

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Thailand: Anniversary of activist's arrest a reminder of precarious state of freedom of expression

On the 3rd anniversary of the arrest of Somyot Prueksakasemsuk, a prisoner of conscience held under Thailand's draconian lese majeste law, Amnesty International repeats its call for his immediate and unconditional release.

The organization is also calling on the Thai authorities to protect and respect the human right to freedom of expression and to independently and thoroughly investigate threats and attacks against individuals who may have been targeted on account of their peaceful exercise of this right.

Somyot Prueksakasemsuk is a labour rights activist and the former editor of the magazine 'Voice of Taksin'. He is appealing a conviction and 11-year prison sentence for publishing two articles in the magazine deemed to be insulting to Thailand's monarchy and in violation of the country's lese-majeste law, Article 112 of the Thai Criminal Code.

Somyot Prueksakasemsuk has been continuously detained and denied bail, like many other lese majeste detainees in Thailand. He has been denied the right to bail some 15 times since his arrest, including most recently in July 2013.

During its 64th session from 27-31 August 2012, the UN Working Group on Arbitrary Detention examined Somyot Prueksakasemsuk's case and concluded that his detention is arbitrary and in violation of Article 19 of the Universal Declaration of Human Rights and Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a party. The Working Group called for his release.

The anniversary of Somyot Prueksakasemsuk's arrest on 30 April 2011 falls at a time of mounting attacks and threats against individuals who have criticized the way in which Article 112 has been applied. Amnesty International calls on the Thai authorities to initiate prompt independent and efficient investigations into these attacks.

On 23 April 2014, Kamol Duangphasuk, aka Mai Neung K. Kunthee, a poet and political activist, was shot dead by unknown gunmen. While the motive for his shooting is not known, he had been publicly campaigning for the granting of bail to lese majeste detainees.

In another example, in February 2014, unknown attackers fired shots and threw bombs at the house of a Thammasat University history professor, Somsak Jeemtearasakul, a prominent critic

of the way in which Article 112 has been applied. Worajet Pakeerat, a law professor from the same university who had called for an amendment of Article 112 and the release of prisoners held under the law, was assaulted in February 2012.

Since 2006, authorities in Thailand have increasingly used Article 112, including to silence peaceful dissent. Amnesty International has called on authorities to amend or repeal this Article because it violates Thailand's international legal obligations, in particular as a state party to ICCPR, to respect and protect the right to freedom of expression. Article 112 goes far beyond restrictions of this right permissible under the Covenant.

The Thai authorities have in recent years increased the implementation and enactment of legislation that may be used to restrict freedom of expression more than is permissible under international law. Disproportionate checks on public expression of opinions have increased.

The 2005 Emergency Decree, 2008 Internal Security Act, 2007 Computer Crimes Act and Article 112 of the Criminal Code have been used to shut down newspapers and television and radio stations, block scores of thousands of websites, imprison individuals for posting public information on websites, and hold third party web service providers criminally responsible for information posted by users of their services. Libel and defamation are offences punishable by prison sentences. Even if prosecutions are not consistently pursued, the implicit threat of imprisonment under these laws acts to create an environment of self-censorship. Amnesty International renews calls on authorities to amend these laws to conform with the government's international legal obligations.