

Thailand: Ongoing detention of human rights defender Mr Somyot Prueksakasemsuk

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Somyot Prueksakasemsuk

On 8 May 2013, the lawyer of human rights defender and magazine editor Mr Somyot Prueksakasemsuk submitted an application to the Supreme Court in Bangkok to refute the ruling by the Appeal Court rejecting his previous application. On 3 April 2013, the Appeal Court had rejected the lawyer's application for Somyot Prueksakasemsuk to exercise his right to bail. Somyot Prueksakasemsuk was sentenced to 10 years in jail by the Court of First Instance on 23 January 2013 on charges of publishing two articles with negative references to the Thai monarchy under the lèse majesté law.

Somyot Prueksakasemsuk works as a human rights defender in the area of labour rights and freedom of association in Thailand, and is editor of *Voice of Thaksin*.

On 1 April 2013, the human rights defender's lawyer submitted an appeal against the verdict by the Court of First Instance. Somyot Prueksakasemsuk's application on the right to bail has been rejected twelve times by the Court of First Instance and twice by the Appeal Court. In it, Somyot Prueksakasemsuk's lawyer reiterated that there is no proof that the human rights defender would flee if the bail was granted as he still continued to travel in and out of Thailand after an arrest warrant was issued for him in 2011.

The lawyer also stated that until the decision on the case is reached by the Supreme Court, Somyot Prueksakasemsuk's right to bail is guaranteed under the Constitution of the Kingdom of Thailand. He also underlined that there are health concerns regarding the human rights defender's detention since he is suffering from high blood pressure and gout as well as Hepatitis B.

The human rights defender was found guilty of violating Section 112 of the Thai Criminal Code, which criminalises defaming, insulting or threatening the royal family, commonly known as the lèse majesté law. The trial was attended by approximately 170 observers including local and international journalists, academics, human rights defenders and organisations, and members of the diplomatic corps.

The UN Working Group on Arbitrary Detention in its sixty-fourth session from 27-31 August 2012 stated that the deprivation of liberty of [the human rights defender], being in contravention of

Article 19 of the Universal Declaration of Human Rights and Article 19 (2) of the International Covenant on Civil and Political Rights (ICCPR) – to which Thailand is party – is arbitrary, and it called for his release.

The UN High Commissioner for Human Rights, Navi Pillay, and the European Union expressed grave concern at the outcome, with the UN High Commissioner also reacting on the denial of bail over such a long period of time. The Commissioner communicated her concern to the Thai government on 15 June 2012 [1], and Front Line Defenders did the same on 23 January 2013 and 14 May 2012 [see below].

Front Line Defenders is concerned at the continued detention of Somyot Prueksakasemsuk, which it believes to be solely motivated by his legitimate and peaceful human rights activities, and at the above-mentioned fair trial irregularities including the rejection of request for bail fourteen times.

Thailand: Update - Human rights defender Mr Somyot Prueksakasemsuk convicted and sentenced to 10 years' imprisonment

On 23 January 2013, human rights defender and labour activist Mr Somyot Prueksakasemsuk was sentenced to 10 years in prison by Ratchadapisek Criminal Court. He was found guilty of violating Section 112 of the Thai Criminal Code, which criminalises defaming, insulting or threatening the royal family, commonly known as the lèse majesté law, for the alleged publication of two articles with negative references to the monarchy.

Somyot Prueksakasemsuk works as a human rights defender in the area of labour and freedom of association rights in Thailand and is editor of Voice of the Oppressed (Voice of Taksin).

The trial was attended by approximately 170 observers including local and international journalists, academics, human rights defenders and organisations. There were also representatives present from the UN Office of the High Commissioner for Human Rights, the EU Delegation and embassy staff from the embassies of Australia, Britain, Denmark, Finland, France, Luxemburg, Sweden, and Switzerland. Front Line Defenders' representative was also present at the court.

Upon hearing the sentence, Mr Somyot Prueksakasemsuk's lawyer stated that his client would appeal the decision of the Court.

The UN High Commissioner for Human Rights Navi Pillay released a statement on 23 January, expressing her serious concern on the verdict and sentencing of Somyot Prueksakasemsuk, stating that it represents “a setback for the protection and promotion of human rights in Thailand” and “a disturbing trend in which lese-majesty charges are used for political purposes”. The High Commissioner also expressed concern over the length of the human rights defender's pre-trial detention, whose bail requests were denied 12 times by the courts.

The European Union also issued a statement on the sentencing on 23 January [2], stating that the verdict “seriously undermines the right to freedom of expression and press freedom”. The EU furthermore urged the Thai authorities “to ensure that any limitation of fundamental rights is applied in a proportional manner consistent with upholding universal human rights”.

Front Line Defenders believes that this verdict and excessively harsh sentencing is solely motivated by Somyot Prueksakasemsuk's legitimate and peaceful work as a prominent labour and human rights defender in Thailand, and urges the Thai authorities to ensure its reversal.

Front Line Defenders also reiterates its concerns regarding due process irregularities throughout the trial of Somyot Prueksakasemsuk, in direct contravention of international law, including the International Covenant on Civil and Political Rights, to which Thailand is a party.

For more information concerning Somyot Prueksakasemsuk, please see Front Line Defenders' updates at:

<https://www.frontlinedefenders.org/SomyotPrueksakasemsuk>

On ESSF, see [Somyot Pruksakasemsuk](#):

http://www.europe-solidaire.org/spip.php?page=mot&id_mot=8013&lang=fr

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* <https://www.frontlinedefenders.org/node/22658>

Footnotes

[1] <http://thaipoliticalprisoners.files.wordpress.com/2012/10/ohchr-on-somyos-copy1.pdf>

[2] http://eeas.europa.eu/delegations/thailand/press_corner/all_news/news/2013/20130123_01_en.htm