



Plenary sitting

B8-1015/2015

6.10.2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Thailand, democracy and the case of Andy Hall
(2015/2875(RSP))

Josef Weidenholzer, Richard Howitt, Pier Antonio Panzeri, Elena Valenciano, Eric Andrieu, Nikos Androulakis, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, José Blanco López, Vilija Blinkevičiūtė, Biljana Borzan, Paul Brannen, Nicola Caputo, Andrea Cozzolino, Andi Cristea, Miriam Dalli, Isabella De Monte, Jonás Fernández, Monika Flašíková Beňová, Doru-Claudian Frunzuliță, Eider Gardiazabal Rubial, Enrico Gasbarra, Elena Gentile, Neena Gill, Michela Giuffrida, Maria Grapini, Theresa Griffin, Roberto Gualtieri, Sylvie Guillaume, Sergio Gutiérrez Prieto, Anna Hedh, Cătălin Sorin Ivan, Liisa Jaakonsaari, Jude Kirton-Darling, Javi López, Olle Ludvigsson, Krystyna Łybacka, Andrejs Mamikins, Louis-Joseph Manscour, David Martin, Marlene Mizzi, Csaba Molnár, Alessia Maria Mosca, Victor Negrescu, Momchil Nekov, Norbert Neuser, Jens Nilsson, Demetris Papadakis, Vincent Peillon, Tonino Picula, Miroslav Poche, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Siôn Simon, Tibor Szanyi, Claudia Tapardel, Marita Ulvskog, Marc Tarabella, Daniele Viotti, Flavio Zanonato, Damiano Zoffoli

on behalf of the S&D Group

B8-1015/2015

**European Parliament resolution on Thailand, democracy and the case of Andy Hall
(2015/2875(RSP))**

The European Parliament,

- having regard to its previous resolutions on Thailand, in particular those of 20 May 2010 and 6 February 2014,
 - having regard to the statement by the Spokesperson of EU High Representative Federica Mogherini, of 2 April 2015 on developments in Thailand,
 - having regard to the statements issued by the European Union Delegation in agreement with the EU Heads of Mission in Thailand on 14 November 2014, 30 June 2015, & 24 September 2015,
 - having regard to the conclusions of Council of the European Union on Thailand, adopted on 23 June 2014,
 - having regard to the answer given by High Representative/Vice-President Ashton on behalf of the Commission, of 15 May 2013 on the situation of Mr. Andy Hall,
 - having regard to Press release of the UN Special Rapporteur on Freedom of Expression, of 1 April 2015,
 - having regard to the Universal Periodic Review of Thailand before the UN Human Rights Council, and its recommendations, of 5 October 2011,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the United Nations Declaration on Human Rights Defenders of 1998,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966 to which Thailand is a state party,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984,
 - having regard to rule 135 of its Rules of Procedure,
- A. whereas on 20 May 2014, state military deposed the government of Thailand and proceeded to impose Martial Law nationwide, forcing the dissolution of the caretaking Centre for Administration of Peace and Order;
- B. whereas the military forces have proceeded with the formation of the National Council of Peace and Order, whose leader General Prayuth Chan-Ocha will

exercise all powers and unlimited authority to issue order and constitutional reform;

- C. whereas key constitutional bodies set up by the NCPO are controlled by military personnel and full immunity is provided to any NCPO members from any wrongdoing, responsibility and liabilities while employed;
 - D. whereas leading websites about the political and human rights situation in Thailand are charged with threatening national security by the NCPO Section 44 & severe censorship of TV channels and community radio stations associated with all domestic political factions;
 - E. whereas the appointment of army personnel as “peace and order maintenance officers” to arbitrarily detain persons, carry out inquiries and searches without a warrant;
 - F. whereas repeatedly charging participants of peaceful demonstrations with sedition and violating the law including the arrests of 14 activists from the Neo-Democracy Movement (NDM);
 - G. whereas there was a dramatic increase since the coup of imprisonments under the "lèse majesté" law and its use in severely punishing leading political figures with extreme prison sentences as a result;
 - H. whereas the National Human Rights Commission (NHRC) was denied access to tortured or ill-treated individuals during permanent detention without charge or trial and under military courts;
 - I. whereas the Government is using the Constitutional reform as a means to delay all elections already postponed beyond mid 2016;
 - J. whereas there is a deterioration of the security of local community and land rights activists through violent acts while under the rule of the military;
 - K. whereas workers' rights defender Mr Andy Hall, an EU citizen, is facing seven years in prison and multi-million charges for defamation after contributing to a report alleging labour abuses in a Thai pineapple wholesaler,
 - L. whereas hearings on two criminal cases will be held on 19th October when Mr Hall will be formally indicted for criminal defamation and a computer crime on a case that relates to the publication of a Finnish NGO report that exposed labour rights violations at the company's pineapple processing plant,
 - M. whereas Mr Hall's two criminal cases have been allowed to continue through the Thai juridical system despite the fact that workers' rights violations committed by the company were partly confirmed by the Thai Ministry of Labour as well as a company employee during previous court hearings,
1. Urges the Thai Military Authorities to lift repressive restrictions on the right to liberty and the peaceful exercise of other human rights, in particular those relevant to peaceful involvement in political activities;

2. Calls the Thai Authorities to overturn convictions and sentences, and withdrawal of charges and release individuals and media organisations who have been sentenced or charged for peacefully exercising their rights to freedom of expression or assembly;
3. Calls for the Thai Authorities to help prevent security threats affecting the general population, and better address the concerns of members of community and land rights activists.
4. Encourages the transfer all judicial jurisdiction over civilians from the military to civilian courts the End of arbitrary detentions under martial law and restrict rather than enhance the army's powers to detain civilians;
5. Encourages the judicial authority to reconsider the the "lèse majesté" law to avoid it penalizing the peaceful exercise of political expression & vague use to negatively affected political discussions, and suspend the extensive use of the law to unconnected issues;
6. Asks for the Respect and Protection to the right to security, including of human rights defenders, and ensure that all violations of the rights of human rights defenders are promptly, effectively and independently investigated;
7. Reiterates its call for a clear plan for free and fair elections to be defined along a clear and binding timeline, and the liberty of media outlets associated with various domestic political factions having been restored;
8. Calls for the release of Andy Hall from all charges since his actions, as a human right defender, were aimed to expose instances of human trafficking and improve the legal situation of migrant workers in Thailand which confirms his right to carry out research and advocacy without fear of reprisals;
9. Expresses its concern that Hall's trial may not be fully impartial as there have been reports of ownership links existing between the suing company and high-rank Thai politicians
10. Urges the international community, and the European Union in particular, to put all their efforts into fighting human trafficking, slave work and forced migration by advocating international collaboration on monitoring and prevention of human rights violations relating to labour issues;
11. Asks the European Union delegation to closely follow the legal situation of Mr Hall and to attend his trial.
12. Calls on the Thai government to comply with its own constitutional and international obligations in respect to the independence of judiciary, the right to freedom of expression, association and peaceful assembly, as well as political pluralism, especially in the light of growing severity of its "anti-defamation" laws;
13. Encourages the European Union and the Thai government to engage in a constructive dialogue on matters regarding human rights protection and

democratization processes in Thailand and in the region; reiterates its support for the democratization process in Thailand;

14. Asks the EEAS and the EU delegation, as well as Member State delegations, to use all available instruments to ensure the respect of human rights and the rule of law in Thailand, especially by continuing to observe investigations and the trial hearings of opposition leaders;
14. Instructs its President to forward this resolution to the Government and Parliament of Thailand, the EU High Representative, the Commission, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States;