

**Questionnaire for Member and Observer States, by the
UN Special Rapporteur on the situation of human rights defenders
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By

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Questions FOR NGOs/HRDs

1. Does your Government accept that corruption is a human rights issue?

Corruption as a human rights issue is not recognised by the Thai government. In my research, In the National Anti-Corruption Strategy of Thailand (Phase 3: 2017-2021), there is no mentioning of human rights at all. There is no attempt on the part of the government to connect the issue of corruption with the violation of human rights. The issue of human rights has been viewed ambivalently by the Thai government. Indeed, the two crucial institutions—the Office of the National Anti-Corruption Commission and the National Human Rights Commission—are known to be highly politicised and serve the interests of the state rather than the people.

2. How does your Government support and protect human rights defenders working against corruption?

There is no clear direction from the Thai government in its support and protection of human rights defenders working against corruption. Referring to the National Anti-Corruption Strategy of Thailand mentioned above, while the government encourages good Samaritans to expose perpetrators to public knowledge when the case is final to raise awareness of damaging consequences of corruption, there are no measures put in place to protect such good Samaritans from retribution.

3. Has your Government ratified the UN Convention against Corruption?

On 9 December 2003, Thailand became a signatory to the UNCAC. In 2007, the National Legislative Assembly endorses in principle Thailand's ratification of the UNCAC and resolved that ratification would follow after the amendment of several pieces of domestic legislation. In December 2010, the Thai cabinet agreed to ratify the Convention without having to wait for completion of the amendment of relevant laws.

4. If yes, what, specifically, has your Government done to implement its Article 13 including "...to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption...?"

The Thai government has claimed to 1) empower community participation and enlist collaboration from every sector to fight corruption 2) assist every sector in devising strategies and measure for political will against corruption 3) encourage the establishment of anti-corruption funds for the private sector and the public buy providing initial capital, and 4) encourage the private sector to implement the principle of corporate governance.

5. If your government has not ratified the Convention yet, are you carrying out any advocacy work in support of its ratification?

N/A

6. Have there been any cases of human rights defenders working on anti-corruption issues physically attacked, including killed, in your country between 1 January 2020 and 30 June 2021? What action has been taken to bring the perpetrators to justice?

There were a number of cases of human rights defenders were attacked. But the most prominent case is that of Wanchaleram Satsaksit, a Thai dissident living in Cambodia. On 4 June 2020, he was abducted by armed men outside his home in Phnom Penh. He had been known to be a human rights activist in Thailand prior to his exile in Cambodia. After the coup of 2014 in Thailand, he was charged for not appearing after being summoned by the Thai junta. He was accused of lèse-majesté in 2015. Lèse-majesté is a crime of criticising the monarchy. In 2018, he was charged for his role in setting up a Facebook group which exposed corruption practices committed by the military government of Prime Minister Prayuth Chan-ocha. While his role in exposing the corruption of the Prayuth regime was well known, his criticism of the monarchy might be responsible for his abduction (and forced disappearance). The issue of corruption and monarchy are inexorably linked. The Thai monarchy is acting above laws. And some of these acts can be perceived as corruption, be it political or economic. In political terms, the current king, Vajiralongkorn, has used his power arbitrarily and outside the framework of the constitution. He has proliferated the corruption practice within the army and the bureaucracy (by rewarding certain cliques and publishing others at his heart's content), within his own family (by violating basic human rights—as in the case of placing his former wife under house arrest). On the economic front, the king took over the possession of the state-owned Crown Property Bureau, with an estimated fortune of up to US\$60 billion. The enormous wealth previously belonged to the state. Today, it has been personalised, hence underlining a corruption practice of the monarchy. But these kinds of corruption have been regarded as off-limits among Thais due to the lèse-majesté law. That Wanchalerm exposes the corruption practice of the state institutions resulted in him being forced to disappear. The abduction of Wanchalerm played an important role in the protests in Thailand in 2020. One of the key demands of the protests is the call for a serious investigation of those abducted and killed, supposedly by the hands of the state.

I myself have become a part of truth-telling about Thailand, which involved exposing corruption cases, mainly with a focus on the Thai monarchy. For many years, I have been critical of the Thai monarchy and its corrupt practices, exposing for example the corruption of power in the hands of King Vajiralongkorn (crowned in 2016). I have written articles for New York Times <<https://www.nytimes.com/2019/10/14/opinion/thailand-dissidents-disappearance-murder.html>> and Washington Post <<https://www.washingtonpost.com/opinions/2020/05/15/why-thais-are-losing-faith-monarchy/>>, among others, in telling these corrupt practices of the king. I also delved deeply into the dark side of the Thai monarchy particularly in its involvement in human tortures <<https://www.japantimes.co.jp/opinion/2017/06/02/commentary/world-commentary/dhaveevatthana-prison-hell-earth-thailand/>>. Hence, I became a target. In 2019, I was attacked in my own home in Kyoto. A man dressed in black broke into my apartment and attacked me with a chemical spray <<https://www.washingtonpost.com/opinions/2019/08/03/another-post-contributor-is-under-attack-this-time-thailand/>>. In 2020, I was stalked and intimidated <<https://www.phnompenhpost.com/international/exiled-thai-academic-japan-says-stalked-again>>. Local media in Japan extensively reported these incident; the reports served as a kind of protection which I did not receive from my own government in Thailand.

