

Reference: C.N.49.2014.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

THAILAND: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 28 January 2014.

(Courtesy Translation)

The Permanent Mission of Thailand to the United Nations presents its compliments to the Secretary-General of the United Nations and, pursuant to Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), has the honour to inform the latter that the Royal Thai Government has declared a severe emergency situation in the areas of Bangkok; Nonthaburi Province; Lad Lumkaew District, Pathumthani Province; and Bang Phli District, Samut Prakan Province, since 22 January 2014.

The Declaration of a Severe Emergency Situation was promulgated by Ms. Yingluck Shinawatra, Prime Minister of Thailand, in accordance with Sections 5, 6 and 11 of the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005) as well as Section 29 in conjunction with Sections 32, 33, 34, 36, 38, 41, 43, 45 and 63 of the Constitution of the Kingdom of Thailand, to deal effectively with the actions of a group of persons that caused grave disturbances and led to disorder in certain parts of the country. The Emergency Decree was invoked in order to quickly resolve and put an end to the situation of turmoil as well as to restore normalcy in the country.

In light of the above-mentioned reasons, the Royal Thai Government has exercised its right of derogation under Paragraph 1 of Article 4 of the Covenant, specifically in relation to its obligations with regards to the right to liberty of movement under Article 12, the right to freedom of expression under Article 19, and the right of peaceful assembly under Article 21 of the Covenant for the duration of the Emergency Situation in the aforementioned areas.

The Permanent Mission wishes to further inform the Secretary-General that the non-derogable rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant, which are guaranteed by the Constitution of the Kingdom of Thailand, have been kept intact.

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The Permanent Mission is forwarding herewith a copy of the unofficial translation of the Declaration of a Severe Emergency Situation of 21 January 2014 and would appreciate it if the Secretary-General could notify other States Parties to the Covenant of the foregoing information as required by Article 4 of the Covenant.

The Permanent Mission of Thailand avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

28 January B.E 2557 (2014)

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Declaration of a Severe Emergency Situation in the Areas of Bangkok; Nonthaburi Province; Lad Lumkaew District, Pathumthani Province; and Bang Phli District, Samut Prakan Province

It appears that a group of persons has taken actions causing disturbances and leading to disorder within the country through incitement and instigation by verbal and other communicative means - which is inconsistent with the purposes of the Constitution and the law - in order to cause turmoil or defiance amongst the public to the extent that it has resulted in unrest in many locations and to encourage the carrying out of unlawful actions, as well as violations of courts' orders and summons, by: instigating the public to rally unlawfully; blocking traffics on major roads; trespassing and occupying many government offices; driving out civil servants, employees or state officials from government offices; cutting off water and electrical supplies; shutting down database systems; chaining gates so that civil servants, employees or state officials cannot provide normal governmental services to the public, whether they be registration services, permit issuances or basic services - it was not possible for normal work to be carried out - causing disturbance, delays and economic loss; attempting to arrest executives or important persons authorized to conduct the administration of the state, thereby obstructing the normal way of life of the general public and causing the majority of the public to be distressed, affected and anxious over possible danger to their lives, bodies and properties; using force to resist the enforcement of laws by state officials; taking actions which amount to obstructing the upcoming general election, affecting all rights and sovereignty of the Thai people as guaranteed both expressly and implicitly by the Constitution - Section 27 of the Constitution of the Kingdom of Thailand protects and binds the Parliament, the Court and the Constitutional Bodies in passing, enforcing and interpreting all laws; as well as using certain facilities to disseminate distorted information to cause misunderstanding so as to instigate actions to cause unrest in various locations.

Furthermore, certain groups of persons have been continuously causing disturbing incidents with the purpose of causing damages and danger to life, body and property.

Given such a protracted situation with increasing breaches of the law despite various measures in accordance with the laws concerning the maintenance of security within the Kingdom having been declared to prevent, control, solve, suppress, and restrain such conducts, there are reasons to believe that violent actions will be carried out, which will more seriously affect national security so as to cause unrest in the country and inflict harm or danger to the lives, bodies and properties of innocent people.

The conduct of these groups is an unpeaceful assembly and aims to obtain state administrative power by means which is inconsistent with the provisions of the Constitution of the Kingdom of Thailand and of the law.

This situation has impacted on the administration of the state and confidence in the economy. Such actions affect public order, state security, as well as the electoral process and the democratic development, and the exercise of rights and liberties of innocent people. Therefore the Committee for the Management of Emergency Situation, during its meeting on 21 January B.E. 2557 (2014), has proposed to the Prime Minister the urgent necessity to quickly resolve and put an end to these problems by declaring severe emergency situation in areas of Bangkok; Nonthaburi Province; Lad Lumkaew District, Pathumthani Province; and Bang Phli District, SamutPrakan Province.

By the power vested under Sections 5, 6, and 11 of the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005), a law which contains certain provisions relating to the restriction of individual rights and freedom, permissible under Section 29 in conjunction

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with Sections 32, 33, 34, 36, 38, 41, 43, 45 and 63 of the Constitution of the Kingdom of Thailand by virtues of powers given in accordance with the law, the Prime Minister, with the consent of the Council of Ministers, therefore declares a severe emergency situation in the areas of Bangkok; Nonthaburi Province; Lad Lumkaew District, Pathumthani Province; and Bang Phli District, Samut Prakan Province.

To become effective and remain so from 22 January B.E. 2557 (2014) to 22 March B.E. 2557 (2014).

Announced on 21 January B.E. 2557 (2014)

(signed)

Yingluck Shinawatra

Prime Minister

5 February 2014



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