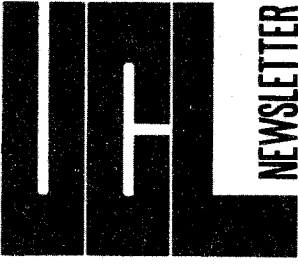


OCTOBER-DECEMBER 1985



NEWSLETTER

DEATH SENTENCE  
FOR ~~SURACHAI~~  
HELP SAVE HIS LIFE!





# สมาคมสิทธิเสรีภาพของประชาชน

446 ซ.เกียรติชัย ถ.อโศก-ดินแดง ห้วยขวาง กรุงเทพฯ 10310

Union for Civil Liberty

446, Soi Kiatchai, Asoke-Dindaeng Rd., Huaykwang, Bangkok  
10310 THAILAND

30 January 1986

Dear Friends,

We are making an urgent appeal for your help on behalf of Surachai's family.

Surachai sae Dan was sentenced to death on January 29, 1986, under Revolutionary Council Proclamation Vol.12 dated 22 Nov. B.E. 2514, Administrative Council Orders Vol.3 dated 6 Oct. B.E. 2519 and Vol.14 dated 7 Oct. B.E. 2519, on a charge of engaging in communistic activities, offending against the internal security of the Kingdom, robbing and killing a government officer.

According to Thai law, the only chance for Surachai to survive is to appeal for clemency to His Majesty the King within 60 days.

The Minister of Interior is the one who takes charge of appeals to H.M. the King's clemency.

When the news of Surachai's death penalty has been widely known, human rights activists and press criticized the judgment not only because this case comes under the provisions of the Universal Declaration of Human Rights but also because it is a very outstanding one:

1. Surachai was arrested by military security forces on June 20, 1981 while he and his colleagues were negotiating with high-level government officials, such as Governor Sanong Rodpothong, a Vice-Governor, the Provincial Police Commander and the Police Chief of Muang District, Surat Thani Province, in the compound of the Governor's home. He had been invited by the government to negotiate with the government's representative to end the war between the CPT and the government in the local areas.
2. Surachai's case was taken to the Military Court in which the judges are military officers. The Military Court generally takes on specific cases of on-duty soldiers who are accused of criminal charges. But all Revolutionary Council Orders/Proclamations which are declared during periods following military coups d'etat dictates that communist suspects be tried in the Military Courts both for communistic activities and for other criminal charges.

As a matter of fact, Surachai's sentence of death without any right to appeal to a higher court is unjust, inhuman and a serious violation of the provisions of the Universal Declaration of Human Rights.

These are the facts of the case. If you are able to, please appeal for clemency to His Majesty the King within 60 days by sending direct letters to:  
Copies to:

M.L. Thaweesant Ladawan  
The Grand Palace  
Bangkok 10200  
Thailand

His Excellency General Prem Tinsulanonda  
Prime Minister and Minister of Defence  
Office of the Prime Minister  
Government House  
Nakhorn Pathom Road  
Bangkok 10300  
Thailand

His Excellency General Sitthi Jirarote  
Minister of the Interior  
Ministry of the Interior  
Atsadang Road  
Bangkok 10200  
Thailand

Theh Chongkhadikij  
The Bangkok Post  
3<sup>rd</sup> floor, U-Chuliang Bldg.  
968 Rama IV Road  
Bangkok 10500 Thailand

The Nation  
59 Soi Saeng Chan  
Sukhumvit 42  
Bangkok 10110  
Thailand

Thongbai Thongpao Law Office  
5/14 Therdthai Rd.  
Dangeerua  
Bangkok 10600  
Thailand

Union for Civil Liberty  
446 Soi Kiatchai, Asoke-Dindeang Rd.  
Huangkwang, Bangkok 10310  
Thailand