My family in Bangkok was also harassed by the Thai government. All these are first-hand testimony of a human rights defender being attacked because of his exposure of corruption of the monarchy.

Continuing on this path to promote human rights in my anti-corruption activities, I recently set up an advocacy platform, called 112WATCH, to build a global coalition among champions of human rights to make the *lèse-majesté* a truly global agenda (Note that 112 derives from Article 112 of the Criminal Code which defines *lèse-majesté*). Writing this report partly fulfils the mission of making *lèse-majesté* a global agenda and at the same time putting our champions on the global spotlight to ensure their safety.

7. Have cases of attacks, intimidation and harassment of anti-corruption activists been investigated and prosecuted? Please provide details of cases if available.

In the case of Wanchalearm, both the Thai and Cambodian governments refused to acknowledge the incident despite overwhelming evidence (of him being abducted in broad daylight and recorded by CCTV). Thailand's Deputy Prime Minister Prawit Wongsuwan denied all allegations pressed against Thailand. Thai Foreign Minister Don Pramudwinai said on 10 June that Wanchalearm did not have political refugee status, so Thailand could do nothing but wait for Cambodia to finish its investigation. He said that Thailand could only ask Cambodia to follow up on the case. "We cannot speculate as to his whereabouts until we receive an answer [from Cambodia]," the minister said. Meanwhile, the Cambodian authorities shifted the blame on Wanchalearm citing that he had lived illegally in Cambodia. In December 2020, sister of Wanchalearm, Sitanan, met with the Cambodian judges requesting the truth about the abduction of his brother. She was not aided by the Thai government and the court case in Cambodia ended with a failure in finding the culprits.

As for myself, aside from the attacks, I have been charged with *lèse-majesté* for exposing the corruption within the royal court. I have also been charged under the Computer Crime Act for my role as the founder of the private Facebook group—Royalists Marketplace—which offers an open platform for discussion of the monarchy. The Royalist Marketplace was blocked in Thailand after four months of its establishment when the membership reached one million. I set up the second Royalist Marketplace right away and it is still accessible in Thailand. Currently the group has 2.35 million members.

The irony here is that—far is it from investigating and prosecuting harassment and attack against me over my work as human rights defender, I am the one being prosecuted. I cannot return home. I have been left being a refugee.

8. Could you please share good practices (evidence-based) that have proved effective in protecting human right defenders working on anti-corruption issues?

There are good practices that can be shared so that defenders of human rights working on anti-corruption cases could be protected. First, we need to create a society—or indeed breeding a new culture that does not condone corruption. This can be done by changing the mind-set starting from young children to make them capable of distinguish individual and public gains. By making this a national agenda, it helps safeguard our champions (evidence: through classrooms). Second, we need to rebuild the society which values community participation and mutual support (evidence: it is happening in the social media as corruption cases are scrutinised. And in so doing, it creates an environment of like-minded people to building up immunity among themselves). Third, we need to develop mechanisms for politicians to publicly express political will

to fight corruption and to protect themselves (evidence: A member of the Move Forward Party exposed corruption cases involving the palace during the parliamentary session and also informed the public of a threat to his life in subsequent interviews with the media). Fourth, we must encourage studies, analysis, follow-ups and inspection of policy corruption in local administration agencies, by emphasising the element of human rights in the face of the corruption. Here, we cannot solely rely on the state's anti-corruption agency to provide safety for our good Samaritans (the agency is known to be, as I mentioned earlier, highly politicised). The academia and the private sector have an important role to play as educators on the issue (evidence: a number of scholarly studies have been published in the past decade. The more these studies are disseminated the better is for the human right situation).

9. How has your Government publicized and celebrated the work of human rights defenders working against corruption in your country?

Hardly. This comes as a result of the government's constant denial of the connection between human rights and corruption. Since the eruption of the Thai political crisis, a number of human rights activists have been attacked and received no support from the Thai state as well as the judicial system. The cases of Sirivit Sarethiwat and Ekachai Hongkangwan who exposed the corruption cases being attacked reflected the disdain attitude of the Thai government and the failure of the Thai justice system. Sirivit exposed the corruption in the case of the construction of a royal park. Ekachai exposed a corruption practice of Deputy Prime Minister Prawit (whose sources of his expensive watches remained unknown). Sirivit was physically attacked at least twice. He almost lost his eye. Ekachai was attacked multiple times, from having "fish sauce" thrown at him, to being physically attacked. His car was burnt down. He was also accused of plotting to harm the queen just because he was among protesters being stuck in the royal motorcade. Surely, the accusation was politicised, as a result of his exposure of the government's corruption cases.

10. What more could your Government do to help protect human rights defenders working on issues of anti-corruption?

It has to begin with the state's acknowledgement of the connection between corruption and human rights. Putting aside the issue of corruption, defending human rights in other circumstances has already proved difficult. This is because the Thai government's priority has never been on promoting human rights. In many ways, Thailand follows in the footsteps of many Southeast Asian states in prioritising state security at the expense of human security and human rights. When it comes to the issue of corruption, which involve state officials, it further complicates the human rights position of the country. The mindset of the government must change. But it can only happen under the democratic atmosphere. Unfortunately Thailand is not a truly democratic state at present.