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36 AND COUNTING

Lèse-majesté imprisonment under Thailand's
military junta

Cover photo: Musician Krit Bootdeejin is escorted by soldiers to the Royal Thai Police for questioning over his alleged involvement in the distribution of a forged statement from the Royal Household Bureau. © THANARAK KHUNTON / Bangkok Post

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Executive summary

The abuse of Thailand's draconian Article 112 of the Criminal Code (lèse-majesté) has reached alarming levels following the country's latest military coup d'état on 22 May 2014.

Since 22 May 2014, at least 36 individuals have been sentenced to prison terms under Article 112. At the time of the military takeover, six people were behind bars for lèse-majesté violations. As of 20 February 2016, there were 53 - a nearly nine-fold increase.

In the absence of a reform of Article 112, the number of lèse-majesté detainees is likely to continue to increase for many months to come. Under Thailand's ruling military junta, the National Council for Peace and Order (NCPO), a lèse-majesté investigation is nearly three times more likely to lead to criminal charges than it was prior to the coup. In the overwhelming majority of cases in which charges are filed under Article 112, trials result in prison sentences for the defendants.

The NCPO's abuse of Article 112 has led to serious human rights violations that represent a breach of Thailand's legal obligations under international human rights instruments. In this report, FIDH and UCL document these violations, which primarily concern the right to liberty, the right to a fair trial, and the right to freedom of opinion and expression.

Long pre-trial detentions and the systematic denial of bail to which many lèse-majesté defendants have been subjected are significant violations of their basic rights, including the fundamental right to liberty and the right to a fair trial. In addition, the transfer of lèse-majesté trials from civilian courts to military courts has led to a further erosion of the right to a fair trial for individuals prosecuted under Article 112.

Since the 22 May 2014 coup, nearly 75% of post-coup lèse-majesté arrests, detentions, and imprisonments have been related to the exercise of the right to freedom of opinion and expression. The deprivation of liberty that stems from these lèse-majesté prosecutions is a clear violation of Thailand's legal obligations with regard to the right to freedom of opinion and expression.

The report includes the profiles of six individuals - three men and three women - who have been sentenced to prison terms ranging from five to 30 years for lèse-majesté and lèse-majesté-related violation of the Computer Crimes Act. Their stories exemplify the range of human rights violations that authorities have committed as a result of the overzealous enforcement of Article 112.

Note: In most lèse-majesté cases documented in this report, FIDH and UCL did not provide details of the alleged offense. This is because the inflexible application of Article 112 makes a recounting of lèse-majesté allegations a violation of Article 112 as well.

Lèse-majesté in numbers

6

Number of detainees at the time of the May 2014 coup

66

Number of individuals arrested since the May 2014 coup

36

Number of individuals sentenced to prison terms since the May 2014 coup

18

Number of individuals detained awaiting trial

12

Number of individuals released after being arrested or imprisoned

53

Number of individuals behind bars

24

Lèse-majesté defendants tried and sentenced to prison terms by military courts

74%

Percentage of cases involving deprivation of liberty for the exercise of the right to freedom of expression

6%

Percentage of cases in which individuals have been released on bail pending trial

61%

Percentage of alleged lèse-majesté detainees awaiting trial who have spent at least a year behind bars

Lèse-majesté detentions reach alarming levels

"Whoever defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years." - Article 112 of the Criminal Code

The abuse of Thailand's draconian Article 112 of the Criminal Code (lèse-majesté) has reached alarming levels following the country's latest military coup d'état on 22 May 2014.

Since 22 May 2014, at least 36 individuals have been sentenced to prison terms under Article 112 (four have since been released).¹ At the time of the military takeover, six people were behind bars for lèse-majesté violations. As of 20 February 2016, there were 53 - a nearly nine-fold increase. This number includes 35 individuals serving prison terms and 18 detainees awaiting trial.

Nearly 75% of post-coup lèse-majesté arrests, detentions, and imprisonments were related to the exercise of the right to freedom of opinion and expression. In many instances, those targeted were members, supporters, or sympathizers of anti-establishment 'red shirt' groups, including a former Pheu Thai Party member or Parliament (MP).

In the absence of a reform of Article 112, the number of lèse-majesté detainees is likely to continue to increase for many months to come. Upon seizing power, the current ruling junta, the National Council for Peace and Order (NCPO), declared that the prosecution of lèse-majesté violators would be one of its top priorities.² On 7 August 2015, the junta justified the renewed impetus for lèse-majesté prosecutions by blaming the "previous administration" for "neglecting to enforce the [lèse-majesté] law properly."³ After the military coup, authorities have not only actively pursued fresh alleged lèse-majesté offenses, but also renewed inactive investigations for alleged violations of Article 112 committed before the coup and brought charges against dozens of individuals.

Of the 544 lèse-majesté cases opened nationwide between 2007 and 2015, 162 remain under investigation. Under the NCPO, police statistics show that a lèse-majesté investigation concluded in 2015 was nearly three times more likely to lead to criminal charges than it was during the period from 2007 to 2013. Between 2007 and 2013, authorities filed lèse-majesté charges in 34% of the cases for which investigations had been concluded. This percentage increased to 74% in 2014 and to 92% in 2015.⁴ Charges under Article 112 have traditionally led to trials that, in turn, have resulted in prison sentences. Due to conviction rates close to 100% in lèse-majesté trials, nearly all of the defendants made the strategic decision to plead guilty in order to obtain a significant reduction in their jail sentence.

The NCPO's abuse of Article 112 has also resulted in serious human rights violations that represent a breach of Thailand's legal obligations under international human rights instruments.

1. This number does not include cases of arrest and imprisonment under Article 112 of individuals with ties to Thailand's Crown Prince Maha Vajiralongkorn and his former wife Princess Srirasmi.

2. Khaosod English, *Prayuth Vows Tougher Crackdown On Anti-Monarchists*, 11 September 2014

3. Bangkok Post, *Government defends lese majeste sentences*, 9 August 2015

4. Royal Thai Police, *Statistics concerning investigations under Article 112 of the Criminal Code (2007-2015)*

PROFILE #1:

Mr. Pongsak Sriboonpeng

Date of birth: 12 February 1967
Prison sentence: 30 years
Place of detention: Klong Prem Prison, Bangkok



Pongsak Sriboonpeng
© Prachatai

Mr. Pongsak, a former tour guide, is serving a 30-year prison sentence after being convicted of *lèse-majesté* (Article 112 of the Criminal Code).

Pongsak is the main breadwinner of an extended family of four. Although Pongsak rarely returned to visit his hometown in Kanchanaburi Province, he would send about 5,000 baht (US\$140) to support his family every month. Despite coming from a poor family, Pongsak's love for foreign languages motivated him to become a tour guide and travel to different countries. His exposure to socio-economic conditions in other countries made him more aware of the social and economic inequalities in Thailand. Pongsak became politically active following the Thai government's deadly crackdown on 'red shirt' demonstrations in April-May 2010. He frequently used Facebook to express his political views. Prior to his arrest on 9 June 2014, Thailand's ruling military junta, the National Council for Peace and Order (NCPO), had summoned Pongsak to report himself but he failed to appear.

On 30 December 2014, a group of about 20 military personnel and police officers from the Technology Crime Suppression Division (TCSD) arrested Pongsak at a bus station in Phitsanulok Province while he was travelling from Nakhon Ratchasima to Tak Province. After the arrest, he was detained and interrogated at the Ekatosaros Military Camp in Phitsanulok Province for three nights. On 2 January 2015, while blindfolded and handcuffed, Pongsak was transported to the 11th Infantry Battalion Military Circle in Bangkok for further interrogation.

On 7 January, he was taken to the TCSD office where he was formally charged with six counts of *lèse-majesté* under Article 112 and six counts of violating Article 14 of the Computer Crimes Act for posting six messages on Facebook between 4 September 2013 and 31 December 2014. On the same day, Pongsak's lawyer petitioned for his release from detention, which the Bangkok Military Court rejected. Pongsak was then transferred to the custody of police at the Thung Song Hong Police Station in Bangkok. On the same day, Pongsak confessed to the crimes for which he had been charged at a televised press conference organized by the police. Pongsak and his family did not petition the court for his release from detention because they did not have sufficient funds to pay the bail set at 400,000 baht (US\$11,180).

On 7 August 2015, during a closed-door hearing, the Bangkok Military Court sentenced Pongsak to 60 years in prison on six counts of *lèse-majesté* – 10 years for each count. The court halved the sentence to 30 years in consideration of Pongsak's guilty plea.

Lèse-majesté taken to the extremes

The military junta's relentless persecution of alleged violators of Article 112 of the Criminal Code, coupled with the fact that anyone can file a *lèse-majesté* complaint, has created an environment in which authorities have increasingly interpreted Article 112 loosely in order to investigate, prosecute, or detain *lèse-majesté* critics and political opponents. Below are examples of such overzealous actions that authorities have taken by invoking Article 112.

