

His Majesty the King of Thailand  
Maha Vajiralongkorn (Rama X)  
Grand Palace Bangkok  
Thailand

Brussels/ Amsterdam, 16 June 2022

Re: Disbarment Proceedings Against Mr. Anon Nampha

Your Excellency,

Lawyers for Lawyers is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their profession. Lawyers for Lawyers was granted Special Consultative status with the UN Economic and Social Council in July 2013.

The Council of Bars and Law Societies of Europe (CCBE), which represents the bars and law societies of 46 countries, and through them more than 1 million European lawyers. The CCBE places great emphasis on respect for human rights and the rule of law and is particularly concerned with the protection of human rights defenders around the world.

Lawyers for Lawyers and the CCBE are concerned about the disbarment proceeding against Mr. Anon Nampha, a lawyer and human rights defender, that is taking place before the Investigative Committee that was established by the Committee on Professional Ethics of the Lawyers Council of Thailand during the Meeting No. 1/2564 on 13 January 2021.

We were informed that the proceeding against lawyer Anon Nampha is related to a complaint motion filed to the Lawyers Council of Thailand on 7 August 2020 by the Assistant Minister in the Office of the Prime Minister, who alleged that lawyer Anon Nampha's behaviour violated the Lawyers Council of Thailand's disciplinary rules as his behaviour would "*incite, intend to cause unrest, distort information and insult on the monarchy*". The alleged speech in question apparently called for reform of the constitution and the monarchy, during a peaceful protest at the Democracy Monument on Ratchadamnoen Avenue on 3 August 2020.

According to our information, a first pre-hearing was postponed twice on 24 November 2021 and 3 March 2022, due to the fact that Mr. Nampha was held in detention pending trial. Therefore, the first pre-hearing was scheduled for 7 April 2022 where both parties appeared before the Investigative Committee to schedule witness examination dates. The Committee scheduled the complainer witness examinations on 2 and 20 June and the

complained witness examination on 18 July, 1 and 22 August, and 5 September 2022. However, on 2 June, the complainer failed to attend the first hearing taken place at the LCT. The proceeding therefore was adjourned until 20 June. After the witness examinations are completed, the Committee will schedule the date to deliver the order.

Our organizations had already expressed our concerns in previous correspondence to Your Excellency, on both the arrest of lawyer Nampha on 7 August 2020 in relation with what was believed as linked to his activities as a human rights lawyer<sup>1</sup>, and the disbarment proceedings that were initiated against lawyer Nampha<sup>2</sup>.

Under international law and standards, lawyers, like other individuals, enjoy the right to freedom of expression, belief, association and assembly. A lawyer should be able to draw the public's attention to issues relating to public affairs in their official capacity as well as in their private capacity. Suspensions or revocations of lawyer licenses as a result of exercise of their legitimate rights and freedoms do not only impact on the exercise of the rights of the lawyers, but also on the rights of their clients to be represented by the lawyer of their choosing.<sup>3</sup>

The UN Basic Principles on the Role of Lawyers specify that:

*"Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization."*<sup>4</sup>

The Basic Principles also specify as follows:

*"27. Charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice.*

*28. Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review.*

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<sup>1</sup> [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/HUMAN\\_RIGHTS\\_LETTERS/Thailand\\_-\\_Thailande/2020/EN\\_HRL\\_20200902\\_Thailand\\_Arrest-of-lawyer-Arnon-Nampa.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Thailand_-_Thailande/2020/EN_HRL_20200902_Thailand_Arrest-of-lawyer-Arnon-Nampa.pdf)

<sup>2</sup> [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/HUMAN\\_RIGHTS\\_LETTERS/Thailand\\_-\\_Thailande/2021/EN\\_HRL\\_20210311\\_Thailand\\_Disbarment-proceedings-against-lawyer-Anon-Nampha.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Thailand_-_Thailande/2021/EN_HRL_20210311_Thailand_Disbarment-proceedings-against-lawyer-Anon-Nampha.pdf) and <https://lawyersforlawyers.org/wp-content/uploads/2021/02/Thailand-Lawyers-Council-Letter-2021-ENG.pdf>

<sup>3</sup> Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, CCPR/C/GC/32, 23 August 2007, para 34, available at: <https://undocs.org/CCPR/C/GC/32>. See also: Principle 12 of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, available at: [https://www.unodc.org/documents/justice-and-prison-reform/UN\\_principles\\_and\\_guidelines\\_on\\_access\\_to\\_legal\\_aid.pdf](https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf).

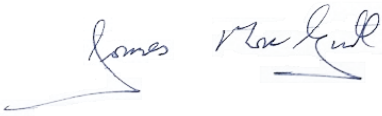
<sup>4</sup> Principle 23. The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly. Available at: <https://www.un.org/ruleoflaw/files/UNBasicPrinciplesontheRoleofLawyers.pdf>

*29. All disciplinary proceedings shall be determined in accordance with the code of professional conduct and other recognized standards and ethics of the legal profession and in the light of these principles.”*

In view of the above, we respectfully urge Your Excellency to do everything in your power to ensure that lawyer Anon Nampha is able to continue his legitimate activities as a lawyer without undue interference. In addition, we ask that you take all necessary measures to guarantee that all lawyers in Thailand are able to carry out their professional duties without fear of reprisal, hindrance, intimidation or harassment in order to preserve the independence and integrity of the administration of justice and the rule of law.

Thank you for your attention to this essential matter.

Yours sincerely,



James MacGuill SC  
CCBE President



Irma van den Berg  
President of Lawyers for Lawyers