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Thailand: Reverse backward slide in freedom of expression

Thailand should reverse its recent backward slide in respect for freedom of expression, as illustrated by the sharp increase over the past ten months in cases under the *lese majeste* law.

In this regard, Amnesty International welcomes Prime Minister Abhisit Vejjajiva's establishment, as reported in December 2009, of a panel to scrutinise enforcement of the law.

Since April 2009, at least two Thai nationals have been convicted of *lese majeste* offences and imprisoned. Suwicha Thakhor and Darunee Chanchoenngsilapakul are serving 10- and 18-year sentences respectively—although the latter case is presently on appeal. Hundreds of other active cases of alleged *lese majeste* remain.

Thailand's *lese majeste* law prohibits any word or act which "defames, insults, or threatens the King, the Queen, the Heir-apparent, or the Regent". It supersedes the 2007 Thai Constitution in cases where they conflict, and goes beyond the permissible restrictions on freedom of expression provided for under the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party.

Many people charged under the *lese majeste* law, including Suwicha Thakhor, have also been charged under the 2007 Computer-related Crimes Act. This Act has led to a sharp increase in monitoring of the internet for *lese majeste* content: tens of thousands of websites have been blocked by the government in Thailand. This broad-ranging censorship of websites in itself constitutes a violation of the ICCPR. The Prime Minister further acknowledged in December that there were problems with the Act's enforcement.

Amnesty International is also concerned with the characterization of the *lese majeste* law by the Minister of Justice as a matter of national security, and the subsequent decision in June 2009 to hold Darunee Chanchoenngsilapakul's trial behind closed doors on that basis. National security is indeed one of the grounds set out in the ICCPR on which a state may impose limitations on freedom of expression, but it may do so only pursuant to a publicly-proclaimed state of emergency which threatens the life of the nation. This has not been done—and is not the case—in Thailand.

Amnesty International has acknowledged the nation's considerable progress—under the guidance of His Majesty the King, Bhumibol Adulyadej—in the advancement of human rights over the past several decades, making the recent roll-back in freedom of expression of even greater concern. In a speech given on the occasion of his birthday in December 2005, His Majesty the King stated that the *lese majeste* law was too strict, that its application caused harm to him as well as to Thailand, and that the lack of freedom to make fair criticism reflected poorly on the nation.

In that spirit, Amnesty International supports the Prime Minister's new initiative, and encourages the Royal Thai government to amend the *lese majeste* law so that it complies with international law and standards.

Specifically, the government should abolish the law's provision allowing any citizen to report another for alleged violation of the law. Pending this and all other necessary legislative changes, the government should suspend the use of the *lese majeste* law.

The government should also cease censorship of websites on the grounds of upholding the *lese majeste* law.

Background

According to Thailand's Office of the Judiciary, in 2008—the last year for which statistics were available—authorities prosecuted 77 cases of *lese majeste*.

In addition to the two cases above, Thai national Boonyuen Prasertying was sentenced in November 2008 to 12 years' imprisonment on *lese majeste* charges, later reduced to two years on appeal in November 2009.

Section 45 of the 2007 Constitution limits freedom of expression for purposes of "maintaining the security of State", but such limitations must comply with Thailand's obligations under the ICCPR.

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