Mocking the King's dog

On 8 December 2015, army personnel and police officers in Samut Prakan Province arrested Thanakorn Siriphaiboon, a 27-year-old factory worker and a member of a 'red

shirt' Facebook group.⁵ Authorities accused him of lèse-majesté for posting a Facebook message that mocked King Bhumibol Adulyadej's dog 'Thong Daeng' and for clicking 'like' on a doctored image of King Bhumibol on Facebook and sharing it online.⁶ The Bangkok Military Court rejected all of Thanakron's bail requests. As of 20 February 2016, he remained detained at the Bangkok Remand Prison.⁷

In a separate case, on 8 December 2015, army personnel in Chiang Rai filed a lèse-majesté complaint against Praphat Darasawang, the owner of a travel agency, at the Chiang Rai Police Station. The military accused Praphat of violating Article 112 of the Criminal Code for expressing dissatisfaction about King Bhumibol's praise of his dog 'Thong Daeng' in a Facebook post on 7 December 2015.⁸

Criticizing past monarchs

On 22 August 2015, it was reported that a military officer had filed a lèse-majesté complaint against renowned scholar and lèse-majesté critic Sulak Sivaraksa for his criticism of Thai monarchs Rama V and Rama VII, who ruled in the late 19th and early 20th century respectively.⁹ Sulak had made remarks on the two kings during an academic seminar held at Rangsit University, Patumthani Province, on 22 June 2015.¹⁰

On 16 October 2014, two retired army officers filed a lèse-majesté complaint at Chanasongkram Police Station against Sulak.¹¹ The two accused Sulak of violating Article 112 of the Criminal Code for criticizing the personality of King Naresuan, who ruled over the Ayutthaya Kingdom from 1590-1605, during a conference held on 5 October 2014 at Bangkok's Thammasat University.¹²

Wearing black on the King's birthday

On 7 December 2015, authorities detained Aree Klapsatien, an employee at Khon Kaen's Srinagarindra Hospital, and four of her friends at a military camp for several hours for 'attitude adjustment' in connection with a Facebook post.¹³ The five were detained after members of the '*We Love the King*' network filed two separate lèse-majesté complaints against them at the Khon Kaen and Mahasarakham police stations earlier on the same day.¹⁴ A third complaint was filed by members of the '*People who Protect the Monarchy*' group at Lumpini Police Station in Bangkok.¹⁵ They accused Aree of insulting King Bhumibol Adulyadej for posting a picture of herself and her four friends wearing black on 4 and 5 December (King Bhumibol's birthday) on a Facebook page called '*Aree red shirt*'.¹⁶

Expressing concern over lèse-majesté sentences

In early December 2015, police opened a lèse-majesté investigation against US Ambassador to Thailand Glyn Davies. The investigation was triggered by a complaint filed by a representative of a political group called '*Federation to Monitor the Thai State*' on 2 December. The complaint was based on remarks made by the US envoy at the Foreign Correspondents' Club of Thailand (FCCT) on 25 November 2015. In his FCCT address,

5. Prachatai, *Activist taken from sickbed to face lèse majesté charges*, 14 December 2015; Prachatai, *Update: Man accused of lèse majesté for mocking King's dog*, 14 December 2015

6. Prachatai, *Activist taken from sickbed to face lèse majesté charges*, 14 December 2015; Prachatai, *Update: Man accused of lèse majesté for mocking King's dog*, 14 December 2015

7. Prachatai, *Bail denied to man mocking the King's dog*, 12 February 2016

8. Prachatai, *Lèse majesté Chiang Rai FB post involves King's favorite dog "Tongdaeng"*, 9 December 2014

9. Prachatai, *Renowned royalist Sulak accused of lèse majesté*, 22 August 2015

10. Prachatai, *Renowned royalist Sulak accused of lese majeste*, 21 August 2015; Prachatai, *Thai police summon rights activist for alleged references to the King*, 2 July 2015

11. Prachatai, *Renown royalist Sulak sued for lese majeste for defaming ancient king*, 17 October 2014; Reuters, *Thai scholar faces royal insult charge over medieval king*, 20 October 2014

12. Prachatai, *Renown royalist Sulak sued for lese majeste for defaming ancient king*, 17 October 2014; Reuters, *Thai scholar faces royal insult charge over medieval king*, 20 October 2014

13. Prachatai, *3 lèse majesté complaints filed against women wearing black around King's birthday*, 10 December 2014

14. Prachatai, *3 lèse majesté complaints filed against women wearing black around King's birthday*, 10 December 2014

15. Prachatai, *Woman wearing black around King's birthday accused of lèse majesté*, 8 December 2014

16. Prachatai, *Woman wearing black around King's birthday accused of lèse majesté*, 8 December 2014

Davies expressed concern over the “unprecedented” prison sentences handed down by military courts against violators of lèse-majesté laws.¹⁷



Protesters rally outside the US embassy in Bangkok on 27 November 2015 over US ambassador Glyn Davies' comments on Thailand's lèse-majesté laws © Apichart Jinakul / Bangkok Post

Using the 'Long Live' expression

On 6 July 2014, police arrested a 52-year-old woman, Chaowanat Musikabhumi, for showing support for the US by holding a placard that read 'Long Live USA Day' in front of the US Embassy in Bangkok on 4 July - US Independence Day.¹⁸ During her interrogation at the Thai Army Club in Bangkok, military personnel told Chaowanat that by holding that placard she could face charges under Article 112 of the Criminal Code because the placard could have been considered a parody of the expression 'Long Live the King.'¹⁹

PROFILE #2:

Ms. Sasiphimon Patomwongfangam

Date of birth: 3 November 1986

Prison sentence: 28 years

Place of detention: Women's Correctional Institute, Chiang Mai



Sketch portraying Sasiphimon Patomwongfangam © Prachatai

Ms. Sasiphimon, a single mother of two primary school-aged daughters who worked as an employee in a hotel in Chiang Mai at the time of her arrest, is serving a 28-year prison sentence after being convicted of lèse-majesté (Article 112 of the Criminal Code).

Sasiphimon, who divorced her husband in 2014, lived with her mother and her two daughters in a rented house on the outskirts of Chiang Mai. Working in the same hotel as her mother, who was employed there as a cleaner, the two women earned just enough for the whole family to make ends meet.

On an early morning in late September 2014, plainclothes police officers went to Sasiphimon's home in Chiang Mai with a search warrant related to a lèse-majesté investigation. The officers seized Sasiphimon's computer and two mobile phones and took her to the police station. At the station, police showed Sasiphimon a computer screen-shot photo of Facebook messages and asked her to sign a paper to confirm that she had previously seen those messages. Sasiphimon believed that the paper she signed only acknowledged that she had seen the messages and nothing more. However, the document she signed was actually a confession that she had committed lèse-majesté for which she would be later charged (see below). Sasiphimon did not have access to a lawyer and was not informed of such right by the police.

It was not until early February 2015 that police in Chiang Mai summoned Sasiphimon to the police station to sign another document. On 13 February, Sasiphimon reported

17. Prachatai, *Royalist urges investigation of US ambassador over lèse majesté criticisms*, 4 December 2015

18. Prachatai, *Protester may face lèse majesté for holding "Long Live USA" placard on July 4th*, 8 July 2014

19. Prachatai, *Protester may face lèse majesté for holding "Long Live USA" placard on July 4th*, 8 July 2014

to the police station as instructed and the police informed her that they had charged her with *lèse-majesté* for posting six strongly-worded messages directed at the King on Facebook. The police noted that Sasiphimon had created a Facebook account using the name of another person, with whom she had a personal conflict, to post the messages.

On the same day, police took Sasiphimon to the Chiang Mai Military Court to request a pre-trial detention order. The court refused to grant Sasiphimon bail on the grounds that she was a flight risk. Sasiphimon had no access to lawyer during her initial detention. After two weeks of detention at Chiang Mai Women's Correctional Institute, police filed an additional *lèse-majesté* charge in connection with one more Facebook message allegedly posted by Sasiphimon.

On 9 June 2015, during a closed-door hearing in which the Chiang Mai Military Court formally presented the *lèse-majesté* charges, Sasiphimon proclaimed her innocence. However, on 7 August 2015, Sasiphimon decided to enter a guilty plea based on the advice from her lawyer. As a result, the court immediately sentenced Sasiphimon to 56 years in prison on seven counts of *lèse-majesté* - eight years for each count. The court then halved the sentence to 28 years in consideration of Sasiphimon's guilty plea.

Detentions violate fundamental right to liberty

The courts' continuous and systematic denial of bail to individuals accused of *lèse-majesté* is a significant obstacle to the exercise of their basic rights, including the fundamental right to liberty and the right to a fair trial. This practice contravenes Thailand's legal obligations under the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party.

Article 9(3) of the ICCPR prescribes that pre-trial detention should be an exception and should be as short as possible. In its 2011 annual report, the UN Working Group on Arbitrary Detention (UNWGAD) also established that pretrial detention should be an exceptional measure.²⁰

Only four of the 66 individuals (6%) arrested for alleged violations of Article 112 of the Criminal Code after the May 2014 coup were released on bail pending trial. Courts have regularly denied bail to *lèse-majesté* defendants by claiming that they were flight risks.



The Bangkok Criminal Court sentenced university student Akkradej Iamsuwan to two-and-a-half years in prison on 4 November 2014 for posting an internet message deemed defamatory to the monarchy. © Thanarak Khunton / Bangkok Post

The courts' argument runs counter to international human rights standards and UN jurisprudence. In its General Comment No. 35, the UN Human Rights

Committee (UNHRC) stated that detention pending trial must be based on an individualized determination that it is "reasonable and necessary in all the circumstances," for such

20. UN Human Rights Council, 11th session, *Report of the Working Group on Arbitrary Detention*, 26 December 2011; UN Doc. A/HRC/19/57 Paras. 48-58

purposes as to prevent flight, interference with evidence or the recurrence of crime. The relevant factors should not include vague and expansive standards such as "public security."²¹ The UNHRC also opined that pre-trial detention should not be ordered based on the potential sentence for a crime, rather than on a determination of necessity.²²

The courts' recurring refusal to grant bail to *lèse-majesté* defendants also compromises their right to be presumed innocent (guaranteed by Article 14(2) of the ICCPR). In addition, many *lèse-majesté* defendants have been subjected to long pre-trial detention. This violates the right to be tried without undue delay (enshrined in Articles 9(3) and 14(3)(c) of the ICCPR). As of 20 February 2016, 61% of *lèse-majesté* defendants had been detained for at least a year while awaiting trial. Twenty-eight percent had been detained for nearly six months.

