



STATEMENT ON THE RELEASE OF THE REPORT ON THE TRIAL OF FIVE ALLEGED MEMBERS OF THE ORGANIZATION OF THAI FEDERATION

This statement can be attributed to a spokesperson for the Clooney Foundation for Justice.
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Trial Grade: D

CHARGES

Membership in a Secret Society; Sedition

OUTCOME

Convicted of Membership in a Secret Society & Sentenced to 2 Years or 3 Years in Prison.

TRIALWATCH MONITOR

Columbia Law School Human Rights Clinic

FAIRNESS REPORT

Co-authored by Demetra Sorvatzioti, Associate Professor in the Law Department of the University of Nicosia, and the Columbia Law School Human Rights Clinic

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The Clooney Foundation for Justice's TrialWatch initiative monitored the trial in Thailand of four individuals charged with sedition and 'membership in a secret society' for their alleged affiliation with the Organization for Thai Federation (OTF). OTF is a political movement that advocates for a republican-style government and which the Thai government considers anti-monarchist. The defendants were prosecuted for a range of expressive activity, such as distributing flyers and t-shirts, in violation of their right to freedom of expression. All four defendants were convicted, with two sentenced to three years and two sentenced to two years in prison. A Fairness Report released today finds that their trial was marred by numerous violations of their fair trial rights, including their rights to silence and to be presumed innocent.

This trial took place amidst growing efforts by Thai authorities to [criminalize criticism of the government, including peaceful demonstrations and political activity](#). At least [20 other individuals](#) are awaiting trial on charges of alleged membership in the OTF.

While the court's decision to acquit the defendants of sedition is to be welcomed, the report finds that their conviction for 'membership in a secret society' "violate[d] the principle of legality" because the law "is fundamentally unclear" and goes on to conclude that this law's "vagueness was used by the Court for unjustified restrictions of the freedom of speech of the defendants" in violation of Thailand's obligations under the ICCPR.

CFJ calls on the Court of Appeal to reverse the defendants' convictions and urges Thailand to no longer to pursue charges under the law criminalizing 'membership in a secret society' until it is revised to comply with the principle of legality and the right to freedom of expression.

BACKGROUND

TrialWatch monitored all trial proceedings in this case from November 2019 to January 2020 through its partnership with Columbia Law School Human Rights Clinic.

The Fairness Report, which was co-authored by Professor Demetra Sorvatzioti of the University of Nicosia and the Columbia Law School Human Rights Clinic, identified a host of other violations of the defendants' rights, including that:

- The defendants were neither informed of the charges against them nor of their right to remain silent while initially in military custody, and were not permitted access to counsel. As a result, two defendants recanted 'confessions' made under these conditions during the trial. As the report explains, this is "exactly the consequence that has concerned the UN Human Rights Committee—the possibility that the trial will be profoundly affected by decisions defendants make" under coercive conditions at the pre-trial stage;
- The court violated the defendants' right to silence by asserting in the judgment that their refusal to testify was "suspicious and not acceptable";
- The court violated the defendants' right to be presumed innocent by reversing the burden of proof, relying in its decision on the fact that the defendants had not "proved their innocence," and through its uneven treatment of evidence submitted at trial.

As the Fairness Report concludes, "[t]aken together, these factors—the significant procedural violations in the trial; the criminalization of protected speech; and the use of and conviction by a vague law—demonstrate that the defendants were denied a fair trial."

For a full legal analysis of the trial and explanation of the grade that has been provided, please see the [Fairness Report](#).

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE'S TRIALWATCH INITIATIVE



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The Clooney Foundation for Justice's [TrialWatch](#) initiative monitors and grades the fairness of trials of vulnerable people around the world, including journalists, women and girls, religious minorities, LGBTQ persons and human rights defenders. Using this data, TrialWatch advocates for victims and is developing a Global Justice Ranking measuring national courts' compliance with international human rights standards.