



# DEATH PENALTY IN THAILAND

## Brief Assessment of the Implementation of the 2nd Cycle UPR Recommendations

During Thailand's second UPR, the Thai government pledged to commute death sentences and review the imposition of the death penalty for drug-related offenses, but did not accept 12 recommendations that either called for the abolition of capital punishment or encompassed measures aimed at making progress towards that goal. The recommendations included: the establishment of a moratorium on all executions; the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR); and the removal of economic crimes from the list of offenses punishable by death. The government said it would consider these recommendations "in subsequent UPR cycles."

During its second UPR, Thailand resumed executions. On 18 June 2018, Theerasak Longji, 26, was executed by lethal injection at an unspecified location. Mr. Theerasak was found guilty of a premeditated murder he had committed in Trang on 17 July 2012. Theerasak always maintained he had not committed the crime.

Thailand would have achieved the status of de facto abolitionist, had it not carried out any executions before 24 August 2019. Prior to Mr. Theerasak's execution, Thailand's last execution was carried out on 24 August 2009, when two men, Bundit Jaroenwanit, 45, and Jirawat Poompreuk, 52, were put to death by lethal injection at Bang Khwang Prison in Nonthaburi Province.

On 19 December 2016, 17 December 2018, and 16 December 2020, Thailand abstained from voting on the biennial United Nations General Assembly (UNGA) resolution calling for a moratorium on the use of the death penalty.

On a positive note, official figures from Thailand's Department of Corrections showed a steady decline in the number of prisoners under death sentence during the second UPR cycle of Thailand. On 11 May 2016, there were 426 prisoners (368 men and 58 women) under death sentence. By 23 June 2021, the number had progressively decreased to 253 (224 men and 29 women). This 40% decrease is attributed to the number of commutations of death sentences under royal amnesties. During Thailand's second UPR cycle, there were commutations of sentences on special occasions, such as: King Rama X's coronation in May 2019; King Rama X's birthday in July 2020; King Rama IX's birthday in December 2020; and King Rama X's birthday in July 2021.

Despite a reduction of the number of prisoners facing capital punishment, courts across Thailand continued to impose death sentences. Between January 2016 and December 2019, at least 340 people were sentenced to death. Although official figures are not publicly available, at least 216 death sentences were recorded in 2016, 75 in 2017, at least 33 in 2018, and at least 16 in 2019, according to information collected by Amnesty International.



# REALITIES ON THE GROUND

## Challenges

## Cases, Facts, Comments

### Challenge 1: Number of capital crimes increases

Since Thailand's second UPR, there has been no effort to reduce the number of crimes subject to the death penalty. In fact, the number of capital crimes increased from 55 in 2014 to 63 in 2018.

**Crimes that are punishable by death include drug-related offenses and economic offenses.**

### Challenge 2: Death penalty for drug-related offenses

The existence of legislation that makes drug-related offenses punishable by death is inconsistent with Thailand's legal obligations under Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which states that in countries that have not abolished the death penalty, death sentences "may be imposed only for the most serious crimes." The United Nations Human Rights Committee has repeatedly stressed that capital punishment for drug-related offenses does not comply with Article 6 of the ICCPR.

**Drug-related offenses represent a disproportionate share of the crimes for which a death sentence is imposed.** According to Thailand's Department of Corrections, 58% of the men (131 out of 224) and 89% of the women (26 out of 29) who were under death sentences as of 23 June 2021 had been found guilty of drug-related offenses.

### Challenge 3: Lack of political will blocks progress towards abolition

The government's previous commitments to make progress towards the abolition of the death penalty entirely disappeared during Thailand's second UPR cycle.

**Government officials occasionally made public statements in support of the death penalty.** For example, on 6 June 2016, Prime Minister Prayuth Chan-ocha ordered the legal community and the judiciary to ensure that convicted rapists would be sentenced to death. Prayuth backtracked the following month, when he said he disagreed with calls for capital punishment for individuals convicted of rape and murder, following the rape and murder of a female teacher in Saraburi Province, which sparked a public uproar and netizens' calls for the imposition of the death penalty for rapists. Other officials publicly recognized the ineffectiveness of capital punishment to act as a deterrent against violent crimes and acknowledged that many convicts sentenced to death were the poor and underprivileged who could not afford a proper legal defense. However, they claimed the lack of progress towards abolition was justified by the public opinion's support for capital punishment.

In June 2017, Deputy Prime Minister Wissanu Krea-ngam, was quoted as saying that while Thailand would retain the death penalty "for the sake of effective crime deterrence," but that it was seeking to gradually convert capital punishment to life imprisonment or a prison sentence of up to 20 years.

### Challenge 4: Failure to adequately inform the public on issues surrounding the death penalty

The position of successive Thai governments that public opinion is in favor retaining the death penalty has been consistently based on non-scientific opinion polls and surveys, in which respondents and the general public were not provided with relevant information to have an informed opinion on the issues related to the death penalty.

In June 2018, following the execution of Theerasak Longji, four different opinion polls were conducted concerning the issue of the death penalty. In one online poll on the Kom Chad Luek's website, 92% of the approximately 2,300 respondents said they were in favor of capital punishment. In another poll conducted by Nation TV, 95% of the more than 20,000 votes were in favor of the death penalty. A third poll, conducted among 1,123 people, found that 93.4% of the respondents supported imposing the death penalty for "cruel murderers." A fourth poll, conducted by the National Institute for Development Administration among 1,251 people, found that 92% of the respondents were in favor of retaining the death penalty. Seventy-nine percent believed the death penalty was a deterrent to crime, and 80% said they preferred the death penalty over life imprisonment for those convicted of serious crimes. However, only 2% of the respondents supported the imposition of the death penalty for drug offenses.



# RECOMMENDATIONS

---

- 1. On Challenge 1: Number of capital crimes increases**
    - 1.1.** Abolish the death penalty for all crimes during the third UPR cycle.
    - 1.2.** Immediately establish an official moratorium on executions.
    - 1.3.** Immediately commute all death sentences to prison terms.
- 

- 2. On Challenge 2: Death penalty for drug-related offenses**
    - 2.1.** Remove the provision of capital punishment for all drug-related offenses.
- 

- 3. On Challenge 3: Lack of political will blocks progress towards abolition**
    - 3.1.** Vote in favor of the next UNGA resolutions on a moratorium on the use of the death penalty.
    - 3.2.** Significantly reduce the number of criminal offenses that can be punished by death.
    - 3.3.** Ratify the Second Optional Protocol to the ICCPR during the third UPR cycle.
- 



## REFERENCES

This information was prepared by the FIDH (International Federation for Human Rights) on the basis of their Joint NGO Submission with the Union for Civil Liberty (UCL), available at: [https://www.fidh.org/IMG/pdf/20150921\\_thailand\\_upr\\_dp\\_en.pdf](https://www.fidh.org/IMG/pdf/20150921_thailand_upr_dp_en.pdf)

---

## NOTES

---