The UNWGAD declared the detention of *lèse-majesté* detainees Patiwat Saraiyaem, and Pornthip Munkong arbitrary because of violations of various provisions of international human rights instruments, including Article 9(3) of the ICCPR. The UNWGAD urged the government to release the two and award them compensation.

In some cases, authorities held *lèse-majesté* defendants in incommunicado detention for several days after their arrest. This practice violates key clauses of international human rights instruments, including Article 14(2)(c) and Article 9(3). In addition, the risk of enforced disappearance, torture and other ill-treatment, and forced confessions is known to increase significantly when detainees are held incommunicado.

PROFILE #3:

Mr. Thiansutham Suthijitseranee

Date of birth: 27 November 1956

Prison sentence: 25 years (reduced to 21 years and 10 months)

Place of detention: Klong Prem Prison, Bangkok



Thiansutham Suthijitseranee
© FIDH

Mr. Thiansutham is a businessman who is serving a 21-year and 10-month prison sentence after being convicted of *lèse-majesté*.

Thiansutham graduated with a Bachelor's of Science degree in chemical engineering from a top university in Bangkok. He worked as a consultant and held management positions in several private companies as well as running his own contracting businesses. Following the 2006 military coup, Thiansutham claimed his businesses suffered as a result of the economic downturn. Despite being an active 'red shirt' supporter, Thiansutham never took part in 'red shirt' demonstrations and preferred to express his political views through Facebook.

On the morning of 18 December 2014, more than 20 military personnel and police officers from the Technology Crime Suppression Division (TCSD) arrested Thiansutham and his wife at his home in Bangkok. The police officers from the TCSD confiscated various personal belongings of Thiansutham and his wife, including laptop computers and mobile phones. The military personnel and police who raided Thiansutham's home did not produce any search or arrest warrants. A warrant for Thiansutham's arrest was not issued until 22 December 2014 by the Bangkok Military Court.

21. UN Human Rights Committee, *General comment No. 35 - Article 9 (Liberty and security of person)*, 16 December 2014; UN Doc. CCPR/C/GC/35 Para. 38

22. UN Human Rights Committee, *General comment No. 35 - Article 9 (Liberty and security of person)*, 16 December 2014; UN Doc. CCPR/C/GC/35 Para. 38

After the raid on his home, Thiansutham and his wife were taken to the 11th Infantry Battalion Military Circle in Bangkok for interrogation. Thiansutham was detained there until 22 December while his wife was released the next day. During his interrogation, Thiansutham was ordered to provide passwords to his e-mail and social network accounts. On 23 December, Thiansutham was remanded to the custody of the police for two days. On 25 December, the Bangkok Military Court ordered Thiansutham's transfer to the Bangkok Remand Prison. Subsequent to the transfer, Thiansutham petitioned the Bangkok Military Court for bail on four separate occasions (25 December 2014; 5, 16, and 18 January 2015). However, the court rejected all requests for bail reasoning that Thiansutham was a flight risk.

Thiansutham was charged with *lèse-majesté* in connection with the posting of five messages on Facebook between 25 July 2014 and early November 2014, which authorities deemed to be offensive to the monarchy. One of the messages contained criticism of King Bhumibol Adulyadej's efforts to promote a sufficiency economy and compared the Thai and Bhutanese monarchies. Two other messages were interpreted as a reference to the involvement of the monarchy in Thai politics and speculation about the death of King Bhumibol respectively.

On 31 March 2015, during a closed-door hearing, the Bangkok Military Court sentenced Thiansutham to 50 years in prison on five counts of *lèse-majesté* - 10 years for each count. The court halved the sentence to 25 years in consideration of Thiansutham's guilty plea.

On 2 April 2015, Thiansutham's prison sentence was reduced to 21 years and 10 months as a result of a commutation of sentence granted on the occasion of Princess Maha Chakri Sirindhorn's 60th birthday.

Right to fair trial severely compromised

The May 2014 military overthrow of a democratically-elected government has led to a further erosion of the right to a fair trial for individuals prosecuted under Article 112 of the Criminal Code. The military junta's measures run counter to international human rights standards for fair trials, including those enshrined in the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party.

In many cases, alleged *lèse-majesté* defendants have been denied basic guarantees relating to the right to a fair trial. These include cases in which defendants were not given adequate time for the preparation of their defense (as stipulated by Article 14(3)(b) of the ICCPR, or were not allowed to receive legal assistance at all stages of the proceedings (as guaranteed by Article 14(3)(a) and (d) of the ICCPR).²³

However, the development that has severely compromised the rights of *lèse-majesté* defendants to a fair trial has been the transfer of their trials from civilian courts to military courts. This measure has resulted in serious violations of Article 14(1) of the ICCPR, which states that everyone has the right to a "fair and public hearing by a competent, independent and impartial tribunal."

Military courts take over

As a result of the Thai Army's declaration of martial law on 20 May 2014 and the National Council for Peace and Order's (NCPO's) issuance of Announcement 37/2014 on 25 May 2014, military courts assumed jurisdiction over *lèse-majesté* cases for offenses committed from 25 May 2014. Despite the revocation of martial law on 1 April 2015, the replacing decree, NCPO Order 3/2015, prescribed that military courts continued to

23. See below, PROFILE #5: Ms. Chayapha Chokepornbudstri

have jurisdiction over lèse-majesté cases. Since the coup, military courts have tried and sentenced 24 lèse-majesté defendants to prison terms.

In many cases, the jurisdiction of military courts has been retroactively applied to alleged lèse-majesté offenses that occurred prior to 25 May 2014. For example, many lèse-majesté cases that involved disseminating information and expressing opinions through online media have fallen under the jurisdiction of military courts even if those acts were initially committed before 25 May 2014 but the content remained available on the Internet after that date.²⁴

On 20 January 2016, the Court Jurisdiction Committee (CJC), a body tasked with resolving conflicts of jurisdiction between courts, ruled that the Bangkok Military Court had jurisdiction over the lèse-majesté case involving former blogger Siraphop Komarut.²⁵ The court justified the decision by saying that the alleged lèse-majesté content posted by Siraphop was still online after 25 May 2014.²⁶ Siraphop challenged the military court's jurisdiction under Article 10 of the 1999 Court Jurisdiction Act and requested his case be tried by a civilian court.²⁷ In September 2015, the Bangkok criminal court ruled it had jurisdiction over Siraphop's case.²⁸

International human rights standards and UN jurisprudence unequivocally state that military tribunals are not competent to prosecute civilians. Principle 5 of the Principles Governing the Administration of Justice through Military Tribunals states that "military courts should, in principle, have no jurisdiction to try civilians" and that "in all circumstances, the State shall ensure that civilians accused of a criminal offence of any nature are tried by civilian courts." In addition, Principle 2 states that military courts "must in all circumstances apply standards and procedures internationally recognized as guarantees of a fair trial."

The UN Human Rights Committee (UNHRC) declared that "the jurisdiction of military tribunals is restricted to offences of a strictly military nature committed by military personnel."²⁹ In addition, in its General Comment No. 13, the UNHRC stated that the use of military courts to try civilians should be "very exceptional" and take place under conditions which "genuinely afford the full guarantees stipulated in Article 14" of the ICCPR.³⁰

Courts lack independence

With regard to the issue of independence, Thai military courts are not independent from the executive branch of government. Military courts are units of the Ministry of Defense, and military judges are appointed by the Army Commander-in-Chief and the Minister of Defense.³¹ Military judges also lack adequate legal training. Thai lower military courts consist of panels of three judges, and only one of them has legal training. The other two are commissioned military officers who sit on the panels as representatives of their commanders.³²

Right to appeal denied

Under military rule, many individuals prosecuted under Article 112 of the Criminal Code have been deprived of their fundamental right to appeal their lèse-majesté convictions.

24. ILaw, *A Forceful Attempt to have Article 112 Cases Tried in the Military Court*, 25 September 2014

25. Prachatai, *Jurisdiction dispute settled, military court gets to try lèse majesté case*, 21 January 2016

26. Prachatai, *Jurisdiction dispute settled, military court gets to try lèse majesté case*, 21 January 2016

27. Prachatai, *Jurisdiction dispute settled, military court gets to try lèse majesté case*, 21 January 2016

28. Prachatai, *Jurisdiction dispute settled, military court gets to try lèse majesté case*, 21 January 2016

29. UNCHR, 62nd session, *Principles Governing the Administration of Justice Through Military Tribunals - Principle No. 5: Jurisdiction of military courts to try civilians*, 13 January 2006, UN Doc. E/CN.4/2006/58

30. UNHRC, 21st session, *ICCPR General Comment No. 13: Article 14 (Administration of Justice)*, 13 April 1984, UN Doc. HRI/GEN/1/Rev.1 Para. 4

31. TLHR, *Martial Law and the Military Court: Civil and Political Rights in Thailand (22 May 2014-15 January 2015)*, 2 February 2015

32. TLHR, *Martial Law and the Military Court: Civil and Political Rights in Thailand (22 May 2014-15 January 2015)*, 2 February 2015

Article 14(5) of the ICCPR prescribes that everyone convicted of a crime has the right “to his conviction and sentence being reviewed by a higher tribunal.” However, individuals who allegedly committed *lèse-majesté* offenses between 25 May 2014 and 31 March 2015 have no right to appeal a decision made by a military court as a result of the declaration of martial law and in accordance with Article 61 of the 1955 Military Court Act.

