



Statement of the National Human Rights Commission of Thailand
On the concern about the political situation:
General election on Sunday 2 February 2014

Following the political protests staged by the People's Democratic Reform Committee (PDRC), the National Human Rights Commission of Thailand (NHRCT) has continuously monitored the situation. It has also sent officials to observe the protests at various sites by adhering to the principles of impartiality, independence and the protection of human rights of all without discrimination. It has steadily called upon all parties to use peaceful means in solving the problem and respect each other's rights.

The government, led by the Prime Minister, and the Election Commission, led by its Chairman, held a meeting on 28 January 2014 to discuss about the holding of general election in accordance with the judgment of the Constitutional Court. The conclusion of the meeting was that the general election would be held on Sunday 2 February 2014 as scheduled.

The NHRCT has been aware of and understands the reasons for the protests and the demands of the protestors from the outset when they came out against the Amnesty Bill up to the present time when the Emergency Decree has been declared and the advance voting disrupted. The protestors reasoned that the government has lost its legitimacy in ruling the country as the Universal Declaration of Human Rights stipulates that when any state party fails to respect human rights and the rule of law, the people of that state may rise against the injustice as a measure of last resort. However, the fact that the protestors have prevented the advance voting including declaring that they will disrupt or take actions to prevent the voting in the general election on Sunday 2 February 2014 is the exercise of the right and freedom of political expression which affects that of others.

The events that have occurred serve as lessons both on the exercise of the right and freedom of assembly and the use of state power to maintain law and order for all sides. The NHRCT is, therefore, concerned about the political situation of the country in regard to the general election to be held on Sunday 2 February 2014 and calls upon all sides to take into account and consider undertaking, as appropriate, suggested measures as follows:

1. The government must undertake measures to prevent violence and must not use violence in any form with the protestors. It must maintain law and order especially in areas where voting will be held to prevent recurrence of violent incidents;

Protest organizers must supervise the exercise of right and freedom of assembly, observe the laws and assemble peacefully and without arms in accordance with international human rights principles. Unwanted incidents of violence must be avoided and prevented.

The government and protest organizers must jointly develop a system to maintain order in the protesting areas and put in place surveillance measures, avoid confrontation and deter violent incidents by persons with ill intentions.

2. The government and the Election Commission must develop clear measures to facilitate eligible voters wishing to do their duty to exercise their right to vote according to Section 72 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007). At the same time, the government must maintain order and ensure safety of protesters in the exercise of their right to freedom of assembly to express their political opinions in accordance with Section 63 of the Constitution;

3. The government and the Election Commission should explain to the public that the holding of the general election on Sunday, 2 February 2014 is in accordance with the judgment of the Constitutional Court and it is the duty of the Thai people who have the right to vote to exercise such right. The NHRCT is of the view that consultations between the government and the Election Commission to jointly set guidelines on the organization of the election will lead to understanding of the public. Should there be any problems or obstacles that might adversely affect the election, the government and the Election Commission should hold meetings periodically to assess the situation prior to the day of the election to prevent possible violent incidents and damage to the country;

4. The media must report on factual information with impartiality, taking into account the interest of the public. Media reports should be constructive and promote peace in society. The government and protest organizers must be responsible for the safety of media personnel working in the protest sites and polling areas;

5. The government must give firm direction to the Royal Thai Police to accelerate the investigation of all violent incidents which have resulted in the loss of lives and injury of many people as well as damage to property with a view to bringing the perpetrators to justice. Such violent incidents include those happening at Ramkhamhaeng University, at Thai-Japanese Stadium in Din Daeng, at Bantadthong road, at Sri-iam Temple, at Ladprao intersection, at Victory Monument, and at the Thai Army Club on Vibhavadi Rangsit Road. The investigation must be carried out in accordance with the law and with transparency to create confidence and trust in the police. The facts and progress made in course of the investigation must be made known to the public promptly on a periodical basis;

6. The government must give medical care to the injured and provide remedy to those who have been affected, injured and lost their lives in the violent incidents in accordance with humanitarian principles and clear criteria which have yet to be developed. It should ensure that all sides will receive fair and just remedy in the forms of financial assistance, rehabilitation and other assistance as well as remedy for mental suffering without discrimination.

The NHRCT has collected the information of those who have been injured or lost their lives so that the government can expedite its assistance and remedy, be it financial assistance, mental care or other forms of assistance.

The NHRCT thus entreats that all parties bear in mind the prime interest of the country and end the confrontation and all forms of violence. The best way to solve the problem is the quick return to negotiations to bring back peace to the country.