



Thailand: Human rights groups condemn NCPO Order 13/2016 and urge for it to be revoked immediately

(Bangkok, 5 April 2016) - Thailand must immediately revoke National Council for Peace and Order (NCPO) Order 13/2016 which confers sweeping powers on the Royal Thai Armed Forces in contravention of human rights and the rule of law, said the International Commission of Jurists (ICJ), Human Rights Watch (HRW), Amnesty International (AI), Asian Forum for Human Rights and Development (FORUM-ASIA), FIDH (International Federation for Human Rights), and Fortify Rights (FR), today.

On 29 March 2016, pursuant to Article 44 of the Interim Constitution, General Prayuth Chan-o-cha, Head of the NCPO, issued Order 13/2016 which provides appointed "Prevention and Suppression Officers" and their assistants, drawn from the commissioned ranks of the Armed Forces, including the paramilitary Ranger Volunteers, with wide-ranging powers to prevent and suppress 27 categories of crimes including against public peace, liberty and reputation, immigration, human trafficking, narcotics, and weapons.

"The implementation of Order 13/2016 will almost certainly lead to violations of Thailand's international human rights obligations and the rule of law and must be revoked immediately," said Wilder Tayler, Secretary General of the International Commission of Jurists. "We have observed a steady erosion of human rights protections in Thailand since the military coup of 22 May 2014 and this Order signifies another, jarring, movement in the same direction."

The Order raises numerous human rights concerns, including:

- 1. Grants a form of immunity from prosecution to those acting under the Order, leading to impunity contrary to the principle of accountability required by the rule of law.**

"Instead of paving the way for a return to democratic rule, the Thai junta has broadened its powers to do almost anything it wants, including committing abuses with total impunity," said Brad Adams, Asia Director at Human Rights Watch. "Repression becomes a daily reality as Thailand descends further into military dictatorship."

- 2. Actions taken under the Order are not subject to judicial review, contrary to the rights to effective remedy, to judicial control of deprivation of liberty, and to a fair trial, as for instance recognized under Articles 2, 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).**

"The Order is yet another example of the pernicious removal of powers from the judicial system to review the military's actions, to the detriment of rights protection and the rule of law," said Champa Patel, Interim Director, South East Asia and Pacific Regional Office, Amnesty International.

3. Provides untrained military officials with broadly and ambiguously worded powers of law enforcement likely to lead to abuse, inconsistent with human rights standards including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

“The Order provides law enforcement powers to military officials who do not have law enforcement experience or protocols to summon, search, and arrest persons, said Evelyn Balais-Serrano, the Executive Director of FORUM-ASIA. “This makes the absence of judicial oversight all the more concerning. The fact that this may lead to an abuse of power and the disproportionate use of force by military officials in violation of international laws and standards including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials is very worrying. There is a real risk the Order may be used to restrict the legitimate rights of people such as the rights to freedom of expression, assembly and association.”

4. Authorizes the deprivation of liberty of persons for up to seven days in unrecognized places of detention, without judicial oversight, which increases the risk of further human rights abuses, including torture and enforced disappearance.

“Despite its pretense to suppress criminal activities, this Order is likely to result in the commission of very serious crimes that are prohibited under human rights instruments that Thailand has either signed or ratified,” said FIDH President Karim Lahidji.

5. In practice, the Order is open to abuse to repress and silence those perceived as dissenters, including human rights defenders, in violation of international human rights law and standards.

“This Order stands to fuel the fire of retaliation against human rights defenders in Thailand,” said Amy Smith, Executive Director of Fortify Rights. “Thailand has an obligation to protect human rights defenders, but this Order could easily be used to target and obstruct their legitimate work.”

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