The revocation of martial law on 1 April reinstated the right to appeal a *lèse-majesté* conviction to higher military courts for offenses committed after that date, in accordance with the provisions of the 1955 Military Court Act. However, concerns over the lack of other elements of the right to a fair trial (a “fair and public hearing by a competent, independent and impartial tribunal”) remain.

Secret trials

With regard to the right to a “public hearing”, *lèse-majesté* trials in military courts have been characterized by a lack of transparency. While civilian courts have rarely held *lèse-majesté* proceedings *in camera*, this has become a regular feature of *lèse-majesté* trials before military courts.

Military courts have held many *lèse-majesté* trials behind closed doors. Military judges routinely barred the public, including observers from international human rights organizations and foreign diplomatic missions, from entry into the courtroom.³³ On numerous occasions, military courts claimed that closed-door proceedings were necessary because *lèse-majesté* trials were a matter of “national security” and could “affect public morale.”³⁴

Military courts impose harsher jail sentences

The disparity in the treatment of *lèse-majesté* defendants between military courts and civilian tribunals is also confirmed by the length of sentences imposed. Compared to civilian courts, military courts have handed down harsher prison sentences to individuals convicted of *lèse-majesté*. Since the May 2014 coup, military courts have sentenced *lèse-majesté* violators to an average of seven years and nine months per *lèse-majesté* count compared to five years and four months imposed by civilian courts.

PROFILE #4:

Mr. Prutnarin Thanabaribunsuk

Date of birth: 8 October 1986

Prison sentence: 15 years (reduced to 12 years)

Place of detention: Ubon Ratchathani Prison



Prutnarin Thanabaribunsuk © FIDH

Mr. Prutnarin, a musician from Ubon Ratchathani, is serving a 12-year prison sentence after being convicted of *lèse-majesté* (Article 112 of the Criminal Code) and a *lèse-majesté*-related violation of Article 14(3) of the Computer Crimes Act.

Prutnarin graduated with a High School Vocational Certificate with a specialization in

33. Nation, *Concerns over trying civilians in military court*, 30 October 2014; TLHR, “Opas” sentenced to 3 years for *lèse-majesté* scribble on a wall, 16 October 2015; Bangkok Post, *Military court jails man for 25 years over lese majeste*, 1 April 2015

34. Prachatai, *Military Court secretly tries lese majeste cases*, 21 October 2014; Prachatai, *Court rules to try another lese majeste case in secret*, 1 December 2014; Prachatai, *Military court gives red shirt 25 years in jail for posting lese majeste on FB*, 30 March 2015; Prachatai, *Military court sets new record on lese majeste sentence; man gets 30 years behind bars*, 7 August 2015; Prachatai, *Elderly man gets additional 18 months for lese majeste messages in restroom*, 16 October 2015; Prachatai, *Military court sends elderly man to 4 years in jail over lese majeste audio clips*, 29 December 2015

Computer Business. He earned his living through running a game server for a short while before his friend asked him to join a band to perform at a local nightclub. During weekdays, Prutnarin and his older sister lived with his father who worked as a high school music teacher in Ubon Ratchathani Province. On weekends, they all would stay with his mother, who ran a coffee stall at home in a district further North in the province.

Prutnarin became interested in politics after attending a 'red shirt' rock concert in Ubon Ratchathani in 2009. After that, Prutnarin started chatting about politics online and frequently used Facebook to express his political opinions.

On the morning of 16 March 2012, dozens of police officers from the Ubon Ratchathani Police Station and the Technology Crime Suppression Division arrested Prutnarin at his home in Ubon Ratchathani. Police officers ordered him to provide the passwords for his Facebook accounts and confiscated his laptop computer and internet card. Due to fear and unaware of his right to have access to a lawyer, Prutnarin confessed to the crimes for which he was being accused (see below).

On the same day, police took Prutnarin to the Ubon Ratchathani Police Station for further interrogation. Police asked him to sign a document in which he confessed to all the charges Prutnarin signed the document fearing that if he had not signed the document, police would not release him. Prutnarin was not permitted to make any phone calls. Prutnarin's parents went to look for him at the police station but they were told that Prutnarin had been transferred to the Ubon Ratchathani Prison when, in fact, he was still at the police station. Prutnarin was detained at the Ubon Ratchathani Police Station for one night before the police brought him to appear before the Ubon Ratchathani Provincial Court to request a pre-trial detention order. However, the court authorized Prutnarin's release upon payment of 100,000-baht (US\$2,795) bail.

In early June 2012, Prutnarin went into hiding for nearly a year before he decided to become a Buddhist monk in March 2014. On 8 June 2014, Thailand's military junta, the National Council for Peace and Order (NCPO) summoned Prutnarin to report himself at the Army Club in Bangkok. Prutnarin, still in his Buddhist robe, went to report himself on 13 June. At the Army Club, Prutnarin learned that the Ubon Ratchathani Provincial Court had issued an arrest warrant on charges of *lèse-majesté*. He was detained for one night at an unidentified military base before being transported back to Ubon Ratchathani to face charges under Article 112 of the Criminal Code and Article 14(3) of the Computer Crimes Act. Prutnarin was then transported to the Ubon Ratchathani Police Station on 14 June 2014 and was detained there for two nights. On 16 June 2014, the public prosecutor filed the charges against Prutnarin and, on 17 June, the Ubon Ratchathani Provincial Court rejected Prutnarin's bail request on the grounds that he was a flight risk.

On 31 July 2014, the Ubon Ratchathani Provincial Court sentenced him to 27 years in prison on nine counts of *lèse-majesté* and three years on nine counts of violating Article 14(3) of the Computer Crimes Act for posting nine messages and altered images that authorities deemed to be offensive to the monarchy on Facebook between 5 July 2011 and 8 March 2012. The court halved the 30-year sentence to 15 years in consideration of Prutnarin's guilty plea.

On 2 April 2015, Prutnarin's prison sentence was reduced to 12 years as a result of a commutation of sentence granted on the occasion of Princess Maha Chakri Sirindhorn's 60th birthday.

Curbs to freedom of expression violate international law

Since the 22 May 2014 coup, nearly 75% of post-coup *lèse-majesté* arrests, detentions, and imprisonments have been related to the exercise of the right to freedom of opinion and

expression. The deprivation of liberty that stems from these lèse-majesté prosecutions is a clear violation of Thailand's obligations under international law with regard to the right to freedom of opinion and expression.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) states that everyone has the right to hold opinions without interference and the right to freedom of expression. Freedom of expression includes the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Article 19 provides that restrictions to these rights must conform to the strict tests of necessity and proportionality. In its General Comment No. 34, the UN Human Rights Committee (UNHRC) emphasized that "the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties." The UNHRC specifically expressed concern regarding lèse-majesté laws and said that states parties to the ICCPR should not prohibit criticism of institutions.³⁵ The UNHRC also opined that defamation laws must be "crafted with care" to ensure that they do not stifle freedom of expression and that imprisonment "is never an appropriate penalty" for the violation of these laws.³⁶

Golf and Bank: Imprisoned for acting

The imprisonment of two theater activists on lèse-majesté charges in February 2015 clearly illustrates the abuse of Article 112 of the Criminal Code under Thailand's military junta and totally disregards the country's international legal obligations.



Patiwat Saraiyaem, left, and Pornthip Munkong, right, arrive to hear the Bangkok criminal court ruling on lèse-majesté charges. © Thanarak Khunton / Bangkok Post

On 23 February 2015, the Bangkok Criminal Court sentenced Pornthip Munkong aka Golf and Patiwat Saraiyaem aka Bank to two and half years in prison under Article 112.³⁷ Both Golf and Bank

were found guilty of lèse-majesté for performing in a political play called *Jao Sao Maa Paa* ["Wolf's bride"]. The play was staged at Bangkok's Thammasat University on 13 October 2013 and was part of the commemoration activities for the 40th anniversary of the 14 October 1973 student uprising against the military dictatorship of Field Marshal Thanom Kittikachorn. The play, which centered on a fictional monarchy, was deemed to have insulted King Bhumibol Adulyadej.³⁸

The incarceration of Golf and Bank contravenes Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of opinion and

35. UN Human Rights Committee, 102nd session, *General comment No. 34 - Article 19: Freedoms of opinion and expression*, 12 September 2011, UN Doc. CCPR/C/GC/34 Para. 38

36. UN Human Rights Committee, 102nd session, *General comment No. 34 - Article 19: Freedoms of opinion and expression*, 12 September 2011, UN Doc. CCPR/C/GC/34 Para. 47

37. Prachatai, *Court sentences theater activists to 5 years in jail for lese majeste*, 23 February 2015

38. Prachatai, *Court sentences theater activists to 5 years in jail for lese majeste*, 23 February 2015

expression, and Article 15 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which guarantees the right to take part in cultural life. Thailand is a state party to both the ICCPR and the ICESCR.

Golf and Bank have been detained since their arrest in mid-August 2014.³⁹ The UN Working Group on Arbitrary Detention (UNWGAD) has declared their detention arbitrary and has called on the Thai government to release them and award them compensation.⁴⁰

While the deprivation of liberty for the exercise of the right to freedom of opinion and expression is arguably the most disturbing consequence of the abuse of Article 112 of the Criminal Code, the junta has also intensified restrictions on the free flow of information concerning the Thai monarchy.

