

27 April 2026

SOAS University of London International Human Rights Clinic Submits Amicus Brief to Thailand's Constitutional Court in Conscientious Objection Case

London, UK –SOAS University of London's International Human Rights Clinic has filed an amicus curiae brief with Thailand's Constitutional Court today. This brief has been submitted in support of Mr. Netiwit Chotiphathaisal, a prominent human rights activist and conscientious objector, who is currently facing prosecution and imprisonment for refusing compulsory military service. The brief argues that Mr. Chotiphathaisal's prosecution under Section 45 of Thailand's Military Service Act violates fundamental rights protected both under Thailand's 2017 Constitution and international human rights law.

On 5 April 2024, Mr. Chotiphathaisal appeared at the Bang Pu Municipality conscription centre in Samut Prakan Province and publicly declared his refusal to participate in Thailand's compulsory military draft. His objection stems from deeply held religious and moral beliefs centred on nonviolence, freedom, and justice. If convicted, he faces a maximum penalty of three years' imprisonment. The Samut Prakan District Court has scheduled an interim hearing on 23 March 2026 to hear the Constitutional Court's ruling, after which the court may proceed to deliver its judgment if the ruling has been issued. This case represents the first public legal challenge in Thailand to the criminalisation of conscientious objection to military service.

SOAS' amicus brief emphasises that the right to freedom of thought, conscience, and religion is a cornerstone of international human rights law. Key protections include Article 18 of the International Covenant on Civil and Political Rights, to which Thailand is a state party, as well as interpretations by the UN Human Rights Committee affirming that States must accommodate genuine conscientious objectors without punitive measures.

The submissions seek to assist the Constitutional Court in evaluating the compatibility of compulsory conscription laws with the guarantees of human dignity, equality, and freedom of belief under Thailand's international obligations. The brief urges the Court to recognise conscientious objection as a protected expression of religious and moral convictions, preventing interference with fundamental rights.

The SOAS International Human Rights Clinic has been working with a Thai human rights group to promote human rights and social justice in Thailand and internationally. This amicus intervention reflects the Clinic's commitment to interdisciplinary scholarship and global partnerships through strategic legal support.