



*Royal Thai Embassy
1024 Wisconsin Avenue, N.W., Suite 401
Washington, D.C. 20007
<http://www.thaiembdc.org>
e-mail: thai.wsm@thaiembdc.org
Tel. (202) 944-3600 Fax. (202) 944-3611*

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14 June B.E. 2553 (2010)

Dear Mr. Simon,

With reference to your open letter to Prime Minister Abhisit Vejjajiva dated 7 June 2010, expressing concerns about media freedom and attacks on the press during the recent protests by the United Front for Democracy against Dictatorship (UDD), I wish to take this opportunity to respond to a number of pertinent issues raised.

First, the Royal Thai Government regrets the loss of life that occurred, including the deaths of two foreign journalists/photographers. All cases, including those of foreign journalists, are being investigated.

In addition to investigations led by the Department of Special Investigations (DSI), the Cabinet has appointed Professor Dr. Kanit Na Nakorn, a former Attorney-General, as chair of an independent committee to investigate what actually transpired. The Government has given a mandate to this committee to consider all sides, including those sympathetic to the protesters, so that it would be able to produce impartial findings acceptable to all concerned and contribute to the reconciliation process.

Furthermore, I wish to note that the National Human Rights Commission and the National Anti-Corruption Commission, which are independent constitutional bodies, are also conducting their own investigations. As far as Parliament is concerned, the House of Representatives held a censure debate against the Prime Minister and other members of the cabinet on 31 May – 1 June 2010, which focused on the Government's handling of the UDD protests. The Government won the House's vote of confidence. You may thus rest assured that the Government is open to scrutiny and stands ready to cooperate with such inquiries, and to be accountable in accordance with the law.

Second, Thailand fully respects the freedom of the press. Given the recent situation, media restrictions have been applied, but only to the extent necessary to protect public order by preventing the unlawful use of the press as mediums to manipulate

Mr. Joel Simon,
Executive Director,
Committee to Protect Journalists,
NEW YORK.

and incite violence and hatred among people, which unfortunately contributed towards the violence over the past two months. It should also be noted in this context that Article 4.1 of the International Covenant on Civil and Political Rights (ICCPR) allows for the derogation of certain rights guaranteed thereunder in times of public emergencies. Being mindful of its international obligations, Thailand, having notified the other States Parties to the ICCPR through the intermediary of the United Nations Secretary General of its invocation of the Emergency Decree, has been transparent in its exercise of this right of derogation under the Covenant in light of the declaration of a severe emergency situation in certain parts of the country.

On the specific case of Mr. Somyot Prueksakasemsuk, he has been detained since 24 May with a warrant approved by the Court under the Emergency Decree pending further investigation. After the end of the UDD protests on 19 May 2010, he held press conferences and issued statements to incite further anti-government activities. It should be noted that the Decree limits the custody period of suspects to a maximum of thirty days, during which a court-approved extension is required for every seven-day period. Upon the expiration of such period, if further detention is required, the competent authorities are required to proceed in accordance with the Criminal Procedure Code. As with others detained or arrested following the protests, Mr. Prueksakasemusuk's case will proceed in accordance with due process of law.

Last but not least, I wish to emphasise that Thailand takes very seriously the safety of journalists, Thai and foreign. It fully recognises the important role of the professional media in reporting an accurate picture of the situation. It thus accorded freedom and kept open access for the media to report on events during the political unrest, including security operations, even with the Emergency Decree in effect. At the same time, the security forces made every effort to inform the press and the public of the dangers they faced especially due to the presence and activities of armed elements infiltrating among the protesters. The government agencies concerned have also been in contact with the Foreign Correspondent's Club of Thailand (FCCT) to find ways to enhance the security and safety of journalists working in Thailand.

I hope that the above information will help allay any concerns you may have regarding recent events in Thailand and the efforts being made to investigate the circumstances surrounding them.

Yours sincerely,



(Sek Wannamethee)

Minister/Deputy Chief of Mission