

BY AIRMAIL

Minister of Justice,
Gen Paiboon Khumchaya,
120, Chaeng Watthana Road, Laksi,
10210, Bangkok
THAILAND

Amsterdam, 22 September 2016

Re: Criminal proceedings against human rights lawyer Sirikan Charoensiri

Your Excellency,

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

We refer to our letters dated 4 August 2015 and 8 February 2016 in which we expressed our concern about the initiation of criminal proceedings against human rights lawyer Sirikan Charoensiri. Lawyers for Lawyers have reason to believe that these proceedings are connected to her legitimate activities as an attorney.

We understand that Ms. Charoensiri has to report herself at the Office of the Prosecutor of Dusit District, Bangkok on 29 September 2016. On that date shall be determined whether the criminal charges against Ms. Charoensiri will be pursued. In view of this upcoming hearing, we wish to repeat our concerns in respect of the matter. We draw your attention to the following facts.

According to our information, on 2 February 2016, Ms. Charoensiri received two summons to appear at the Chanasongkram Police Station on 9 February 2016 to be charged with two offences under the Criminal Code of Thailand: "giving false information regarding a criminal offence" and "refusing to comply with the order of an official".

The charges appear to relate to the circumstances surrounding Ms. Charoensiri's provision of legal aid to 14 student activists, who were arrested on 26 June 2015 after carrying out peaceful protests calling for democracy and an end to military rule. The complainant is named as Pol. Col. Suriya Chamnongchok, a police officer involved in the investigation of the 14 students.



On 27 June 2015, police officers searched the car of Ms. Charoensiri after presenting her with a court order. During the search, the police seized mobile phones belonging to the 14 student activists, which had been placed in the human rights lawyer's case before the student activists were detained one day earlier. The search came after Ms. Charoensiri had tried to lodge a complaint at Samranrat Police Station against police officers who had confiscated her car without an official arrest warrant on 26 June 2015. Ms. Charoensiri had refused to allow the police to search her car, which was parked in front of the Bangkok Military Court, without an official search warrant. In response, police officers locked one of the wheels of her case, sealed its doors and surrounded it with a metal fence. The Officers at Samranrat Police Station refused to accept Ms. Charoensiri's complaint and threatened to initiate legal proceedings against her in case she would maintain her complaint.

Furthermore, on 29 June 2015, the police visited Ms. Charoensiri's family home and asked her parents to identify her in photos and questioned them about her background.

On 4 August 2015 and 8 February 2016, Lawyers for Lawyers sent letters to your offices in connection with these threats and harassments. Lawyers for Lawyers – as well as various other organisations – fear that these threats and harassments, as well as currently pending charges against Ms. Charoensiri are connected to, and serve to curb, her legitimate activities as an attorney.

We would like to draw your attention to the UN Basic Principles on the Role of Lawyers¹, more in particular Principles 16 and 18, which read as follows:

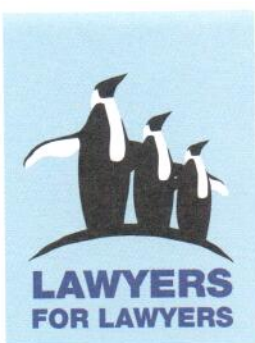
16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any actions taken in accordance with recognized professional duties, standards and ethics.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

In view of the above Lawyers for Lawyers, again, respectfully urge you to:

- Immediately cease all judicial harassment of Sirikan Charoensiri, as the charges to brought against her seem to be solely result from here legitimate and peaceful work in defence of human rights; and

¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.



- Guarantee in all circumstances that all lawyers in Thailand are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals.

We thank you for your attention to this very important matter. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van der Biesen,

Yours sincerely,

Lawyers for Lawyers

Adrie van de Streek

Executive director

Letters concerning the same subject were sent to:

- Gen Prayuth Chan-ocha, Prime Minister
- Police General Jakthip Chaijinda, Commissioner-General of the Royal Thai Police
- Attorney-General, Office of the Attorney-General

A copy of this letter was sent to:

- Mr. Dej-Udom Krairit, President of the Lawyers Council of Thailand
- Embassy of the Netherlands in Bangkok, Thailand