

BY AIRMAIL

Prime Minister of Thailand
Gen Prayuth Chan-ocha, Government House, 1,
Phitsanulok Road, Dusit,
10300, BANGKOK, **THAILAND**

Fax : +66 (0) 2282 5131

Amsterdam, 8 February 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.

Lawyers for Lawyers is concerned about the initiation of criminal proceedings against human rights lawyer Sirikan Charoensiri. Lawyers for Lawyers has reason to believe that these proceedings are connected to her legitimate activities as attorney.

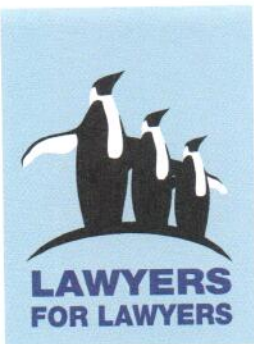
According to our information, on 2 February 2016, Sirikan Charoensiri received two summons to appear at the Chanasongkram Police Station on 9 February 2016 to be charged with two offences under the Criminal Code of Thailand: "giving false information regarding a criminal offence" and "refusing to comply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

The charges appear to relate to the circumstances surrounding Sirikan 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. Although the precise basis for the charges is not set out in the summons, 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 Sirikan 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 car before the student activists were detained one day earlier. The search came after Sirikan 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. Sirikan 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 car, 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, Lawyers for Lawyers already sent letters to your office in connection to these threats and harassment. Lawyers for Lawyers - as well as various other organizations - fear that the threats, harassment and the currently pending charges against Sirikan Charoensiri are connected to, and serve to curb, her legitimate activities as an attorney.



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

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 action 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 respectfully urge you to:


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

Yours sincerely,

Lawyers for Lawyers



Adrie van de Streek
Executive director

Letters concerning the same subject were sent to:

- Gen Paiboon Khumchaya, Minister of Justice
- Police General Jakthip Chaijinda, Commissioner-General of the Royal Thai Police

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

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.