Authorities have systematically banned books, prevented public discussions, and suppressed any other type of information or dialogue that is considered critical of the Thai royal family. These curbs have eliminated any space for debate over the royal institution and the reform of Article 112.

On 4 August 2014, the state-controlled media regulator National Broadcasting and Telecommunications Commission (NBTC) fined the *Thai Public Broadcasting System* (PBS) 50,000 baht (US\$1,397) for its TV series of talk shows in March of 2013 about the role of the Thai royal family in Thailand's modern history.⁴¹ The NBTC deemed that the episodes violated Article 37 of the 2008 Broadcasting Act, which prohibits dissemination of content that leads to "the overthrow of the constitutional monarchy system of government, or affects national security, public order and morality."⁴²

On 12 November 2014, authorities banned *A Kingdom in Crisis*, a book written by British journalist Andrew McGregor Marshall.⁴³ The book refers to the Thai royal family and the issue of King Bhumibol Adulyadej's succession in the context of Thailand's ongoing political crisis.⁴⁴ In banning the book, authorities relied on the 2007 Publishing Act, which allows authorities to outlaw any book that defames the King.⁴⁵ Those who possess or distribute the book can face up to three years in jail and a fine of 60,000 baht (US\$1,677).⁴⁶

In January and February 2015, the military repeatedly harassed members of the B-Floor Theatre Group because their show *Bang La Merd* [*District of violations*] contained references to Article 112.⁴⁷ *Bang La Merd*, a solo theater performance by actress Ornanong Thaisriwong, illustrated rights violations in Thai society, particularly in relation to freedom of expression and the pervasive restrictions under the military junta. On 20 January 2015, military personnel demanded that the show organizers seek permission from the authorities to stage the performance.⁴⁸ The show was eventually allowed to go on. However, plainclothes military personnel were present during most of the 19 nights of the performance to video record the actors and the audience.⁴⁹

On 17 June 2015, the ruling military junta, the National Council for Peace and Order

39. Prachatai, *Prosecutors file lese majeste charges against the Wolf Bride actor*, 24 October 2014

40. UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its seventy-first session, 17–21 November 2014 - No.41/2014 (Thailand)*, 22 January 2015, UN Doc. A/HRC/WGAD/2014; UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fourth session, 30 November–4 December 2015 – Opinion No.43/2015 (Thailand) concerning Pornthip Munkong*, 15 January 2016, UN Doc. UN Doc. A/HRC/WGAD/2015

41. Khaosod English, *State TV fined for airing monarchy debate*, 4 August 2014

42. Khaosod English, *State TV fined for airing monarchy debate*, 4 August 2014

43. Prachatai, *Thai police ban Andrew Marshall's book on Thai monarchy*, 12 November 2014

44. Prachatai, *Thai police ban Andrew Marshall's book on Thai monarchy*, 12 November 2014

45. Prachatai, *Thai police ban Andrew Marshall's book on Thai monarchy*, 12 November 2014

46. Prachatai, *Thai police ban Andrew Marshall's book on Thai monarchy*, 12 November 2014

47. Asian Correspondent, *Thailand's junta targets acclaimed theatre production*, 2 February 2015

48. Asian Correspondent, *Thailand's junta targets acclaimed theatre production*, 2 February 2015

49. Asian Correspondent, *Thailand's junta targets acclaimed theatre production*, 2 February 2015

(NCPO) forced the Foreign Correspondents' Club of Thailand (FCCT) in Bangkok to cancel a planned panel discussion on Article 112.⁵⁰ Police informed FCCT representatives that soldiers would seal off access to the venue if organizers went ahead with the event.⁵¹ Police claimed the panel discussion would "sow disunity in Thai society, and encourage people to break the law and stir up unrest."⁵²

At least one journalist reporting on the issue of *lèse-majesté* has been subjected to intimidation and harassment. On 22 October 2015, an unidentified NCPO official called Prachatai reporter Thaweeporn Kummetha aka Am on her cellphone and summoned her for questioning in connection with an article that Prachatai had published on 21 October.⁵³ The Thai language article, written by Am, had accompanied an infographic that listed possible actions that authorities deemed illegal under Article 112. On 27 October, Am voluntarily reported to the Thai Army's Signal Department in Bangkok.⁵⁴ During a meeting with various government representatives, police officers, and military personnel, Am was questioned about the content of the article and the infographic. In addition, a senior military officer warned her that the authorities would continue to monitor her activities.⁵⁵

After the May 2014 coup, foreign journalists have had to undergo a more rigorous screening process that involves interviews in during which officials from the Thai Ministry of Foreign Affairs tested the reporters' opinions on sensitive issues, including the Thai monarchy.⁵⁶ Since the coup, authorities have denied legal working status and press credentials to five journalists.⁵⁷ On 18 February 2016, the Ministry of Foreign Affairs issued a press release that outlined new visa guidelines for foreign journalists.⁵⁸ According to the new guidelines, authorities will have the power to deny visas to reporters whose work or behavior is deemed "constituting any disruption to public order or to the security of the kingdom."⁵⁹

The junta's harassment of journalists, artists, and media outlets has resulted in widespread self-censorship. On 22 September 2015, the company that printed the *International New York Times* in Thailand refused to print the local edition of the newspaper because it featured a front page article on the health of ailing King Bhumibol Adulyadej.⁶⁰ The printer deemed the article "too sensitive to print."⁶¹

On 1 December 2015, the same printing company removed a story from the Thai edition of the *International New York Times* that touched briefly on the concerns over the succession of King Bhumibol.⁶² The article, which the printer considered "inappropriate," was replaced by blank spaces, including on the front page.⁶³

On 4 December 2015, the Thai edition of the *International New York Times* appeared with a blank space instead of an editorial that called for greater transparency at the Crown Property Bureau, the agency that controls the Thai monarchy's assets.⁶⁴ The printing company decided the piece was too "sensitive" to be published.⁶⁵

50. FCCT, *Statement by the FCCT on the NCPO's order to cancel a discussion on the lèse majesté law*, 15 June 2015

51. Khaosod English, *Lèse Majeste Discussion Blocked by Junta: FCCT*, 15 June 2015

52. FCCT, *Statement by the FCCT on the NCPO's order to cancel a discussion on the lèse majesté law*, 15 June 2015

53. FIDH, *Thailand: Intimidation and judicial harassment of Ms. Thaweeporn Kummetha*, 9 November 2015

54. FIDH, *Thailand: Intimidation and judicial harassment of Ms. Thaweeporn Kummetha*, 9 November 2015

55. FIDH, *Thailand: Intimidation and judicial harassment of Ms. Thaweeporn Kummetha*, 9 November 2015

56. Khaosod English, *Longtime Political Cartoonist 'Stephff' Loses Work Permit & Visa*, 2 February 2016; Bangkok Post, *Regime clamps down on foreign jourmos*, 4 February 2016

57. Khaosod English, *Longtime Political Cartoonist 'Stephff' Loses Work Permit & Visa*, 2 February 2016

58. CPJ, *Thailand tightens visa requirements for foreign reporters*, 19 February 2016

59. CPJ, *Thailand tightens visa requirements for foreign reporters*, 19 February 2016

60. AFP, *No NYT edition in Thailand after article on king's health*, 22 September 2015

61. AFP, *No NYT edition in Thailand after article on king's health*, 22 September 2015; AP, *International NY Times blocked in Thailand over king article*, 22 September 2015

62. AFP, *Blank spaces replace NYT article on flagging Thai economy*, 1 December 2015

63. AP, *Int'l NY Times' Thai printer refuses to run front-page story*, 1 December 2015

64. Reuters, *The New York Times got censored in Thailand because of this occasion*, 5 December 2015

65. Reuters, *The New York Times got censored in Thailand because of this occasion*, 5 December 2015

On 15 December 2015, the printer again removed an article from the Thai edition of the *International New York Times* and replaced it with a blank space.⁶⁶ The story reported on the lèse-majesté charges that police had filed against a factory worker for allegedly mocking King Bhumibol's dog on Facebook (See above, *Lèse-majesté taken to the extremes*).⁶⁷



This combination of pictures made on 1 December 2015 shows the front page of the Asia edition of the *International New York Times* (L) and the same edition printed in Bangkok (R) where an article (bottom C) on Thailand was removed by the local printer and replaced by the text "The article in this space was removed by our printer in Thailand. The *International New York Times* and its editorial staff had no role in its removal." © AFP

The English-language weekly magazine *Economist* decided not to distribute its print issues in Thailand for the week of 31 January 2015 because it contained an article that referred to the authorities' overzealous enforcement of Article 112.⁶⁸ In August 2014, the publisher of the *Matichon Weekly* decided to halt distribution of the magazine's issue for the week of 15-21 August over possible lèse-majesté content.⁶⁹

The website of the English language daily newspaper *Bangkok Post* regularly prevents viewers to post comments to news stories that refer to the Thai monarchy. A message at the bottom of these stories reads: "The discussion board on this article has been turned off, because commenting on the above issue may cause legal dispute."

Under the military junta, authorities have also stepped up efforts to censor online content that is considered offensive to the monarchy.

On 16 December 2014, Information and Communication Technology Minister Pornchai Rujiprapa said that the Ministry had blocked about 1,200 websites that allegedly defamed the monarchy since the coup.⁷⁰ Between 5 January and 10 March 2015, the government's Technology Crime Suppression Division (TCSD) blocked an additional 510 URLs (including pages from Facebook, YouTube, blogs, and web boards) because their content was deemed to violate Article 112.⁷¹ On 24 April 2015, police said they shut down 25,069 websites that allegedly disseminated lèse-majesté content.⁷² In early September 2015, the Army's Internal Security Operations Command (ISOC) said that authorities had blocked an additional 143 websites (for a total of 3,426 pages) that had been found to carry lèse-majesté content.⁷³

66. Prachatai, *Another Intl NYT article removed by Thai publisher*, 15 December 2015

67. Prachatai, *Another Intl NYT article removed by Thai publisher*, 15 December 2015

68. Prachatai, *Economist not published in Thailand due to lese majeste*, 30 January 2015

69. Prachatai, *Matichon Weekly stops distribution for fear of lese majeste*, 15 August 2014

70. Prachatai, *Thai authority boasts blocking 1,200 alleged lese majeste websites*, 17 December 2014

71. Bangkok Post, *Lese majeste fight goes online*, 16 March 2015

72. Prachatai, *Thai police say more than 200 lese majeste cases closed in 6 months*, 26 April 2015

73. Bangkok Post, *143 websites with lese majeste content blocked*, 7 September 2015

In February 2015, the Secretary-General of Thailand's National Broadcasting and Telecommunications Commission (NBTC), said NBTC had asked Facebook, YouTube, and messenger application LINE to remove content critical of the Thai monarchy.⁷⁴

The NCPO also pursued the legalization of pervasive controls over electronic communications. In early January 2015, the NCPO approved a draft Cyber Security Bill. The proposed legislation envisions the establishment of a government-run committee responsible for detecting and responding to online threats to national security and stability.⁷⁵ The committee would have the authority to access information on personal computers, mobile phones, and other electronic devices without a court order.⁷⁶ The bill will have to be discussed and acted upon by the junta-appointed National Legislative Assembly (NLA). NCPO head General Prayuth Chan-ocha indicated that one of the objectives of the Cyber Security Bill was to crackdown on online *lèse-majesté* content.⁷⁷

PROFILE #5:

Ms. Chayapha Chokepornbudsri

Date of birth: 11 November 1966

Prison sentence: Nine years and six months

Place of detention: Central Women's Correctional Institute, Bangkok



Chayapha Chokepornbudsri
© FIDH

Ms. Chayapha, a single mother of one young adult son who was working as an accountant for a private company at the time of her arrest, is serving a nine-and-a-half-year prison sentence after being convicted of *lèse-majesté* and sedition (Articles 112 and 116 of the Criminal Code respectively).

Chayapha and her husband, an air conditioner repairer, divorced in 2005. Chayapha was a supporter of former Prime Minister Thaksin Shinawatra. After Thaksin's ouster in a military coup in 2006, Chayapha became politically active and frequently used Facebook to express her political views.

On 19 June 2015, early in the morning, a group of military personnel from the 2nd Infantry Division and police officers from the Technology Crime Suppression Division (TCSD) arrested Chayapha at her house in Samut Prakan Province while she was preparing to go to work. Officers searched her house, confiscated her laptop computer and mobile phone, and took her to the 11th Infantry Battalion Military Circle in Bangkok. She was detained there for five days before being remanded to the custody of the police.

At the time of Chayapha's arrest, no arrest warrant was produced. The Bangkok Military Court issued an arrest warrant on 22 June 2015 - three days after Chayapha had been taken into military custody. On 23 June 2015, Chayapha was remanded to police from the TCSD and was charged with violating the provisions of Articles 112 and 116 of the Criminal Code. On 24 June 2015, Chayapha appeared at a televised press conference organized by the police, confessing to the crimes for which she had been charged. On 25 June 2015, Chayapha was transferred to the Bangkok Military Court, which rejected her request for bail on the grounds that she was a potential flight risk. Throughout her initial detention period, she had no access to a lawyer. Chayapha claimed that while in military custody, army personnel threatened that she could face a harsher prison sentence if she sought access to legal counsel.

74. Straits Times, *Thailand agency defends mass cyber surveillance*, 12 February 2015

75. Khaosod English, *Thai Internet Freedom Threatened by Junta's New Bill, NGO Warns*, 22 January 2015

76. Committee to Protect Journalists, *Cyber security bill threatens media freedom in Thailand*, 22 January 2015

77. Prachatai, *Junta leader admits controversial digital economy bills target lese majeste*, 22 January 2015

Chayapha was charged with two counts of *lèse-majesté* for posting two messages on Facebook on 10 and 11 June 2015 respectively, which authorities interpreted as a reference to the involvement of the Thai royal family in Thai politics. In addition, Chayapha was charged with three counts of sedition for posting three messages on Facebook on 11 and 12 June 2015, which authorities interpreted as a suggestion that a military counter-coup was underway against the junta led by General Prayuth Chan-ocha.

On 15 December 2015, Chayapha was taken to the Bangkok Military Court for a closed-door trial. Neither Chayapha nor her lawyer were given sufficient notice about the court hearing. Without a lawyer representing her in court, Chayapha decided to plead guilty to the charges. As a result, the court immediately sentenced her to 10 years in prison on two counts of *lèse-majesté* and nine years in prison on three counts of sedition. The court halved the 19-year sentence to nine and a half years in consideration of Chayapha's guilty plea.

UN speaks: Amend Article 112, free *lèse-majesté* detainees

In the last several years, numerous UN bodies and special procedures have publicly expressed concern over the prosecutions, the prolonged detention, and the lengthy prison sentences imposed under Article 112 of Thailand's Criminal Code. They have also repeatedly called for the amendment of Article 112 and the release of *lèse-majesté* detainees.



Bangkok's Thammasat University students take part in a protest against the executive committee's restriction on the use of its campus grounds for political campaigns over amendments to Article 112 of the Criminal Code. © Thiti Wannamontha / Bangkok Post

- **10 June 2011:** UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Frank La Rue and UN Special Rapporteur on the situation of human rights defenders Margaret Sekaggya sent a joint

urgent appeal to the Thai government raising concerns about several *lèse-majesté* cases, including that of *lèse-majesté* detainee Somyot Phruksakasemsuk. The two rapporteurs also expressed concern that there was a marked increase in individuals being prosecuted under Article 112 of the Criminal Code. They said the harassment faced by these individuals and the harsh prison sentences handed down exerted a chilling effect on freedom of expression throughout Thai society.⁷⁸

- **10 October 2011:** UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Frank La Rue called on the Thai government to hold "broad-based public consultations" to amend Article 112 of the Criminal Code to bring it in conformity with Thailand's international human rights obligations.⁷⁹
- **9 December 2011:** The UN Office of the High Commissioner for Human Rights (UNOHCHR) expressed concern over ongoing trials and "disproportionate prison

78. UNOHCHR, *UA G/SO 214 (67-17) G/SO 214 (107-9) THA 5/2011*, 10 June 2011

79. UNOHCHR, *Thailand / Freedom of expression: UN expert recommends amendment of lèse majesté laws*, 10 October 2011

sentences" of people convicted of lèse-majesté. The UNOHCHR said harsh criminal sanctions prescribed for lèse-majesté offenders violated Thailand's international human rights obligations. It also expressed concern over the extended pre-trial detention periods to which persons accused of lèse-majesté were being subjected. The UN rights body urged Thai authorities to amend lèse-majesté laws and issue instructions to the police and public prosecutors to cease the arrest and prosecution of individuals under such laws.⁸⁰

- **20 December 2011:** Three UN Special Rapporteurs and the UN Working Group on Arbitrary Detention (UNWGAD) Chair urged the Thai government to guarantee that Somyot Phruksakasemsuk would not be deprived of his rights to liberty and fair proceedings before an independent and impartial tribunal.⁸¹
- **30 August 2012:** The UNWGAD determined that Somyot Phruksakasemsuk's detention was arbitrary. The UNWGAD called on the Thai government to release Somyot and accord him an "enforceable right to compensation."⁸²
- **23 January 2013:** UN High Commissioner for Human Rights Navi Pillay expressed concern over the conviction and "extremely harsh sentencing" of Somyot Phruksakasemsuk, which she said sent the wrong signals on freedom of expression in Thailand. Pillay said the court's decision was the latest indication of a disturbing trend in which lèse-majesté charges were being used for political purposes.⁸³
- **19 August 2014:** The UNOHCHR expressed concern over the prosecution and harsh sentencing of individuals under Article 112 of the Criminal Code. The UNOHCHR said that the threat of the use of Article 112 risked curbing "critical debate on issues of public interest."⁸⁴
- **23 September 2014:** The UNOHCHR voiced its disappointment over the Court of Appeals' ruling that upheld the conviction of Somyot Phruksakasemsuk. The UNOHCHR reiterated its call to the military junta to "restore space for free expression and public dialogue, in line with Thailand's international human rights obligations."⁸⁵
- **19 November 2014:** The UNWGAD determined that lèse-majesté detainee Patiwat Saraiyaem's detention was arbitrary. The UNWGAD called on the Thai government to immediately release Patiwat and accord him an "enforceable right to reparation."⁸⁶
- **8 December 2014:** In an urgent appeal sent to the Thai government concerning 21 cases of individuals charged, detained, or imprisoned under Article 112 of the Criminal Code, five UN Special Rapporteurs and the UNWGAD Chair expressed "grave concern" over the charges, detention, and disproportionate sentences imposed under Articles 112 for the legitimate exercise of the right to freedom of opinion and expression. The UN experts were also concerned over the recurrent denial of release on bail and the trials of civilians by military courts in lèse-majesté cases. The six called on the Thai government to "take all necessary measures" to repeal or amend Article 112 and bring

