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SECOND WAVE

The return of *lèse-majesté* in Thailand

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	4
2. LÈSE-MAJESTÉ REVIVED TO STOP RISING PRO-DEMOCRACY MOVEMENT	5
3. ANATOMY OF THE SECOND WAVE	7
3.1 Pro-democracy activists face decades in jail	7
3.2 Lèse-majesté charges target online expression	8
3.3 Return of Article 112 fueled by cyber vigilantism, online warfare	9
3.4 Arrests and prosecutions of children	11
4. LÈSE-MAJESTÉ CASES TAKEN TO EXTREMES	12
5. REMINDER: ARTICLE 112 VIOLATES INTERNATIONAL LAW	16
6. INTERNATIONAL CONCERN MOUNTS OVER THE ABUSE OF ARTICLE 112	18
7. RECOMMENDATIONS TO THE THAI GOVERNMENT	20

1. Executive summary

In November 2020, after a pause of about two years, prosecutions and arrests under the notorious Article 112 of the Criminal Code (“lèse-majesté”) resumed in Thailand in response to the peaceful pro-democracy protests that swept the country for most of that year.

From 24 November 2020 to 31 August 2021, 124 individuals – including at least eight children – were charged with violating Article 112.¹ During the same period, authorities detained at least 19 individuals under Article 112. As of 31 August 2021, two remained detained.

During this ongoing wave of lèse-majesté arrests and prosecutions, authorities have systematically targeted pro-democracy protest leaders and participants in connection with their participation in the demonstrations. Some of the prominent activists face numerous prosecutions under Article 112 in connection with multiple cases, which could result in very long prison terms. For example, student activist Parit Chiwarak, charged with lèse-majesté in 20 cases, could be sentenced to a total of 300 years in prison, if found guilty of all charges.

Nearly half of the lèse-majesté charges brought against pro-democracy activists, protesters, and other individuals were related to forms of online expression. These cases stemmed from complaints made by members of royalist groups, cyber vigilantes, and other internet users. Some lèse-majesté prosecutions derived from online information operations (IOs) conducted by the Thai military to instigate nationalist sentiment and to attack political opponents and pro-democracy protesters.

Thai authorities continued to widely interpret Article 112, and stretched the letter of the law to absurdity. Some of the outlandish legal actions taken by authorities under Article 112 targeted individuals who criticized the government’s COVID-19 vaccine management, wore crop tops, or insulted the previous monarch.

Article 112 remains a powerful legal weapon to silence criticism and discussion of the Thai monarchy in violation of international human rights law - most notably the International Covenant on Civil and Political Rights (ICCPR) - to which Thailand is a state party. The violations of the ICCPR primarily concern: 1) the right to liberty and freedom from arbitrary detention (Article 9); 2) the right to fair trial (Article 14); and 3) the right to freedom of opinion and expression (Article 19).

Over the past 10 years, numerous United Nations (UN) human rights monitoring mechanisms have repeatedly expressed concern over Article 112 and declared that its enforcement is inconsistent with international law. Members of the international community also expressed their concern over the use of Article 112.

The report makes practical recommendations to address the human rights violations that derive from the enforcement of Article 112 and to ensure its compliance with Thailand’s human rights obligations under international law.

1. Thai Lawyer for Human Rights, *The number of prosecutions under “lèse-majesté” in 2020 – 2021* [in Thai], <https://tlhr2014.com/archives/23983> (last accessed: 1 September 2021).

2. Lèse-majesté revived to stop rising pro-democracy movement

The vigorous enforcement of Article 112 to criminalize the actions of pro-democracy activists, protesters, and critics of the monarchy has severely undermined the enjoyment of the right to freedom of expression in Thailand.

Article 112 of Thailand's Criminal Code (lèse-majesté) imposes jail terms for those who defame, insult, or threaten the King, the Queen, the Heir to the throne, or the Regent. Persons found guilty of violating Article 112 face prison terms of three to 15 years for each count.

Thailand experienced a first wave of lèse-majesté arrests, prosecutions, and detentions following the May 2014 coup d'état. During this period (May 2014 – January 2018), the ruling military junta, the National Council for Peace and Order (NCPO), in the name of protecting the monarchy, intensified the use of Article 112 and arrested at least 127 individuals on lèse-majesté charges.² Fifty of them were sentenced to prison terms of up to 35 years. Many of these lèse-majesté defendants were subjected to long pre-trial detention, systematic denial of bail, and/or military court trials.

In early 2018, following growing international concern over the abusive enforcement of Article 112 under the NCPO, lèse-majesté charges and arrests came to an abrupt end. The apparent policy shift was attributed to King Rama X, who had succeeded his father in October 2016. Later, on 15 June 2020, Thai Prime Minister Prayuth Chan-ocha confirmed that Article 112 had not been enforced because King Rama X had "mercy and asked that it not be used."³

In practice, Thai authorities began issuing new directives aimed at limiting arbitrary charges and prosecutions under Article 112.⁴ On 21 February 2018, the Office of the Attorney General issued prosecutorial guidelines that removed the discretion of individual public prosecutors to pursue lèse-majesté cases and ensured that the decision to prosecute or withdraw such cases rested with the Attorney General.⁵ Another regulation, issued on 15 June 2018, gave the Prime Minister the power to propose to the Attorney General the withdrawal of cases that neither served a public interest nor affected national safety, security, or other important interests of the country.⁶

From February 2018 to October 2020, authorities resorted to other repressive laws, including Article 116 of the Criminal Code ("sedition") and Article 14 of the Computer Crimes Act, to take legal action against those who criticized the Thai monarchy.⁷ During this time, the courts dismissed several pending lèse-majesté cases as well.⁸

