

Statement of National Human Rights Commission of Thailand
Subject: Opposition Request against Enforcement of Emergency Decree on Public Administration in Emergency Situation as General in Many Areas

Having been monitoring violent situations occurred at present with concerning about the means of the Government to resolve problems and then suggesting the Government at different periods, the National Human Rights Commission of Thailand (NHRCT) has expressed its clear position which are objected against the uses of violence no matter being caused by any parties because it is not the means to solve problems but to further expand protests and public struggles.

In addition, as an emergency situation that is serious has been declared in areas of Bangkok, Nonthaburi Province, Lad Lum Kaew District-Pathumthani Province, and Bang Phi District- Samut Prakan Province for effective enforcement during 22 January to 22 March 2014, NHRCT has considered that the declaration of enforcement of Emergency Decree on Public Administration in Emergency Situation shall provide significant effects of protections of rights and freedom of people and shall cause the situation become much worse. In particular, the Emergency Decree has neglected monitoring systems and mechanism of the exercise of the State power of the independent constitutional organs which have their responsibility to counterbalance the exercise of the administrative power in accordance with the Constitution and path of justice since B.E. 2548 (2005). All time up till now, NHRCT has continuously objected the declaration of enforcement of Emergency Decree in Public Administration in Emergency Situation, and although violent situations have already occurred presently, the condition of emergency and its necessity that provide the State official to increase the exercise of power are still unclear.

The declaration of Emergency Decree has provided the competent official to have power of the search, arrest and detention over a person who is suspected to commit against an offence without assuring rights and freedom in accordance with the Constitution of the Kingdom of Thailand B.E. 2550(2007) and International Covenant of Civil and Political Rights, which omit the fundamental of rights and freedom in the sphere of human rights. Furthermore, in providing powers of control, cancelation and suspension of any means of media communication to the competent official would possibly lead to deprive of the rights and freedom of media and restriction of freedom of information access and expression of people at the same time.

NHRCT has requested cooperation from all parties to maintain the nation's public order and respect the rights and freedom of all, and therefore has proposed suggestions as follows:

- 1.The Government should lift the Emergency Decree on Public Administration in Emergency Situation immediately because the elements of such situations are not in an emergency situation that is sufficiently serious, and should focus on enforcement of the existing law effectively without affecting the rights and freedom of public;
2. All protest organizers and protesters must not take any actions that would provoke or incite during the protests and possibly lead to human rights violations, and must assemble peacefully without weapons or artificial weapons in protest areas by restricting to the peaceful means and rule of law under the Constitution of the Kingdom of Thailand, B.E. 2550(2007).

3. Media of all kinds should carefully present accurate news and information within legal frameworks in order that people are able to access correct information.

National Human Rights Commission of Thailand

23 January 2014