

Suspension of Voice TV Highlights Why Thailand must Lift Over-broad Powers to Curtail Press Freedom

Amnesty International calls on Thailand's military authorities, the National Council for Peace and Order (NCPO), to guarantee media freedom in the country, including by taking the long overdue step of amending or repealing vaguely worded and overly restrictive decrees promulgated in the name of protecting security following the 2015 military coup.

Amnesty International remains concerned that the Thai authorities have, since taking power in a military coup in 2014, consistently targeted individuals and broadcasters expressing political opposition or views deemed critical of authorities with sanctions and criminal proceedings, employing wide latitude to conflate political opposition or criticism of authorities as national security matters. In doing so, they have also failed to show which specific legitimate national security interests they are protecting and how the expression poses a concrete threat.

Amnesty International raised concern at the recent 15-day suspension of online opposition media outlet, television station Voice TV, under provisions of the Broadcasting Act that allow for bans on content deemed to affect national security, peace, and public morals. The ban which comes ahead of Thailand's elections scheduled for 24 March 2018, has raised concern that the decision was politically motivated. The order suspending Voice TV's operation, effective on 13 February 2019, was issued by Thailand's National Broadcasting and Telecommunications Commission. The commission stated that the station had broadcast material that caused public confusion, incited conflict and threatened national security in broadcasts in December 2018 and January 2019 which featured election candidates who criticised authorities and aired other critiques of the NCPO's conduct on elections and the economy.

Amnesty International renews its calls on authorities to amend or repeal decrees that restrict media broadcasts and statements that are deemed "to threaten national security or instigate disorder or conflict," as well as comment on Thailand's military government "that is made in a dishonest way or aimed to discredit it." These have been interpreted to subject media content to excessive interference. The licenses of broadcasters—notably Voice TV and Peace TV—have been suspended for up to 30 days, and specific news programs have been taken off the air, including after broadcasters have reported on human rights issues and other matters deemed sensitive by the authorities.

Under NCPO Announcement 97/2014, Announcement 103/2014, and Head of NCPO Order 41/2016, enforced by Thailand's National Broadcasting and Telecommunications Commission, radio and television broadcasters who fail to comply with these restrictions face fines of between 50,000 and 500,000 Thai Baht (c.1,415 -14,150 €), and possibly licence revocation, and shutdown. The commission is shielded from liability for exercising its authority under these decrees. The broadly-worded content of these decrees and the excessively restrictive manner in which they have been interpreted has had a severe chilling and silencing effect on the peaceful exercise of the right to freedom of expression, incompatible with Thailand's international human rights obligations.

Military "peacekeeping" officers similarly have the power, under section 5 of Head of NCPO Order 3/2015, to censor material that they deem "likely to cause public alarm or which contains false information likely to cause public misunderstanding to the detriment of national security or public order."

Under international law and standards, including the International Covenant on Civil and Political Rights (ICCPR) to which Thailand is a party, people have the right to seek, receive and distribute information online and from any media, engage in public debate and campaigns, criticise politicians and express diverse or dissenting viewpoints without fear of imprisonment, harassment or persecution. For any restriction of this right the burden of proof is placed on the government to demonstrate that a real, not just hypothetical, danger to national security exists. The UN Human Rights Committee, tasked with monitoring implementation of the ICCPR, has frequently rejected attempts to justify far-reaching restrictions with vague references to 'national security'.

The organization urges the NCPO to uphold Thailand's international human rights obligations on freedom of expression, which include the obligation to not unnecessarily restrict it in the name of security. This includes and is not restricted to allowing advocacy of non-violent change of government policy, or of the government, and criticism of the state and government and political opposition. Sanctioning a media outlet solely for being critical of the government can never be considered to be a necessary restriction of freedom of expression.