



The Law Society of
Upper Canada

Barreau
du Haut-Canada

May 25, 2017

H. E. Prayuth Chan-ocha
Prime Minister of Thailand
Government House
1 Phitsanulok Road
Dusit, 10300
Bangkok
Thailand

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

Your Excellency:

Re: Arrest and detention of lawyer Prawet Prapanukul

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the arrest and detention of lawyer Prawet Prapanukul. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Prawet Prapanukul is a prominent human rights lawyer and critic of the Thai monarchy. He provided legal assistance to members of the United Front for Democracy Against Dictatorship (“UDD”) – also known as the “Red Shirts” – in cases related to political confrontations which took place in 2010. He also served as defence counsel for a critic of the monarchy, Daranee Charnchoengsilpakul, who was convicted for committing *lese majeste* (insulting the monarchy or “royal insult”). The law against royal insult is frequently invoked by the ruling military junta to suppress any speech or opinion it finds objectionable.

It has come to the Law Society’s attention that on April 29, 2017, officers of the ruling National Council for Peace and Order (“NCPO”) junta, together with soldiers from the 1st Infantry Division and police officers from Bangkok’s Bang Khen Police Station, carried out a morning raid on Prawet Prapanukul’s home in Bangkok. Sources indicate that his computers, hard drives, flash drives, mobile telephones, CDs containing political programs, and various political T-shirts were confiscated.

Prawet Prapanukul appeared in a Bangkok court on May 3, 2017, and was charged with ten counts of royal insult and three counts of sedition. He is accused of posting ten messages which insulted the monarchy and three messages with content believed to have instigated (or be capable of instigating) social disorder. Prawet Prapanukul has denied these allegations; however, if convicted, he could face more than 150 years in prison.

Prawet Prapanukul is currently being held in pre-trial detention at a Bangkok remand prison. Prior to this and immediately following his arrest, he was held incommunicado at the 11th Army Circle base in Bangkok, a facility used as a temporary prison by the military.

Since Thailand's military seized power from an elected civilian government in a May 2014 coup, the military junta has detained hundreds of politicians, activists, journalists, and others accused of being involved in anti-junta protests and activities, supporting the deposed civilian government of former Prime Minister Yingluck Shinawatra, or disrespecting or offending the monarchy. Contrary to the junta's claims that military units always follow due process requirements when arresting and detaining individuals, many detainees have reported that security personnel mistreated them during their arrests, locked them up incommunicado in military camps, and interrogated them without providing access to lawyers.

NCPO Orders 3/2015 and 13/2016 empower military authorities to secretly detain people for up to seven days without charge, and to interrogate them without access to lawyers or safeguards against mistreatment. Although the junta has repeatedly dismissed allegations that soldiers have tortured detainees, it has failed to provide any evidence that would support its claims to the contrary.

In light of these circumstances, the Law Society urges Your Excellency to comply with Thailand's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened

with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Thailand to:

- a. immediately and unconditionally release Prawet Prapanukul;
- b. immediately and unconditionally withdraw all charges against Prawet Prapanukul;
- c. guarantee all of the procedural rights that should be accorded to Prawet Prapanukul in accordance with his right to a fair trial;
- d. ensure that Prawet Prapanukul is afforded regular access to his lawyer(s), family, and adequate medical care, if applicable;
- e. put an end to all acts of harassment against Prawet Prapanukul and all other lawyers in Thailand;

- f. guarantee in all circumstances the physical and psychological integrity of Prawet Prapanukul;
- g. ensure that all lawyers in Thailand can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:
Mr. Vijavat Isarabhakdi
Ambassador of Thailand to Canada
Royal Thai Embassy
180 Island Park Drive
Ottawa, Ontario
K1Y 0A2

Fax: 1 (613) 722-6624
Email: contact@thaiembassy.ca

Thai Bar Association
32/2-8 Moo 16 Karnchanapisek Road
Bangramard Subdistrict Talingchan
Bangkok 10170, Thailand

Lawyers Council of Thailand
7/89 Mansion
10 Rajdamnoen Avenue
Bovonnivent Sub-District
Pranakorn District
Bangkok 10200, Thailand
Email: legalaids@lawyerscouncil.or.th

The Honourable Chrystia Freeland
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario
K1A 0G2
Email: chrystia.freeland@international.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders,
Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales