



มูลนิธิวัฒนธรรม Cross Cultural Foundation

89 ซอยสิทธิชน ถ.สุทธิสารวิจิตรชัย แขวงสามเสนนอก เขตห้วยขวาง กรุงเทพมหานคร 10310
89 Soi Sithichon Suthisarnwinichai Rd. Samsenok Huaykwang Bangkok Thailand 10310
โทร: 02-1015481 โทรสาร: 02-1015482 Tel: +66 2 1015481 Fax: +66 2 1015482

Public statement: Transfer all persons related to Judge Khanakorn Pianchana's public statement from their current posts and launch a comprehensive probe into alleged interference with fair trial rights in southern border provinces

For immediate release on 6 October 2019

On 4 October 2019, Khanakorn Pianchana, a senior judge at a lower court in the southern border province of Yala, pulled out a pistol and shot himself inside his courtroom after a hearing. The incident shocked many parties concerned with the criminal case he was presiding over, including five defendants, their relatives, and all court officials. As his suicide attempt has been reported by the media, the Cross-Cultural Foundation found that his act might be a result of alleged interference in his administration of justice in the aforementioned case.

This allegation stemmed from one crucial piece of evidence: a 25-page memo which provides details about the attempt of Judge Khanakorn's superiors to force him to change the case's verdicts. The case involved five defendants accused of committing a murder on June 11 in Yala province. Initially, one suspected criminal was arrested under the Martial Law, which led to more arrests. Five suspects were eventually charged with the murder. The interrogation was done inside a military camp under so-called "special" national security laws that permit up to 37 days of detention with neither any charge or fundamental rights safeguards. The case was, thereafter, transferred to normal criminal procedure. Judge Khanakorn found the evidence is unlawfully acquired and not admissible, thereby acquitting all defendants in his verdict. However, his supervisors allegedly intervened and ordered him to rewrite the verdict handing the death penalty to three defendants and life sentence to the other two. Such a manner of interference led Judge Khanakorn to protest by publishing the memo and trying to commit suicide.

The Cross-Cultural Foundation has been promoting access to justice in the southern border provinces for more than 15 years and found that Judge Khanakorn's memo carried a lot of significance. Even though the memo constitutes merely a one-sided testimony, it should prompt the relevant authorities to conduct a comprehensive, independent fact-finding investigation, especially because the judiciary power, in principle, should be independent from any interference in order to uphold the people's rights to fair trial and effectively deliver justice for all.

Accordingly, the Cross-Cultural Foundation calls for such an investigation to clarify truths about this incident to the public and ensure people's trust in the judiciary system concerning the independence of judges. Moreover, we urge the Court of Justice to take three actions as follows:

- 1. Immediately transfer all persons involved in Judge Khanakorn's predicament out of their posts:** Such an order will ensure that an ensuing investigation will be fair for all parties, free from internal influence and the designated inquiry team should also include external advisors. The investigative findings should also bring about preventive measures to guarantee a non-recurrence of interference in the judicial independence.



มูลนิธิผสานวัฒนธรรม Cross Cultural Foundation

89 ซอยสิทธิชน ถ.สุทธิสารวิจิตรชัย แขวงสามเสนนอก เขตห้วยขวาง กรุงเทพมหานคร 10310

89 Soi Sithichon Suthisarnwinichai Rd. Samsennok Huaykwang Bangkok Thailand 10310

โทร: 02-1015481 โทรสาร: 02-1015482 Tel: +66 2 1015481 Fax: +66 2 1015482

2. **Investigate into the enforcement of all forms of “special powers” which affect fair trial in the southern border provinces:** The investigation shall cover both national security cases and normal criminal cases and tackle issues mentioned in Judge Khanakorn’s memo, including but not limited to filing exaggerated charges, detaining an individual inside a military camp under special laws before bringing them into a normal criminal procedure, and admitting evidence obtained during a military interrogation in Court.
3. **This investigation shall serve as a critical wake-up call for the Thai judiciary system and Court of Justice to demonstrate its credibility.** Following the newly appointed President of the Supreme Court, the Cross-Cultural Foundation believes that the judge’s protest by attempted suicide should not be regarded as a personal matter. Relevant authorities must investigate into alleged unfair trials to ameliorate the justice process and guarantee non-recurrence of its abuse. The stakes are high since it could determine people’s trust in the country’s justice system.

Cross-Cultural Foundation

Bangkok