



## Thailand: End the use of disproportionate and unnecessary force against protesters

(30 August 2021, Jakarta) – Thailand should respect, protect and fulfil the right of its people to peaceful assembly and expression, and must immediately end the use of disproportionate and unnecessary force against protesters, said the Asian Forum for Human Rights and Development (FORUM-ASIA) and Human Rights Lawyers Alliance (HRLA).

In the past month, Thai authorities have increased the systemic use of violence against protestors to clamp down on pro-democracy activists since the beginning of the year.<sup>1</sup> Authorities have targeted not only protesters, but also journalists wearing visible armbands<sup>2</sup> and bystanders at protest sites.<sup>3</sup>

‘The use of excessive force against protesters is unjustifiable under international human rights law. The police have an obligation to respect the people’s right to express themselves, including through ensuring their security. While several protesters have allegedly engaged in acts such as throwing rocks and using fireworks, the vast majority of the protesters were peaceful, thus, police actions cannot justify the wide-scale brutality and violence as they are obliged to protect individuals and facilitate peaceful assemblies,’ said FORUM-ASIA.

In August 2021, police fired rubber bullets at protestors at close or elevated range – even at protesters who did not pose a threat<sup>4</sup> – and indiscriminately used tear gas and water cannons.

Serious injuries resulting from police violence have been reported. A motorcyclist<sup>5</sup> and a truck driver passing through the protests<sup>6</sup> were also reportedly attacked by the police. Protestor Tanat ‘Nat’ Thanakitamnuy is confirmed to have been blinded in one eye after being hit by a tear gas canister.<sup>7</sup> A 15-year-old boy was shot with live ammunition allegedly by the police, and is left in critical condition.<sup>8</sup>

Earlier this year, the pro-democracy movement regained momentum after Thailand’s second wave of COVID-19, calling for the same main demands as last year: the resignation of Prime Minister General Prayut Chan-O-Cha, amendments to the Thai constitution, and monarchy reform.

As the country once again grappled with a surge of COVID-19 cases toward the middle of 2021, protesters in Bangkok and other provinces began demanding the resignation of Prime Minister General Prayut Chan-O-Cha over his mishandling of the COVID-19 situation, in addition to their main demands last year.

Protesters have employed various means to voice their demands, including through ‘car mob’ rallies by cruising around Bangkok and cars and motorcycles, or holding simultaneous gatherings.

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<sup>1</sup> <https://www.reuters.com/world/thai-anti-govt-protesters-clash-with-police-bangkok-2021-08-07/>, <https://www.reuters.com/world/asia-pacific/thai-protester-comatose-with-bullet-lodged-head-after-clashes-2021-08-17/>, <https://prachatai.com/english/node/9404>, and summary of last week: <https://prachatai.com/english/node/9410>

<sup>2</sup> <https://prachatai.com/journal/2021/08/94458> (Thai)

<sup>3</sup> <https://prachatai.com/english/node/9403>

<sup>4</sup> <https://prachatai.com/english/node/9396>

<sup>5</sup> [https://www.matichon.co.th/politics/news\\_2897237](https://www.matichon.co.th/politics/news_2897237) (Thai)

<sup>6</sup> [https://www.matichon.co.th/politics/news\\_2878643](https://www.matichon.co.th/politics/news_2878643) (Thai)

<sup>7</sup> <https://coconuts.co/bangkok/news/anti-govt-protester-hit-by-tear-gas-canister-confirms-he-is-blind-in-one-eye/>

<sup>8</sup> <https://www.bangkokpost.com/thailand/politics/2167823/shot-boy-still-in-coma-protest-to-continue-thursday>

The violence has occurred amidst the continuing arrests of protesters and pro-democratic leaders. An estimated 242 have been arrested for their participation in pro-democratic demonstrations from 1 August to 23 August, of which at least 56 of which are minors.<sup>9</sup> Police officers have conducted these arrests often without warrants. The arrested are accused of violations of the Emergency Decree, the Penal Code, and various other offences.

‘These arrests are often conducted without warrants, and protesters are detained in centers outside of their jurisdiction and far away from the city, where they face difficulties accessing lawyers and are denied fair trial as enshrined under the Criminal Procedure Code. It also highlights the authorities’ continuous intimidation of protesters, with the aim to crack down on the pro-democracy movement and send a chilling message to all that they will face reprisal,’ said HRLA.

Thailand is a State Party under the International Covenant on Civil and Political Rights (ICCPR) which obliges it to respect fundamental freedoms, including the right to expression and peaceful assembly. Any restrictions to these rights must abide by the principles of legality, necessity, proportionality, precaution, and non-discrimination.<sup>10</sup>

‘We reiterate our call to the Thai government to respect its obligations under international law and end its use of disproportionate force against protesters. They must unconditionally drop all charges and immediately release the detained protesters. The government has consistently used indiscriminate force to crack down on the pro-democracy movement. They must realise that the ideals of democracy live on a wide range of differing opinions including critical voices, government-opposing opinions and sentiments of younger generations, which cannot be stifled,’ said the organisations.

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***The Asian Forum for Human Rights and Development (FORUM-ASIA)*** is an Asia-based regional network of 82 member organisations across 23 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. [www.forum-asia.org](http://www.forum-asia.org)

***Human Rights Lawyers Alliance (HRLA)*** is an ad hoc coalition formed in response to the crackdown and arrests of protestors in Thailand since October 2020, consisting of 8 local human rights organisations. HRLA aims to protect the right-holders in exercising the right to freedom of expression and ensure the right to access to justice through utilizing legal resources, strategic litigations and advocacy.

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<sup>9</sup> Summary from the daily update in <https://tlhr2014.com/archives/category/news> (Thai)

<sup>10</sup> General Comment no.37 on the right of peaceful assembly (article21), CCPR/C/GC/37, para 78.