

# URGENT ACTION

## DEFAMATION CHARGES USED TO SILENCE DISSENT

Police have charged prominent activists Parit 'Penguin' Chiwarak, Sirawit 'Ja New' Seritiwat, and Phayaw Akkahad with defamation by publication under Article 328 of the Thai Criminal Code which carries a maximum sentence of two years in jail. The Election Commission accused the three of making defamatory speeches during a public campaign to impeach the commissioners in Bangkok, Thailand's capital city. Summoned to Phayathai Police Station on 30 April, they have denied all charges. The case appears to be politically motivated and is part of the crackdown on individuals who criticise the constitutionally independent body.

**TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER**

**Pol Gen Chakthip Chaijinda**

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Dear Chairman,

I am writing to express my concern over the charges of criminal defamation by publication recently filed against prominent activists **Parit 'Penguin' Chiwarak, Sirawit 'Ja New' Seritiwat** and **Phayaw Akkahad** for peacefully exercising their right to freedom of expression. The Election Commission accused the three of violating Article 328 of the Thai Criminal Code. They could face up to two years in prison.

An election commissioner has accused the activists of making defamatory speeches during a public campaign to impeach the commissioners around Victory Monument in Bangkok on 31 March 2019. In their statements, the three had requested that the Commission disclose the full results, from all polling stations, following reports of irregularities during the country's general elections on 24 March. Summoned to the Phayathai police station on 30 April, the three activists denied all charges. They have been summoned to attend the police station again on 4 June to hear the development of their case.

This case is the fourth prosecution initiated by the Commission since the elections. Amnesty International believes that raising criminal complaints against these individuals is a bid to silence public criticism amid public calls for transparency about the election results.

**I urge your office to act swiftly to uphold and protect the right to freedom of expression. Specifically, I urge you to:**

- **Immediately and unconditionally drop all charges against Parit, Sirawit and Phayaw, which appear to be motivated by political interests;**
- **End the harassment of critics of the Election Commission and take measures to guarantee their right to freedom of expression.**

Thank you for your attention.

Sincerely,

## ADDITIONAL INFORMATION

Following a general election on 24 March 2019 – the first to take place since military authorities took power in a coup in May 2014 - students, activists, academics and online users have continued to call for the Election Commission of Thailand (ECT) to announce official election results. There has also been public criticism of the Commission's lack of transparency with the formula used to calculate vote counts for party-list candidates.

The Election Commission has also accused a further seven individuals of criminal defamation following an online public campaign which has collected more than 850,000 signatures to impeach the commissioners. Three of the seven had been temporarily detained. At least 20 individuals are facing legal action for peacefully expressing their opinions in relation to the elections.

A member of the Resistant Citizen group, Sirawith Seritiwat has been a staunch critic of military rule and has consistently called for protection of rights during “My Dear Election” stunt, Post-It protest, and a series of protests with We Want to Vote group, among many others. In January 2016, Sirawith was abducted, interrogated and detained in military custody where he faced beating and mistreatment. In a slew of cases the authorities filed against him, Sirawith has faced charges of sedition, criminal defamation, contempt of court, violation of a ban on political gathering and public disorder.

Student activist and President of the Student Union of Thailand, Parit Chiwarak has been a prominent campaigner for student activism, freedom of expression and peaceful assembly. He has organized public events and gatherings to call for elections and raise public awareness of the human rights situation under military rule. As a result, he has been charged with criminal defamation as well as violations of the ban placed on political gathering. In response to the Election Commission's lawsuit, Parit claimed that he would file a misconduct complaint against the commissioners.

Phayaw Akkahad is the mother of a volunteer nurse Kamonkate Akkahad who was among six individuals killed by the military at Pathum Wanaram temple during the 2010 political protests, which were put down with force and resulted in at least 92 deaths and more than 1,500 injured. Phayaw has continually sought truth and justice for her daughter's death. On the anniversary of her daughter's death in 2018, Phayaw and other individuals who lost their loved ones during the violence staged a play to call for justice.

On the verge of the fifth anniversary of the army's declaration of martial law and subsequent military coup on 22 May 2014, military authorities have continued to restrict freedom of expression arbitrarily and sweepingly. In the name of protecting national security and public order, authorities have largely cracked down on individuals perceived as critics or dissenters of their political project with charges of computer-related offences, criminal defamation and sedition.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** English, Thai or your own language

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 5 July 2019

**NAME AND PREFERRED PRONOUN:** Parit Chiwarak (he/him), Sirawith Seritiwat (he/him) and Phayaw Akkahad (her/she)