

Investigation Report No. 72/2019

Subject: Civil rights in the case of military personnel's acts which affect Miss A (alias)'s human rights

Complaint Issues

The National Human Rights Commission of Thailand (NHRCT) considers it appropriate to investigate a case which is reported in the news that on June 7, 2017, a group of military officers of unknown affiliation visited the home of Ms. A (**alias**), a member of the New Democracy Movement and the Democratic Restoration Group at Lat Lum Kaeo District, Pathumthani province. Mrs. B (**alias**), Ms. A's mother, was alone at home. The military officers told Mrs. B to admonish Ms. A to comply with the memorandum of agreement that Ms. A had made with military officers in 2014 that she would stop and not hold political activities and must ask the authorities for permission before leaving the country. The military officers alleged that Ms. A was violating the memorandum of agreement. Previously military officers had visited Ms. A's home more than 30 times. The presence of the military personnel has put pressure on Mrs. B and had a huge impact on her mental state.

Actions Taken

NHRCT considers that the visit of the 4 military officers to Ms. A's residence to tell Miss A to stop her political activities was done openly and there were no acts of intimidation against Mrs. B. In addition, the representative of the National Council for Peace and Order has clarified that the memorandum of agreement between Miss A and the student group and the National Council for Peace and Order made in 2014 has no legal effect because it has been revoked. Ms. A has been able to organize activities and express political views afterwards. The actions of the military personnel therefore cannot be regarded as a restriction of the liberty of Miss A as guaranteed and protected by Section 34 of the Constitution of the Kingdom of Thailand B.E. 2017. In order to prevent other similar incidents of potential human rights violation as in this complaint from happening again, the Commission has decided to recommend the following appropriate measures or approaches to prevent or address human rights violations to the Army in accordance with Section 247 (1) of the Constitution of the Kingdom of Thailand B.E. 2017, and Section 26 (1) of the Organic Act on the National Human Rights Commission B.E. 2017:

Recommended Appropriate Measures or Guidelines to Prevent or Address Human Rights Violations

The Army should instruct its agencies or personnel involved in maintaining peace and order to refrain from any action that affects or violates the freedom of expression and the rights to privacy, honor, reputation and family of Miss A and other persons, as well as from actions that may frighten the family members of those individuals.

Achievements/Progress in Human Rights Protection

The Army has informed that it has a guideline for preventing acts that may violate human rights. In short, the Commander in Chief has held meetings to make clarifications and give orders to commanders of organic units every month, instructing the commanders at all levels to supervise the performances of their units closely, to adhere to and follow the scope of authorities as specified by law and develop guidelines for practices in accordance with human rights principles, with the aim to make the personnel who either perform regular duties or border protection missions understand the human rights principles and be careful with their practice in order not to violate human rights which may affect the image of the country. There is also supervision of the operation of personnel through the chain of command via written orders/radio commands, periodically.