



THAI ALLIANCE FOR HUMAN RIGHTS

ภาคีไทยเพื่อสิทธิมนุษยชน

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The International Criminal Court's 12th Assembly of States Parties
The Hague, the Netherlands

November 21, 2013

King Bhumibol Adulyadej
Royal Secretariate, Royal Palace, Na Pra Lan Road, Bangkok 10200
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Your Majesty:

We, the undersigned representatives of the Thai Alliance for Human Rights and our international friends from various organizations from around the world attending the International Criminal Court's (ICC) 12th Assembly of States Parties held at The Hague, the Netherlands during November 20-28, 2013, would like to appeal to you to kindly consider our recommendations towards Thailand's ratification of the Rome Statute of the International Criminal Court for the sake of the country's peace, unity, and progress.

The Thai Alliance for Human Rights (TAHR) is an independent, non-governmental, and non-profit organization registered in the United States of America on June 28, 2012. It is composed of Thais residing in the United States and other nations worldwide. Members are united by a common vision and concern for peace, unity and progress for the people of Thailand.

Thailand and Thais are well loved by the global community who have been blessed to witness what they have to offer to the world. Thailand is a beautiful, culturally rich, and generous country that was once regarded as an example of an emerging democratic country with all its potentials for economic and political progress, just as Thais are welcoming, kind, and hospitable people. However, following the 2006 coup d'état where alleged military perpetrators were granted royal amnesty, we have observed a worrying trend. Episodes of violence in April 2009 and in April-May, 2010 where many died and injured came as shocking to us as the 2006 coup d'état did. As we convene here at The Hague, we hear the news of the mass movements being mobilized again, especially after the Constitutional Court has stopped the effort by the Yingluck government and the parliament to amend an article in the constitution so that all the congress members would be democratically elected by the people. We are concerned that violence will again occur and cost more lives among our people. When we look at the history of coup d'états and massacres in Thailand, we become gravely concerned because of the fact that the military and police officers as well as civilians involved in the killings of fellow Thai citizens have not been prosecuted and punished. Victims have not been given justice until now.

Thailand was among the most active nations to support initial efforts to stop impunity in the world through the establishment of the International Criminal Court. It signed the Rome Statute creating the ICC in 2002. However, to this day, your government has not yet ratified it, citing that doing so would violate the constitution and would displease Your Majesty.

Your Majesty, we offer the following notes about the ratification for your consideration. First, ratification will ensure that Thai citizens are protected by the noble power of the ICC because people who intend to commit more massacres will no longer be guaranteed any domestic impunity. Second, ratification will not be retroactively effective. Past conflicts will not be brought to the ICC. The royal army and police officers involved in the massacres in October 1973, October 1976, May 1992, April-October 2004, and April-May 2010 will not be subject to the ICC jurisdiction after the point of ratification. Thais can still depend on the domestic judicial processes, of course. Third, nations with monarchies of a similar status as Thailand, more than 20 of them, have ratified the Rome Statute without any constitutional conflict. Article 190 in the current constitution gives absolute authority to Your Majesty to endorse any

treaty, with approval of the parliament. We are fully aware that the parliament and the government would not act unless You Majesty approves of it.

We therefore urge Your Majesty to consider the following recommendations towards ensuring that Thailand will soon ratify the Rome Statute of the ICC. We appeal to Your Majesty to act on these recommendations to prevent further violence, to strengthen democracy and unite the Thai people.

1. Approve all pending proposals by the current government aiming at democratizing the country and paving the path for ratification of the Rome Statute.
2. Summon Heads of the Executive, Legislative, and Judicial offices and announce to them that you wish to see the Rome Statute ratified.
3. Announce to the Thai citizens that you no longer wish to see armed officers or civilians killing fellow Thais again, that you will stop granting amnesty to those responsible for human rights violations.

Your Majesty, we know that Thais love and worship you and that you love your subjects like they were your own children. Ratifying the Rome Statute does not only reflect your paternal love, but it also guarantees that in the face of all present and future conflicts, Thais will not again resort to violence. Having realized the great and kindest act of yours in this regard, Thais will confirm their conviction of love, respect, and worship that they reserve for you and will cherish you as their great king eternally.

Respectfully yours,

Thai Alliance for Human Rights (TAHR)
And the Undersigned