



Public Statement

The Law Society of Upper Canada expresses grave concerns about the harassment of human rights lawyer Sirikan Charoensiri in Thailand

Sirikan Charoensiri is a lawyer with Thai Lawyers for Human Rights (TLHR). On 26 June 2015, 14 student activists of 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 the government of Thailand 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 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.

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.

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