



To: Chairperson What Tingsamitr

Cc: Commissioner Chatsuda Chandeeying, Commissioner Prakairatana Thontiravong, Commissioner Tuenjai Deetes, Commissioner Chartchai Suthiklom, Commissioner Angkhana Neelapaijit and Secretary-General Sophon Jingjit

Office of the National Human Rights Commission of Thailand
The Government Complex Commemorating His Majesty the King's 80th Birthday Anniversary 5th December,
B.E.2550 (2007)
120 Chaengwattan Road, Lak Si Intersection, Bangkok 10210

14 May 2019,

Re: ANNI Open Letter concerning the disciplinary inquiry against Commissioner, Angkhana Neelapaijit

Dear Mr. Chairman,

The Asian NGO Network on National Human Rights Institutions (ANNI) expresses deep concern regarding the disciplinary inquiry conducted by the National Human Rights Commission of Thailand (NHRCT) against Commissioner Angkhana Neelapaijit. We understand that the inquiry was initiated after comments were made by Tuang Attachai, a National Legislative Assembly (NLA) member, and a reported complaint was submitted to the Commission by Surawat Sangkhareuk.

On 23 April 2019, the NLA held a parliamentary session to discuss both the annual report produced by NHRCT on the human rights situation of Thailand, and the performance review of the NHRCT. Tuang Attachai implicitly attacked Commissioner Angkhana by referring to one commissioner being involved in a political case and that this commissioner should not be observing such cases. The political case in question is believed to be the charges filed against Piyabutr Saengkanokkul, the Secretary General of the Future Forward Party, for computer crimes and contempt of court offences. We understand that one week after this parliamentary session, the NHRCT initiated the disciplinary inquiry into the conduct of Commissioner Angkhana.

The Paris Principles set out the necessary guarantees of independence for National Human Rights Institutions (NHRIs).¹ NHRIs should be empowered to freely consider any question falling within their competence. They should be able to determine which of their functions they give priority in the performance of their mandate. NHRIs should also be able to determine their own findings, conclusions and recommendations over the

¹ Principles Relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights (The Paris Principles), para C (A)

course of their work.² In undertaking their mandate, NHRIs should be able to implement their activities in full independence, free from any political pressure, physical intimidation or harassment.³

According to the NHRCT Act 2017, the NHRCT is mandated to monitor the human rights situation in the country. This includes monitoring human rights compliance during specific events, such as: political gatherings; imprisonment; legal proceedings; and elections. In emergency cases, where a situation arises that seriously affects or is itself a violation of human rights, the Commission should and can address the case without delay, and propose appropriate measures and ways to prevent or remedy the situation.⁴

We are of the view that Commissioner Angkhana was exercising the monitoring function of the NHRCT. In such a scenario, the NHRCT acts preventively, seeking to deter violations by the presence of its representatives as observers and reporters.⁵ Instead of scrutinising her, the NHRCT, under your leadership should have supported her, as she was upholding the mandate of the Commission. Despite the challenging context in which the NHRCT operates, the Commission is expected to continue to conduct itself with a heightened level of independence and effectiveness.

ANNI would like to therefore urgently request you to cease this groundless inquiry. We call on you, as the Chair, to strengthen the performance of what was supposed to be an independent and credible institution for the promotion and protection of human rights in Thailand. Moreover, we reiterate our call for the NHRCT to fully comply with the Paris Principles.

Yours Sincerely,



John Samuel
Executive Director
Asian Forum for Human Rights and Development
ANNI Secretariat

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About the Asian NGOs Network on National Human Rights Institutions (ANNI):

The Asian NGOs Network on National Human Rights Institutions (ANNI) was established in December 2006. It is a network of Asian non-governmental organisations and human rights defenders working on issues related to National Human Rights Institutions (NHRIs). ANNI has members that are national organisations from all over Asia. ANNI currently has 33 member organisations from 21 countries or territories. The work of ANNI members focuses on strengthening the work and functioning of Asian NHRIs to better promote and protect human rights as well as to advocate for the improved compliance of Asian NHRIs with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI).

² <https://www.asiapacificforum.net/support/what-are-nhris/independence/>

³ Human Rights Council Resolution, A/HRC/39/L.19/Rev.1, <http://undocs.org/en/A/HRC/39/L.19/Rev.1>

⁴ NHRCT Act 2017, Article 40 clause (2) and (4), Article 41, Article 42

⁵ <https://www.asiapacificforum.net/support/what-are-nhris/fact-sheet-6-monitoring-human-rights/>