BIO DATA

Name Surachai sae Dan  
Sex Male  
Age 44  
Place of Birth Pak Panang District, Nakorn Si Thammarat Province  
Marital Status married with 4 children  
Occupation radiotrician  
Date of Arrest June 29, 1981 along with 2 other defendents: Mali Sakhorn and Prawit Paenjaroen  
Place of Arrest the official residence of the governor of Surat Thani Province while negotiating a ceasefire between the CPT and the government forces upon the governor's invitation. He underwent a period of incommunicado detention without charge or trial for 8 months.  
Period of Trial Feb. 1982 - Jan. 29, 1986  
Place of Trial the military court, established under martial law.  
Charges  
1. engaging in communistic activities and propogating communistic ideas  
2. seditious incitement to riot and arson.  
3. being members of the outlawed Communist Party of Thailand (CPT)  
4. armed gang robbery  
5. murder of a government official  
Sentences  
1. 15 years for being CPT members and operatives (later lifted for Surachai)  
2. 23 years for sedition and arson (later dismissed)  
3. death penalty for murder  
Political Activities  
1973 Involved in the southern students' movement and member of the New Force Party.  
1975 Elected the New Force Party's executive committee for Nakorn Si Thammarat.  
Jan 1975 Surachai led the angry mob of 30,000 to protest against the authorities' negligence of the flood victims in the province. The protest ended in the burning of the governor's residence. Surachai and 12 other people were detained but later released following the public pressure.  
Sept. 1976 Threatened with arrest and death, he took refuge in the jungle areas under the control of the CPT.  
Dec. 1978 Surachai was **reportedly** involved in the stopping of the train by CPT forces. This resulted in the disappearance of 1.2 million baht (US\$ 46,154) and the death of a policeman. He later fled the scene.  
19 June 1981 Arrested while negotiating a ceasefire between the CPT and government forces with the then Surat Thani's Governor at the governor's official residence.  
29 Jan. 1986 Sentenced to death after 4 yrs 6 mths in prison. He has been given only 60 days to appeal to H.M. the King.

# Surachai's death verdict draws world outcry

I HAVE received copies of several letters in the past week. One was an urgent letter from the London head office of Amnesty International, and another was from the Hong Kong office of Hotline.

These letters had been sent to Prime Minister Prem Tinsulanonda, Interior Minister Sitthi Jirarote and the Director General of the Corrections Department.

All of them pleaded that the death sentence pronounced on Surachai sae Darn be commuted. Surachai, along with Mali Sakorn and Pravut Pancharoen were convicted on communist charges, and while Mali and Pravut were handed jail terms of 10 years each, Surachai was condemned to death.

Amnesty International has always opposed capital punishment everywhere because, in principle, it is against the UN International Declaration on Human Rights chapter on the right to life, and also the right not to submit to cruel, inhuman and undignified punishments.

Aside from that, AI also called on the authorities to restore the right to appeal to the three convicts. The organisation reasoned that since Surachai was handed down the harshest punishment possible, in denying a chance for appeal, the authorities violated the UN Declaration on Human Rights on judiciary and politics.



Therefore, Gen Prem and Gen Sitthi were asked by the human rights organisation to consider a reprieve for Surachai and restore the right to appeal to the three convicts.



Similar appeals for Surachai's life have been received from France, West Germany, the

United States and other countries.

In Thailand people from many professions have asked me to comment on Surachai's case, especially friends from the South who saw Surachai as a fighter for peace and social justice.



Surachai was also seen as a campaigner against oppression, an honest and brave man who would never bow to tyranny. Many who had been with him in the jungle described Surachai as a speaker and political man, not a fighting man or an armed guerrilla.

He was arrested only because he was asked by the communist party, which had given him shelter and food, to come out to negotiate with the authorities. His ex-comrades vehemently insisted that Surachai was certainly not an armed guerrilla.

I recall the report on the autopsy on the body of Pol Capt Sawai Pholchana, who authorities claimed had been killed by Surachai. On line 12 of page 2, in the space for "Name of person who caused the death (if there

is)" there was a typewritten phrase saying "Unknown number of unidentified communist terrorists."

After that phrase, it was later added "Surachai sae Darn and company." The investigating officers were not able to tell who had added the phrase.

On line 18, in the space for "Cause of Death," the typewritten insertion

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Capital punishment, in principle, is against the UN International Declaration on Human Rights chapter on the right to life

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said "Shot by unknown number of unidentified communist terrorists." As

can be seen in the official document as prepared by the investigating officers,

Surachai was not named as the suspect who pulled the trigger.