conclusion and Recommendations**

The NHRCT would like to conclude that during Phase One of the Roadmap of NCPO it has carried out its human rights protection duties while considering the interest of the public as the most important of its duties. In addition, the work of NHRCT has been undertaken in line with international human rights standards. So far it has expended a great amount of effort to carry out its work with open-mindedness for the reflections received. The NHRCT pledges, with willingness, that it will continually work towards strengthening networks of people, and will work closely with key stakeholders in all sectors in order to achieve its ultimate goal on strengthening society with the institutionalization of “Human Rights Culture”.

**At the time of this writing, the NCPO still insists that the people observe Martial Law, claiming security reasons. Rights to assembly and freedom of expression are still denied despite strong criticism from the public. The NHRCT maintains that the declaration of Martial Law violates basic human rights of the people. If the NCPO and the interim government decide to keep on declaring Martial Law, they have to provide reasons to ensure the public that Martial Law is essential and necessary, freedom of expression and rights to assembly must be temporary lifted in order to maintain peace and order.**

National Human Rights Commission of Thailand  
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