80. UNOHCHR, *Press briefing note on Bahrain and Thailand*, 9 December 2011

81. UNOHCHR, *Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders - A G/SO 218/2 G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (3-3-16) THA 9/2011*, 20 December 2011

82. UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fourth session, 27–31 August 2012 - No. 35/2012 (Thailand)*, 23 November 2012, UN Doc. A/HRC/WGAD/2012/35

83. UNOHCHR, *Conviction of Thai editor undermines freedom of expression: Pillay*, 23 January 2013

84. UNOHCHR, *Press briefing note on Thailand and Maldives*, 19 August 2014

85. UN News Center, *UN rights office disappointed as Thai court upholds conviction on insulting monarchy*, 23 September 2014

86. UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its seventy-first session, 17– 21 November 2014 - No.41/2014 (Thailand)*, 22 January 2015, UN Doc. A/HRC/WGAD/2014

it in conformity with international human rights law and standards.⁸⁷

- **1 April 2015:** UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression David Kaye expressed concern over the increasing arrests and detentions under Article 112 of the Criminal Code and called for an end to the criminalization of dissenting opinions.⁸⁸
- **22 June 2015:** After a review of Thailand's report in early June 2015, the UN Committee on Economic, Social and Cultural Rights (UNCESCR) expressed concern over the "adverse effect of the excessive interpretation" of lèse-majesté on the enjoyment of the right of everyone to take part in cultural life. The committee recommended that Article 112 of the Criminal Code be amended with a view to ensure "clarity and unambiguity regarding the prohibited acts and that any sanctions are strictly proportionate to the harm caused."⁸⁹
- **11 August 2015:** The UNOHCHR said it was "appalled by the shockingly disproportionate prison terms" handed down in lèse-majesté cases. The UNOHCHR urged the junta to amend the "vague and broad" lèse-majesté law to bring it in line with international human rights standards. The UN rights body said that Article 112 of the Criminal Code should not be used arbitrarily to curb debate on critical issues of public interest. It also called for the immediate release of all those who had been jailed or held in prolonged pre-trial detention for the exercise of their rights to freedom of expression.⁹⁰
- **2 December 2015:** The UNWGAD determined that lèse-majesté detainee Pornthip Munkong's detention was arbitrary. The UNWGAD requested that authorities immediately release her and award her compensation for the arbitrary detention to which she had been subjected.⁹¹

PROFILE #6:

Ms. Nongnut Salam

Date of birth: 30 January 1968

Prison sentence: Five years

Place of detention: Central Women's Correctional Institute, Bangkok

Ms. Nongnut, the mother of a 13-year-old adopted son who was working as a sales clerk in a clothing section of a department store in Bangkok at the time of her arrest, is serving a five-year prison sentence after being convicted of a single count of lèse-majesté (Article 112 of the Criminal Code).

Nongnut's father passed away when she was a young girl. She grew up with her mother, who worked as a fruit vendor, and her seven siblings. At the time of her arrest, she lived with her mother, her older sister, her adopted son, and grandson in an old rented house in a crowded community in central Bangkok. Nongnut was a supporter of former Prime Minister Thaksin Shinawatra and his populist policies. Nongnut took part in several 'red shirt' demonstrations and was a member of a 'red shirt'-affiliated Facebook group.

87. UNOHCHR, *Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the independence of judges and lawyers - UA THA 13/2014*, 8 December 2014; Prachatai, *UN experts express 'grave concern' over 21 lèse majesté cases*, 8 June 2015

88. UNOHCHR, *UN expert dismayed over Thai leader's intimidating statements against freedom of the press*, 1 April 2015

89. UNCESCR, 55th session, *Concluding observations on the combined initial and second periodic reports of Thailand*, 19 June 2015, UN Doc. E/C.12/THA/CO/1-2

90. UNOHCHR, *Press briefing note on Thailand and Mali*, 11 August 2015

91. UNOHCHR, *Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fourth session, 30 November– 4 December 2015 – Opinion No.43/2015 (Thailand) concerning Pornthip Munkong*, 15 January 2016, UN Doc. A/HRC/WGAD/2015

On the morning of 18 February 2015, more than 10 military personnel and police officers from the Technology Crime Suppression Division (TCSD) arrested Nongnut at the department store where she worked. The military personnel and police did not produce any warrant at the time of her arrest. Following her arrest, the military personnel and police officers took Nongnut to her home, searched the premises, and seized her computer, her mobile phone, and internet bills. Nongnut was then taken to the 11th Infantry Military Battalion Circle in Bangkok for interrogation. Without access to a lawyer, Nongnut confessed to the crime for which she was accused (see below). After the confession, she was blindfolded and transferred to an unknown location. On 20 February 2015, wearing a blindfold, she was remanded to the custody of police from the TCSD who charged her for violating Article 112 of the Criminal Code. On that day, Nongnut was given food for the first time since her arrest. Nongnut was also allowed to call her family who did not know her whereabouts until receiving the call. Later that same day, the Bangkok Military Court approved a police request for Nongnut's pre-trial detention if she failed to post bail. The court set Nongnut's bail at 400,000 baht (US\$11,180) but her family did not have sufficient financial resources to post the bail amount.

Nongnut was charged with one count of *lèse-majesté* for sharing via Facebook one audio clip produced by Banpot, a deejay well known among 'red shirt' activists and supporters for his anti-establishment views. Authorities accused Nongnut of being a member of the so-called 'Banpot network', a loose group of at least 14 individuals whom authorities believed were responsible for the production and distribution of online materials that defamed the monarchy. The audio clip in question contained strongly-worded remarks that authorities deemed to be offensive to King Bhumibol Adulyadej.

On 14 July 2015, the Bangkok Military Court sentenced Nongnut to 10 years in prison on one count of *lèse-majesté*. The court halved the sentence to five years in consideration of Nongnut's guilty plea. On the same day, nine other *lèse-majesté* defendants were sentenced to prison terms, ranging from three to five years, on charges of *lèse-majesté* in connection with their alleged role as members of the '*Banpot network*'.

Recommendations to the Thai government

1. End all prosecutions by withdrawing the charges under Article 112 of the Criminal Code for individuals who have merely exercised their fundamental right to freedom of opinion and expression.
2. Establish a moratorium on prosecutions under Article 112 of the Criminal Code of individuals who are merely exercising their fundamental right to freedom of opinion and expression.
3. Amend Article 112 of the Criminal Code to remove prison terms for *lèse-majesté* stemming from the legitimate exercise of the right to freedom of opinion and expression.
4. Immediately and unconditionally release all individuals imprisoned under Article 112 of the Criminal Code for the mere exercise of their fundamental right to freedom of opinion and expression.
5. Reserve the sole power to file complaints under Article 112 of the Criminal Code to the Royal Household Bureau.
6. Immediately repeal National Council for Peace and Order (NCPO) Announcement 37/2014 and end military trials of civilians accused of *lèse-majesté*.
7. Immediately transfer all cases of civilians facing *lèse-majesté* charges before military courts to civilian courts.

8. Lift the ban on publications and all other material related to the Thai monarchy to ensure a free flow of ideas and information.
9. End censorship of all print and online material that contains information related to the Thai monarchy.
10. Amend the Cyber Security Bill to ensure that any surveillance of electronic communications is subject to judicial oversight.
11. Arrange a country visit for the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
12. Arrange a country visit for the UN Working Group on Arbitrary Detention.
13. Arrange a country visit for the UN Special Rapporteur in the field of cultural rights.
14. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (ICESCR).
15. Sign and ratify the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).
16. Take practical steps to promote a free, open, and informed public debate on the reform of Article 112 of the Criminal Code.

APPENDIXES

Appendix #1: List of individuals imprisoned after the 22 May 2014 coup

#	Name	Date of arrest	Date of sentence	Prison sentence	Court (Name of court)	Reason
1.	Prasit Chaisrisa (M)	24/05/2014	03/12/2014	5 years (reduced to 2 years and 6 months)	Bangkok Ratchadaphisek Criminal Court	Freedom of expression
2.	Kathawuth Bunphitak (M)	03/06/2014	18/11/2014	10 years (reduced to 5 years)	Bangkok Military Court	Freedom of expression
3.	Yuthasak Kangwanwongsakul (M)	02/06/2014	08/08/2014	5 years (reduced to 2 years and 6 months)	Bangkok Ratchadaphisek Criminal Court	Freedom of expression
4.	Akkradej Iamsuwan (M)	18/06/2014	04/11/2014	5 years (reduced to 2 years and 6 months)	Bangkok Ratchadaphisek Criminal Court	Freedom of expression
5.	Samak Pante (M)	08/07/2014	06/08/2015	10 years (reduced to 5 years)	Chiang Rai Military Court	Tearing up a picture of the King
6.	Prutnarin Thanabaribunsuk (M)	13/06/2014	31/07/2014	30 years 36 months (reduced to 15 years)	Ubon Ratchathani Provincial Court	Freedom of expression
7.	Thanet Nonthakot (M)	02/07/2014	25/06/2015	5 years (reduced to 3 years and 4 months)	Bangkok Ratchadaphisek Criminal Court	Freedom of expression
8.	Patiwat Saraiyaem (M)	14/08/2014	23/02/2015	5 years (reduced to 2 years and 6 months)	Bangkok Ratchadaphisek Criminal Court	Freedom of expression
9.	Pornthip Munkong (F)	15/08/2014	23/02/2015	5 years (reduced to 2 years and 6 months)	Bangkok Ratchadaphisek Criminal Court	Freedom of expression
10.	Sriratchabutr Sripaesatja (M)	13/10/2014	19/03/2015	5 years (reduced to 2 years and 6 months)	Bangkok Military Court	Claimed ties to the royal family for person gain
11.	Puchit Wongthanarat (M)	03/10/2014	19/03/2015	5 years (reduced to 2 years and 6 months)	Bangkok Military Court	Claimed ties to the royal family for person gain
12.	Opas Chansuksai (M)	15/10/2014	(1) 20/03/2015 (2) 16/10/2015	(1) 3 years (reduced to 1 year and 6 months) (2) 3 years (reduced to 1 year and 6 months)	Bangkok Military Court	Freedom of expression
13.	Chairin Khaekom (M)	17/11/2014	19/03/2015	5 years (reduced to 2 years and 6 months)	Bangkok Military Court	Claimed ties to the royal family for person gain

