



Violation of the Freedom of Assembly of Thai-Malay Gas Pipeline Project Protest*

The police were mobilized and installed metal barriers to block Thai-Malay gas pipeline project protesters from entering Chuti Boon Soong Uthit bridge and then dispersed the protest. Consequently, Mr. J and other protesters (Plaintiffs) filed a case with the Administrative Court seeking compensation for the deprivation of their right to assemble.

The Supreme Administrative Court held that Mr. J and other protesters peacefully protested. The demonstrators had to stay on the foot of Chuti Boon Soong Uthit bridge because there were police standing and metal barriers installed on the bridge. They did not take any actions or there were no circumstances suggesting that they would use violence or break through the barriers and they did not incite the crowd to violence or chaos or cause any dangers to the life and body of people. Moreover, the protest leaders did not prepare to collect or stockpiled weapons, or plan to use force in the protest but each protester individually had an intention to use per se weapons when the police used force to disperse the demonstration. The protesters resisted, obstructed, and harmed police officers and damaged properties of a government authority because the police officers used force to put pressure on them. The police broke up the demonstration to merely facilitate the Cabinet in traveling from and to J. Hotel while there were other roads available for entrance and exit and they did not follow a procedure for the dispersal of demonstration. Therefore, the police unduly violated the protesters' freedom of assembly guaranteed by the Constitution of the Kingdom of Thailand and the dispersal of demonstration was an unlawful act. The police's action injured Mr. J and other protesters so it was deemed to be a wrongful act under Section 420 of the Civil and Commercial Code. As a result, the Royal Thai Police (Defendant No.1) shall be liable for the damage caused by the performance of the police who were its official, pursuant to Section 5 paragraph one of the Act on Liability for Wrongful Acts of Officials.

The Supreme Administrative Court affirmed in part the judgment of the Administrative Court of First Instance and modified the judgment to order the Royal Thai Police to pay compensation in the amount of 100,000 Thai Baht.

(Supreme Administrative Court Judgment No. A. 711/2555)