



The Law Society of
Upper Canada

Barreau
du Haut-Canada

May 6, 2016

Office of the Treasurer

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His Excellency Gen Prayuth Chan-ocha, Prime Minister of Thailand
Government House
1 Phitsanulok Road
Dusit, 10300
Bangkok
Thailand

Your Excellency:

Re: Harassment of Human Rights Lawyer Sirikan Charoensiri

I write on behalf of the Law Society of Upper Canada to voice our grave concern over the harassment of human rights lawyer Sirikan Charoensiri. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Sirikan Charoensiri is a lawyer with Thai Lawyers for Human Rights (TLHR). On 26 June 2015, 14 student activists with the New Democracy Movement (NDM) were arrested and charged with violating a prohibition on gatherings of more than five people (Article 116 of the Thai Criminal Code). Sirikan Charoensiri represented the activists at their hearing along with seven other lawyers from the TLHR.

After the activists' hearing on 27 June 2015, police attempted to conduct a warrantless search of Sirikan Charoensiri's car. Sirikan Charoensiri refused to consent to the search and attempted to file a complaint alleging police malfeasance. The police refused to accept her complaint and summarily impounded her car. When Sirikan Charoensiri attempted to file another complaint, she was told by a senior officer that the police would take "some form of legal action" against her unless she abandoned her right to complain. The police subsequently obtained a warrant to search her car from the Court; however, reports indicate that they did not advise the presiding judge that the car in question belonged to counsel for the accused. The police then searched Sirikan Charoensiri's car and seized three of the activists' mobile phones as evidence. Later that evening, the police finally accepted Sirikan Charoensiri's

complaint against Pol.Lt. Gen. Chayapol Chatchayadetch for the unlawful search and seizure of her car.

The Law Society presently writes to voice its deep concern as a result of reports that Sirikan Charoensiri has been the subject of judicial harassment.

On 29 June 2015, police questioned Sirikan Charoensiri's parents about her background and asked them to identify her in photographs. On 9 February 2016, Sirikan Charoensiri was summoned to report to the Chanasongkram Police Station on several criminal charges: concealing evidence (s. 142 of the Penal Code); filing a false police report (s. 172 of the Penal Code); and refusing to comply with an order of a competent official (s. 368 of the Penal Code). On 9 February 2016, Sirikan Charoensiri attended the Chanasongkram Police Station in Bangkok as summoned. With respect to the charge of filing a false complaint, the inquiry official acknowledged that the complaining officer, Pol.Lt. Gen. Chayapol Chatchayadetch, had provided no details of the alleged offence; as such, the charge has been stayed pending an interview with the complaining officer to determine which of Sirikan Charoensiri's statements are alleged to be false. With respect to the other charges, Sirikan Charoensiri pled her innocence.

The Law Society of Upper Canada urges Your Excellency to comply with Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

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 the Thailand to:

- a. Immediately and unconditionally withdraw all charges against Sirikan Charoensiri;
- b. Put an end to all acts of harassment against Sirikan Charoensiri as well as other human rights lawyers and defenders in Thailand;
- c. Guarantee all the procedural rights that should be accorded to Sirikan Charoensiri; and
- d. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 49,000 lawyers and 7,800 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:

H.E. Mr. Vijavat Isarabhakdi, Ambassador of Thailand
Royal Thai Embassy
180 Island Park Drive,
Ottawa, Ontario K1Y 0A2

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Dej-Udom Krairit, Lawyers Council of Thailand Under the Royal
Patronage

Adrie van de Streek, Executive Director, Lawyers for Lawyers

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

Yves Berthelot, 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

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

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law
Society of England and Wales