

INTERNAL (for AI members only)

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To: All groups working on Thai cases
Thai coordination groups
c.c. to relevant national sections

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THAILAND

DEVELOPMENTS IN THE TRIAL OF THE 18 DEFENDANTS IN BANGKOK

The trial of the 18 defendants (14 of whom are students) began in Bangkok on 5 September before a military tribunal. The chief judge in the trial is Air Vice Marshall Sansern Wanich. The two deputy judges are Colonel Pibul Chantharojwong and Captain Doon-ek Pholraphai. The military prosecutor is Lieutenant-General Saming Tailangka.

On 6 September the Bangkok Post reported that the following charges were made by the prosecution:

"The 18 defendants, all civilians, had conspired to violate several laws of the country and committed the offences at different times and dates.. A. During the period between December 6 1973 and October 6 1976, the 18 defendants, together with other accomplices still at large, formed a group to conduct communist activities directly and indirectly aimed at overthrowing the democratic government and changing the administrative system to one without His Majesty the King as the Head of State. The 18 defendants were members of the alleged group.

"B. In order to gain the objective, during the period between December 6, 1973 and October 6, 1976, the 18 defendants, together with their accomplices still at large, instigated the public to rise against the government both orally and through distributing leaflets. They criticized the government on its administrative operations and also arranged for a "People's Republic of China exhibition" at Thammasat University with the aim of moving the public towards favouring communism and hating the government. These activities lead to public unrest..."

A further charge made by the prosecution was that this group was involved in organizing the strike at the Hara textile factory and the Dusit Thani Hotel.

The 18 defendants have pleaded not guilty to the charges. The prosecution claims to have over 200 witnesses which, at the normal rate of hearings in Thailand, could mean that the trial will take years before completion.

The opening day of the trial attracted much attention in the national and international press and newspaper reports indicate that the 18 defendants were in good spirits. Although they are still not permitted defense lawyers in the court, they have been allowed legal counsel outside the court.

The second hearing of the trial was postponed until early October but details of the proceedings are not yet known to the International Secretariat. However, it was reported in the British Broadcasting Corporation's Summary of World Broadcasts of 7 October, that the Bangkok Radio had announced that the Bangkok Military Court had ordered the transfer of the trial to the Headquarters of the Army Quartermaster's Department in Nonthaburi and that the trial would be postponed until 17 October. So far AI has not received confirmation on whether this is

correct or not. If the trial has been transferred to another court, then the military judges and the prosecutor in the trial will probably change.

AI's concern

The International Secretariat does not have details of the full charges presented by the prosecution but from the details outlined in the Bangkok Post, it would appear that the charges relate more specifically to the actions the group is alleged to have undertaken in the period of democratic government in Thailand than to the events that took place on Thammasat University campus on 5 and 6 October 1976. However it should be remembered that in addition to the charges outlined over the page, some of the 18 defendants face an additional charge of lese majeste (insulting the monarchy).

The lese majeste charge has been levelled against those students who took part in a mock-hanging at Thammasat University on 5 October 1976. The acting of the mock-hanging was an expression of the student's solidarity with two workers who had been really hung and murdered a few days prior to 5 October 1976. When pictures of the two students who had acted in the mock-hanging were printed in the Thai newspapers, many people said that there was a close resemblance between one of the students and the Crown Prince of Thailand. It was then that the police and rightwing groups raided Thammasat campus accusing the students of having purposely dressed up the student to look like the Crown Prince. Over 45 people, mainly students, were killed in the ensuing riots on the campus.

All 18 defendants have been taken up by AI as investigation cases.

Recommended Actions

1. All groups which have a case of one of the 18 defendants should write immediately to Lt-Gen Saming Tailangka asking for specific details of the charges against the defendants. You should say that you understand the charges were made public before the court on 5 September and that considering the deep concern in your country about the trial you would welcome a copy of the full charge sheets against the defendants. In addition you should urge that the trial proceed speedily and that the defendants be given the right to legal counsel in the court.

Lt- Gen Saming Tailangka
Judge Advocat General's Office
Ministry of Defense
Bangkok

2. Coordination groups or adoption groups, where possible, should encourage journalists from their own country to observe the trial and report on it in their national press. In most countries national newspapers or news agencies have reporters stationed in Asia and it would probably be best to approach these reporters if you can. The group should get in touch with its national section or press officer for further advice on this matter.

3. All groups should try to get as much publicity about the trial in its own national press as possible. Particular attention in such publicity should be made of the concern AI has for the procedures under which the trial is taking place. We are specifically concerned that the trial is taking place in a military court, that the defendants have no right to legal counsel in the court and that several of the charges against them carry a maximum penalty of the death sentence and that the defendants have no right to appeal. Letters expressing these concerns should also be sent to the Thai authorities.