

Thailand: Election Countdown Begins - Lift Restrictions on Fundamental Rights to Enable Free and Fair Elections

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Thailand: Election Countdown Begins

Lift Restrictions on Fundamental Rights to Enable Free and Fair Elections

(New York) - [Thailand](#)'s military junta should immediately lift restrictions on civil and political rights so that upcoming national elections can be free and fair, Human Rights Watch said today. The laws on the election of members of parliament and selection of senators were announced in the *Royal Gazette* on September 12, 2018, paving the way for an election between February and May 2019.

Current laws, policies, and practices of the ruling National Council for Peace and Order (NCPO), which seized power in May 2014, do not permit political parties to freely organize, express their views, or campaign. As a result, Thailand does not yet have an environment for free and fair elections.

"With an election approaching after four years of military rule, Thailand's junta needs to fully return democratic freedoms to the Thai people and ensure political parties can participate fully in the process," said [Brad Adams](#), Asia director. "The government should rescind restrictive orders and restore freedoms of expression, association, and peaceful assembly."

The Thai junta retains unchecked power with total impunity for human rights violations. Over the past four years, authorities have routinely [enforced censorship](#) and [blocked public discussions](#) about human rights and democracy. The government has prosecuted hundreds of activists and dissidents on serious criminal charges such as [sedition](#), [computer-related crimes](#), and [lese majeste](#) (insulting the monarchy) for peaceful expression of their views.

[Public gatherings of more than five people are prohibited](#). The authorities have summoned thousands of people and pressured them to [stop criticizing the junta](#). The military arbitrarily arrests and detains people suspected of opposing the junta, holding them for up to seven days without access to lawyers or safeguards against mistreatment.

Since the beginning of 2018, more than 100 pro-democracy activists have faced [illegal assembly - and in some cases sedition - charges](#) for peacefully pressing the junta to hold promised elections without further delay and to lift all restrictions on fundamental freedoms.

Local activists expressed concerns to Human Rights Watch that independent monitoring of elections will not be possible under current conditions. Thai authorities frequently [retaliate with criminal charges](#), including for criminal defamation and Computer-Related Crime Act violations, against anyone who reports allegations of state-sponsored abuses and official misconduct. The junta [forcibly blocked efforts to monitor the constitutional referendum](#) in 2016 and prosecuted many people involved in such activities.

After the 2014 military coup, the United States, European Union, Australia, Japan, and many other countries made clear that bilateral relations could not be fully restored until Thailand held free and fair elections to establish a democratic civilian government and improved its respect for human rights. To ensure that the upcoming election will be a genuine democratic process, the United Nations and Thailand's friends should press the junta to:

- • End the use of abusive, unaccountable powers under sections 44 and 48 of the 2014 interim constitution;
- • End restrictions on the rights to freedom of expression, association, and peaceful assembly;
- • Lift the ban on political activities;
- • Free everyone detained for peaceful criticism of the junta;
- • Drop sedition charges and other criminal lawsuits related to peaceful opposition to military rule;
- • Transfer all civilian cases from military courts to civilian courts that meet fair trial standards;
- • Ensure a safe and enabling environment for human rights defenders to work, including by dropping politically motivated lawsuits against them; and
- • Permit independent and impartial election observers to freely monitor the election campaign and the conduct of the elections, and issue public reports.

"The UN and Thailand's allies should publicly state that they will only recognize an election that meets international standards," Adams said. "A vote cannot be free and fair when the basic democratic rights of the Thai people are being suppressed."

Human Rights Watch

- <https://www.hrw.org/news/2018/09/15/thailand-election-countdown-begins>

New parties emerge for upcoming election

Red shirts-turned-royalists, anti-election leaders, "moral politics" supporters, an ex-junta official and an anti-lèse majesté academic have all revealed their intention to participate in the upcoming election. And this is just the beginning.

2 February was the first day of registration for new political parties, with over 40 registered at the Election Commission of Thailand (ECT). But will these new parties lead to new choices for the people? These are some of the political groups who have already shown their intention to participate in the repeatedly postponed election.

Pro-military parties

The first party to officially register at the ECT was a pro-military party called Palang Chart Thai Party (PCTP), literally translated as the 'Thai Nation's Power Party'. The Thai media have criticised this party for being a pro-junta party since the party leader, Maj Gen Songklot Thiprat, is a retired soldier who has worked closely with the National Council for Peace and Order, although deputy junta head Gen Prawit Wongsuwan claimed not to know who he is.

However, while junta was banning other parties from political activity, the PCTP in November 2017 was somehow allowed to launch local branches and hold community service activities in various provinces including Nonthaburi, Khon Kaen and Udon Thani.

Another party that actively supports the junta regime is the Reforming People Party (RPP) led by Paiboon Nititawan, a former junta-appointed charter drafter. Since August 2016, Paiboon has proposed a political party to promote junta head Gen Prayut Chan-o-cha as Prime Minister in the long-awaited election.

Apart from Paiboon, Suthep Thaugsuban, the leader of the anti-election People's Democratic Reform Committee, has also prepared a new party in support of the junta.

Although Suthep's party has not been registered officially, Suthep's brother, Thani Thaugsuban confirmed the intention to start a new political party, saying that the party's full name is "Great Mass for Reforming Thailand into a Perfect Constitutional Monarchy," or the "Great Mass Party (GMP)" in short.

