

<b>THEMATIC TITLE</b>	PROBLEMS OF HUMAN RIGHTS AND DEATH PENALTY IN MILITARY COURTS
<b>KEYWORDS</b>	HUMAN RIGHTS/DEATH PENALTY/MILITARY CRIMINAL LAW/MILITARY COURT
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### **ABSTRACT**

This thematic paper studies on the concepts, theories and principles of law relating to determination of punishment and procedures for military death penalty in accordance with the Military Criminal Code. Focusing on analyzing the problems in determining the death penalty and the methods of military execution provided in Thailand, the thematic examines general principles of the international human rights law and conclude with some recommendations on the existing guidelines of the military death penalty in in Thailand.

Human rights are rights that all human beings have. The right to live is the fundamental right of everyone, regardless of any status (civilian or military). Human rights are rights inherent to all human beings as natural rights of human. Everyone is entitled to these rights, without discrimination or restriction by any law or authority.

The concept of human rights has been recognized and promoted globally in awareness of slaughter and persecution; the States around the world have collaborated and developed the international human rights laws: Declaration of Human Rights and Citizenship dated 26 August 1789 (Déclaration des Droits de l'Homme et du Citoyen du 26 août 1789), The International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights: ICCPR), the Second Optional Protocol to the ICCPR, aiming at the abolition of death penalty, the Convention on Anti-Torture Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment (CAT) and the Universal Declaration of Human Rights, in which Thailand participates in the protection of all human rights.

Thailand has enacted the laws protecting human rights included the Constitution of the Kingdom of Thailand B.E. 2560 (2017), which is the supreme law of the country. Still, there have been the death penalty imposed under the Military Criminal Courts, which could be considered inconsistent with the law of Thailand and the international human right Laws.

According to the Military Criminal Code of Thailand, as specified in Section 6, the execution by shooting is set for the military death penalty, which is a violation of basic human rights. It is contrary to the rights to live, which is the absolute rights of human being that cannot be deprived of.

Therefore, the death penalty contradicts the existence of human rights and it also tortures the offender, which is inconsistent with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is the most serious degradation of human dignity. However, in criminology and criminal law, it is considered that the death penalty does not suppress crime neither in normal situations or military warfare.

According to all reasons mentioned above, it is crucial that the amendments of the law shall be considered. The abolition of the death penalty providing punishment for committing various offenses under the Military Criminal Code, Section 6, will provide Thailand principles to be consistent with international human right and the agreements that Thailand is a State party in convention. This will make the military criminal law consistent with international standards and the justice process accepted by other countries.