14.	Piya Chulakittiphan (M)	11/12/2014	20/01/2016	9 years (reduced to 6 years)	Bangkok Ratchadaphisek Criminal Court	Freedom of expression
15.	Thiensutham Suthijitserani (M)	18/12/2014	31/03/2015	50 years (reduced to 25 years)	Bangkok Military Court	Freedom of expression
16.	Pongsak Sribunpeng (M)	30/12/2014	07/08/2015	60 years (reduced to 30 years)	Bangkok Military Court	Freedom of expression
17.	Damrong Chansitthichoke (M)	25/01/2015	14/07/2015	10 years (reduced to 5 years)	Bangkok Military Court	Freedom of expression
18.	Paisit Jirapradapwong (M)	25/01/2015	14/07/2015	10 years (reduced to 5 years)	Bangkok Military Court	Freedom of expression
19.	Ekachai Ployhin (M)	03/02/2015	12/03/2015	5 years (reduced to 2 years and 6 months)	Bangkok Ratchadaphisek Criminal Court	Claimed ties to the royal family for person gain
20.	Hassadin Uraipraiwan (M)	09/02/2015	14/07/2015	10 years (reduced to 5 years)	Bangkok Military Court	Freedom of expression
21.	Kornrat Taweewattanathon (M)	18/02/2015	14/07/2015	10 years (reduced to 5 years)	Bangkok Military Court	Freedom of expression
22.	Nongnut Salam (F)	18/02/2015	14/07/2015	10 years (reduced to 5 years)	Bangkok Military Court	Freedom of expression
23.	Thiprachaya Supanichsirikul (F)	18/02/2015	14/07/2015	10 years (reduced to 5 years)	Bangkok Military Court	Freedom of expression
24.	Wittaya Wongpo (M)	17/03/2015	14/07/2015	10 years (reduced to 5 years)	Bangkok Military Court	Freedom of expression
25.	Setthawut Pengdit (M)	19/02/2015	14/05/2015	5 years (reduced to 2 years and 6 months)	Bangkok Ratchadaphisek Criminal Court	Claimed ties to the royal family for person gain
26.	Chayapha Chokepornsudri (F, 49)	23/06/2015	15/12/2015	19 years (reduced to 9 years and six months)	Bangkok Military Court	Freedom of expression
27.	Natee Pasomsap (M)	02/02/2015	14/07/2015	6 years (reduced to 3 years)	Bangkok Military Court	Freedom of expression
28.	Saifon Intasorn (F)	04/02/2015	14/07/2015	6 years (reduced to 3 years)	Bangkok Military Court	Freedom of expression
29.	Charnvit Jariyanukul (M)	09/03/2015	01/12/2015	6 years	Nontaburi Provincial Court	Freedom of expression
30.	Korrawan Eakejeen (F)	23/03/2015	14/07/2015	10 years (reduced to 5 years)	Bangkok Military Court	Freedom of expression
31.	Tanitsak Piyapattaraprasit (M)	25/04/2015	28/12/2015	8 years (reduced to 4 years)	Bangkok Military Court	Freedom of expression
32.	Sasiphimon Pathomwongfangam (F)	13/02/2015	25/06/2015	56 years (reduced to 28 years)	Chiang Mai Military Court	Freedom of expression

Appendix #2: List of individuals detained awaiting trial

#	Full name	Date of arrest	Court	Reason
1.	Siraphop Komarut (M)	23/06/2014	Bangkok Military Court	Freedom of expression
2.	Thanat Thanawatcharanon (M)	09/07/2014	Bangkok Military Court	Freedom of expression
3.	Ratchakawee Supriyaporn (M)	13/11/2014	Bangkok Ratchadapisek Criminal Court	Freedom of expression
4.	Chayo Anchaleewatchara (M)	06/01/2015	Bangkok Military Court	Freedom of expression
5.	Sommat Phaojinda (M)	23/01/2015	Bangkok Military Court	Claimed ties to the royal family for person gain
6.	Chotchuang Kongkaew (M)	24/01/2015	Bangkok Military Court	Claimed ties to the royal family for person gain
7.	Siwaporn Panya (F)	25/01/2015	Bangkok Military Court	Freedom of expression
8.	Ngeonkoon Udomkunakorn (M)	29/01/2015	Bangkok Military Court	Freedom of expression
9.	Anchan Preekert (F)	25/01/2015	Bangkok Military Court	Freedom of expression
10.	Tara Vanichpongpan (M)	25/01/2015	Bangkok Military Court	Freedom of expression
11.	Sirilak Kaenjan (F)	13/02/2015	Chiang Rai Military Court	Freedom of expression
12.	Boontham Boontheppratan (M)	27/02/2015	Bangkok Ratchadapisek Criminal Court	Claimed ties to the royal family for person gain
13.	Atsadaporn Sitthirat (F)	21/08/2015	Kamphaeng Phet Provincial Court	Claimed ties to the royal family for person gain
14.	Kittiphob Sitthirat (M)	21/08/2015	Kamphaeng Phet Provincial Court	Claimed ties to the royal family for person gain
15.	Wiset Phutthasa (M)	21/08/2015	Kamphaeng Phet Provincial Court	Claimed ties to the royal family for person gain
16.	Nopparit (M)	21/08/2015	Kamphaeng Phet Provincial Court	Claimed ties to the royal family for person gain
17.	Thanakorn Siriphaiboon (M)	08/12/2015	Bangkok Military Court	Freedom of expression
18.	Wichai Thepwong (M)	23/12/2015	Bangkok Military Court	Freedom of expression

Appendix #3: List of individuals released after being imprisoned

#	Full name	Date of arrest	Date of sentence	Prison sentence	Court	Date of release	Reason
1.	Chalio Jankhiat (M)	03/06/2014	1) 01/09/2014 2) 03/09/2015	8 years (reduced to 4 years)	Bangkok Ratchadaphisek Criminal Court	1) 01/09/2014 2) 09/09/2014 (on bail)	Freedom of expression
2.	Nat Rungwong aka Somsak Pakdeedej (M)	25/05/2014	24/11/2014	9 years (reduced to 4 years and 6 months)	Bangkok Military Court	-/01/2016	Freedom of expression

3.	Niran Yaowapa (M)	10/02/2015	29/09/2015	5 years (reduced to 2 years and 6 months)	Bangkok Military Court	10/02/2015	Freedom of expression
4.	Krit Bootdeejin (M)	04/02/2015	19/10/2015	5 years (reduced to 2 years and 6 months)	Bangkok Military Court	19/10/2015	Freedom of expression

Appendix #4: List of individuals released after being arrested

#	Full name	Date of arrest	Date of release	Court	Reason
1.	Aphichat Phongsawat (M)	23/05/2014	20/06/2014	Bangkok South Criminal Court	Freedom of expression
2.	Sombat Boonngam-anong (M)	05/06/2014	01/07/2014 (On bail)	Roi-Et Criminal Court	Freedom of expression
3.	Bundit Aniya (M)	26/11/2014	28/11/2014 (On bail)	Bangkok Military Court	Freedom of expression
4.	Thanet Anantawong	13/12/2015	18/12/2015 (On bail)	Bangkok Military Court	Freedom of expression
5.	Jaruwan Eiampong (F)	16/11/2014	10/02/2015	Bangkok Military Court	Freedom of expression
6.	Anon Masin (M)	17/11/2014	10/02/2015	Bangkok Military Court	Freedom of expression
7.	Chartchai Maneerat (M)	17/11/2014	10/02/2015	Bangkok Military Court	Freedom of expression
8.	Prajakchai (M)	19/02/2015	17/10/2015 (On bail)	Bangkok Military Court	Freedom of expression

Appendix #5: List of individuals imprisoned prior to the 22 May 2014 coup

#	Full name	Date of arrest	Date of sentence	Prison sentence	Court	Status	Reason
1.	Somyot Prueksakasemsuk (M)	30/04/2011	(1) 23/01/2013 (2) 19/09/2014	11 years	(1) Bangkok Ratchadaphisek Criminal Court (2) Court of Appeals	Imprisoned	Freedom of expression
2.	Kittiphon Yaemsamai aka Kenji (M)	30/08/2013	12/12/2013	13 years and 4 months (reduced to 6 years and 8 months)	Bangkok Ratchadaphisek Criminal Court	Imprisoned	Freedom of expression
3.	Daranee Charnchoengsilpakul (F)	22/07/2008	(1) 28/08/2009 (1.2) 15/12/2011 (2) 12/06/2013	15 years	(1) Bangkok Ratchadaphisek Criminal Court (2) Court of Appeals	Imprisoned	Freedom of expression

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