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## **Thailand: Trial of web forum moderator jeopardizes freedom of expression**

The Thai authorities should drop all charges against human rights defender and web forum moderator Chiranuch Premchaiporn, whose trial continues this week, Amnesty International said today.

Chiranuch, the Executive Director of the online newspaper and web forum Prachatai (“Thai People”), has been accused of not removing quickly enough from the web forum a user’s comments deemed offensive to Thailand’s monarchy—a criminal offense under Thai law.

“Chiranuch should not be in the dock,” said Benjamin Zawacki, Amnesty International’s Thailand specialist. “The comments for which she is being held responsible should not be prohibited in the first place—much less when they are posted by someone else.”

She has been charged under Articles 14 and 15 of the Computer-related Crimes Act of 2007, which covers the liability of online intermediaries, including internet service providers (ISPs) and website moderators. The articles relate to supporting or consenting to an offence implicating Thailand’s national security within a computer system under one’s control.

“Chiranuch’s arrest and trial reveal how far the Thai government is willing to go toward silencing unpopular or dissident views,” said Benjamin Zawacki.

Arrested and charged in March and April 2009 for comments posted on Prachatai between April and August 2008, Chiranuch is accused of 10 different violations, each of which carries a maximum penalty of five years in prison. Prachatai estimates that in 2008, 2,500 new comments were posted each day on the site, with Chiranuch as the sole full-time moderator.

The comments in question remained on the board for between one and 20 days. The person who allegedly posted the comments was acquitted last month in a case against her.

“Chiranuch’s case is significant because it threatens to ‘shoot the messenger’ in addition to criminalizing the message,” said Benjamin Zawacki. “But it’s also just the latest in a series of attacks on freedom of expression in Thailand in recent years.”

The Ministry of Information, Communication, and Technology (MICT) announced in June 2010 that it had blocked access in Thailand to 43,908 websites on grounds that they violated the lèse majesté law and national security. A month later, Prachatai itself suspended its web forum due to concerted pressure and censorship by the government. At least five additional cases were brought in 2010 under the Computer-related Crimes Act, bringing the total to 15 since 2007.

Amnesty International has said that if Chiranuch is convicted and imprisoned, she will be a prisoner of conscience, jailed merely for exercising her “freedom to seek, receive and impart information and ideas of

all kind”, as guaranteed by the International Covenant on Civil and Political Rights.

“As Thailand has taken upon itself to respect this Covenant and this right, ‘national security’ and *lèse majesté* cannot be used as excuses for violating this right and keeping peaceful critics silent,” said Benjamin Zawacki.

## **Background**

Chiranuch Premchaiporn is the Executive Director and co-founder of Prachatai. She is also a founding member of Thai Netizen Network (TNN), a group of media activists, internet users, bloggers, and IT academics who monitor violations of freedom of expression on the internet as a result of the Computer-related Crimes Act. Chiranuch’s trial began on 4 February and is scheduled to conclude on 17 February.

In addition to this case, Chiranuch was arrested on 24 September 2010, and likewise charged under the 2007 Computer-related Crimes Act, as well as the *lèse majesté* law, for comments previously posted on Prachatai. The trial hearings on those charges have not yet begun, and she is currently free on bail.

Prachatai (“Thai People”) is an online newspaper and web forum founded in 2004 by Jon Ungpakorn, a Thai Magsaysay Award laureate. Set up in response to the curtailment of the mainstream media under the administration of then Prime Minister Thaksin Shinawatra, it has continued operating since the coup d’état which deposed him in September 2006. While its web forum remains suspended, Prachatai is still a source of news and commentary on social, political, and human rights issues in Thailand.