Thani added that the GMP will put up candidates in southern and Bangkok constituencies, where the popularity of Suthep's former party, the Democrats, is high. However, Suthep will not participate in the election and merely be a party member.

Although Gen Prayut has never said directly that he will participate in the next election, the 2017 Constitution has a channel which makes an unelected PM possible.

How can Prayut become a PM?

Before the election, each party may nominate up to three candidates for prime minister. These do not have to be candidates for parliament and do not even have to be party members. After the election, all nominees of parties which have obtained at least 5 percent of the House seats go forward to the election for PM if they can get the endorsement of at least 10% of MPs. The winning candidate needs more than 50% of the vote.

It is possible that this person will be an elected MP. It is also possible that they will not. It is also possible (and many think this is the more likely outcome) that no candidate can get the votes of more than 50% of MPs.

In that case, Article 272 will kick in. This needs the approval of more than 50% of MPs and two-thirds of both houses. This Article nullifies election of the PM by the House alone and calls for an election by both House and Senate. They can vote for anyone at all as PM, no matter whether they have been elected as an MP or not.

Former yellow shirts to support so-called “good people”

Not all Thai conservatives support the military. The “New Palang Dharma Party” led by Rawi Matchamadon is a clear example. This party is a coalition of former supporters of Maj Gen Chamlong Srimuan. The old Palang Dharma Party established and run by Chamlong in the late 1980s-early 1990’s, which provided the first entry into politics of former prime minister Thaksin Shinawatra. Chamlong, who was twice elected as Bangkok governor, an elected MP and Senator, later became a co-leader of the People’s Alliance for Democracy which ousted Thaksin from power and paved the way to the 2006 coup. Rawi followed Chamlong’s path. In January 2014, Rawi also led PDRC protesters to seize the Ministry of Energy in the “shutdown Bangkok” operation against Yingluck Shinawatra government.

Despite his pro-military past, Rawi told the media that the party will not promote Gen Prayut as PM. He refused to reveal their candidate and merely said that the party will support “good people” to run the country. However, he did not clarify what “good people” look like.

Rawi admitted that the majority of current party members are Chamlong supporters but he wishes to reach out to other groups in the future, adding that Chamlong will not be involved in the party due to his age.

Red shirts-turned-royalists party

Thai conservatives usually label red shirts as an anti-monarchy movement, but not for the newly registered Siam Democrat Party led by Nopparut Vorachitkul. He was the leader of an anti-establishment group called White Pigeon (Phirap Khao) and spearheaded the 2007 siege of the house of Gen Prem Tinsulanonda. He also criticised Prem for backing the 2006 coup and pressured the retired general to resign from King Rama IX’s Privy Council. Now, he is the secretary-general of a party which backs a strong pro-monarchy agenda — to increase the sentences for *lèse majesté*.

“The monarchy is above everything. We will demand that PM Gen Prayut Chan-o-cha be more serious about those defaming the monarchy,” Nopparut told the media [1]. “Cases should also be speeded up, so they will set an example to others.”

Selfish Party?

One party has made a stunning entrance through its strange name, the “Selfish Party” (Hen Kae Tua Party or “Think Only of Oneself”). Party leader Krit Takbut told the media that he chose this name because he wants the party to be easily recognisable. He added that if the ECT disapproves of this name because it is impolite, the party will change its name to “Nationalist Party” (Hen Kae Chart Party, or “Think Only of the Nation”)

The leader stated that his party members initially wanted to support Gen Prayut to remain in power, but now they are unsure whether the junta’s policies, especially the Thailand 4.0 policy, will truly benefit the country.

According to Manager Online, Krit was a former politician in the Matubhum Party led by Gen Sonthi Boonyaratglin, former Commander-in-Chief of the Royal Thai Army and head of the 2006 coup d’état. Krit also participated in the 2011 election as a party-list candidate but was not elected.

“New Blood” Party led by business tycoon and anti-*lèse majesté* academic

Although the party has neither registered nor an official name, billionaire Thanathorn Juangroongruangkit and Piyabutr Saengkanokkul, a lecturer at Thammasat University's Law Faculty, have confirmed that they will set up a political party together to offer an alternative to the Thai people. They plan to gain support from younger generations and encourage them to determine the country's future that they want.

"The new generation is not only those who are young. For me, it refers to those who refuse to surrender to the normal situation, those who refuse to surrender any longer to what is currently happening, those who still believe that change is possible and those who believe that their power still can make society better," said Thanathorn.

Thanathorn is known as a successful businessman from Thai Summit Group who actively speaks against the military government and is a financial supporter of some pro-democracy groups, while Piyabutr is a member of Nitirat, a group of Thai academics calling for the amendment of Article 112 of the Criminal Code, the *lèse majesté* law.

Piyabutr believes that his previous campaigns against the royal defamation law will not affect his new political mission since both activities stand on the same principle — to establish true democracy in Thai society.

"If we take a look at Nitirat's proposals as they have continually appeared, the core principle is democracy and the need to make the country more democratic," Piya stated. "It's freedom of expression. I have spoken in good faith, without any bad intention. But the main idea is that I want political institutions and other organisations within the constitution to conform with democracy and remain honourable."

It is reported that the party has tried to recruit several young activists in their early twenties as members.

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- Prachatai. Submitted on Mon, 2018-03-05 13:38 : <https://prachatai.com/english/node/7655>

Footnotes

- [1] <http://www.khaosodenglish.com/featured/2018/03/02/new-parties-want-defend-monarchy-reconcile-nation-fight-corruption/>