



NGO in Special Consultative Status with the Economic and Social Council of the United Nations since 2013

BY AIRMAIL

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

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Amsterdam, 4 August 2015

Re: Harassment and intimidation of 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 alleged harassment and intimidation of human rights lawyer Sirikan Charoensiri.

According to our information, on June 26, 2015, Thai police arrested 14 activists in execution of an arrest warrant issued by the Bangkok Military Court. They were charged with violating National Council for Peace and Order (NCPO) Order No. 3/2015 which bans gatherings of more than five people and Article 116 of the Thai Criminal Code ('sedition'). Ms. Sirikan together with seven other TLHR colleagues were on duty and provided legal aid to the 14 students at Bangkok's Phrarachawang Police Station and the Bangkok Military Court.

Shortly after the hearing, more than 10 police officers stationed by the Bangkok Military Court requested access to Ms. Charoensiri's car to search for the mobile phones of the 14 activist students. Following Ms. Charoensiri's refusal due to the lack of a court warrant and to the special protection of lawyers and of the lawyer-client confidentiality, the police officers arbitrarily seized Ms. Charoensiri's car by locking one of her car wheels and sealing all doors with A4 papers and duck-tape, and surrounding it with iron fences.

At 12:45h, Ms. Charoensiri went to the police station to file a complaint of malfeasance regarding the seizure of her car. The police refused to accept the complaint and in the meantime another police team searched her car with a warrant. Five phones belonging to the students were seized as evidence.

At 18:00h, Ms. Charoensiri again attempted to file a complaint at the police station for malfeasance. A senior investigator told her that the police had power to search her car and suggested that if she filed a complaint, it would not finish there and that the police would consider countering with some form of legal action against her. The police finally accepted the complaint at 23:00h.

On 28 June 2015, a senior police officer told the media that they had found "important evidence" in Ms. Charoensiri's car and are considering whether to charge her with a crime.

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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.

As a member of the United Nations Assembly, Thailand is bound by the UN Basic Principles of the Role of Lawyers adopted by the Assembly in 1990. We would draw your attention to Articles 16 and 22 of the Principles in particular which state that:

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.

22. Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

Furthermore, the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a State Party, guarantees the prohibition of arbitrary or unlawful interference with privacy, family, home and correspondence (which includes arbitrary searches or seizures).

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

- Make sure that lawyer Sirikan Charoensiri can exercise her professional activities without improper interference or harassment, and assure that any action against her is taken in conformity with the Principles cited above and other international legal obligations
- 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