Prosecutions and arrests under Article 112 resumed in response to the nationwide pro-democracy protests that swept Thailand for most of 2020. The new pro-democracy movement was triggered by dissatisfaction with the suppression of democracy and human rights as well as economic mismanagement by the new military-backed government that took power after the deeply flawed March 2019 general election.⁹ The initially youth-led mobilization rapidly gathered momentum and attracted broader support across Thai society. The movement increasingly challenged the legitimacy of the government and demanded deep political changes.¹⁰ In a stunning development, protesters

2. FIDH, *36 and Counting: Lèse-majesté imprisonment under Thailand's military junta*, February 2016.

3. Al Jazeera, *PM Prayuth promises to use 'all laws' against Thai protesters*, 19 November 2020.

4. Thai Lawyers for Human Rights, *Changes in Thailand's Lèse-majesté prosecutions in 2018*, 15 January 2019.

5. BBC Thai, *Office of Attorney General issued new guidelines, putting Article 112 cases under the discretion of Attorney General*, 27 February 2018 [in Thai].

6. Office of the Attorney General, *Regulation of the Office of the Attorney General concerning criminal prosecutions which do not serve public interest or which may affect national safety or security, or other important interest of the country (Regulation No.2)*, 15 June 2018.

7. iLaw, *Article 14(3) of the Computer Crimes Act, new version of lèse-majesté, replacing Article 112*, 21 February 2020; Thai Lawyers for Human Rights, *As if the NCPO never left: Six years after the coup and the persistent of human rights violations*, 22 May 2020.

8. Thai Lawyers for Human Rights, *Changes in Thailand's Lèse-majesté prosecutions in 2018*, 15 January 2019.

9. Straits Times, *Thai students rise up in wave of 'flash mobs' anti-government protesters*, 27 February 2020.

10. Three demands were put forward by the protesters: 1) the dissolution of Parliament; 2) an end to the harassment of government critics who exercised their fundamental rights to freedom of expression; and 3) the drafting of a new Constitution.

broke Thailand's longstanding political taboo by directly criticizing the monarchy and calling for reforms of the institution during months of street protests.¹¹

In late 2020, as peaceful protests intensified across the country, the Thai government resurrected the use of Article 112. On 19 November 2020, Prime Minister Prayuth announced that the government would enforce "all laws and articles" against pro-democracy leaders and protesters.¹² Following Prayuth's announcement, authorities began actively prosecuting, arresting, and detaining alleged violators of Article 112. From 24 November 2020 to 31 August 2021, 124 individuals were charged with violating Article 112. Those charged with *lèse-majesté* were primarily pro-democracy activists and peaceful protesters who criticized or commented on the Thai monarchy during protests or on social media platforms.

Lèse-majesté defendants were subjected to lengthy detention and frequent denial of bail by the courts, both during the investigation phase and pending trial. Between November 2020 and 31 August 2021, authorities detained at least 19 individuals for alleged violations of Article 112. At the time of the publication of this report, two of them remain detained.

Many of those who were granted bail by the courts were released under the conditions that they would not engage in activities that would cause damage to the monarchy or participate in activities that could cause public disorder.

As the second wave of *lèse-majesté* prosecutions began, Thailand also recorded the longest prison sentence ever imposed under Article 112. On 19 January 2021, the Bangkok Criminal Court sentenced 65-year-old former civil servant Anchan Preeleerd to 87 years in prison on 29 counts of *lèse-majesté* over online posts.¹³ Her sentence was subsequently reduced to 43 years and six months, in consideration of her guilty plea. The day before, the Bangkok Criminal Court convicted writer and poet Siraphop Kornaroot of *lèse-majesté* and violation of Article 14 of the Computer Crimes Act for his online articles and poems.¹⁴ Siraphop was sentenced to four years and six months in prison. However, he was immediately released upon the court's decision, because he had already spent nearly five years in pre-trial detention following his arrest on 1 July 2014 until his release on bail on 11 June 2019. His detention had been declared arbitrary by the UN Working Group on Arbitrary Detention (WGAD) on 24 April 2019.¹⁵

BOX: SECOND WAVE IN NUMBERS

(From 24 November 2020 to 31 August 2021)

124

Total number of people charged with *lèse-majesté*

8

Number of minors charged with *lèse-majesté*

19

Number of people detained on *lèse-majesté* charges

55

Number of *lèse-majesté* cases stemming from the exercise of freedom of expression

300

Highest number of years in prison a *lèse-majesté* defendant is facing

11. Guardian, *Thailand protesters openly criticize monarchy in Harry Potter-themed rally*, 4 August 2020; BBC, *Thailand protests: Risking it all to challenge the monarchy*, 14 August 2020.

12. Al Jazeera, *PM Prayuth promises to use 'all laws' against Thai protesters*, 19 November 2020.

13. Deutsche Welle, *Thailand: Women handed record 43-year sentence for defaming monarchy*, 19 January 2021.

14. Khaosod English, *Blogger convicted of 112 after secret trial, 5-year captivity*, 18 January 2021.

15. FIDH, *Release long-time *lèse-majesté* detainee Siraphop Kornaroot, UN body urges*, 7 June 2019.

3. Anatomy of the second wave

3.1 Pro-democracy activists face decades in jail

During the second wave of lèse-majesté arrests and prosecutions, authorities have systematically targeted key pro-democracy protest leaders for speeches in which they criticized the monarchy and demanded reforms of the institution.¹⁶

Some of the prominent activists face numerous prosecutions under Article 112 in connection with multiple cases, which could result in very long prison terms.¹⁷ As of 31 August 2021, student pro-democracy activists Parit Chiwarak and Panusaya Sitijirawattanakul face 20 and eight charges, respectively. Human rights lawyer and pro-democracy activist Anon Nampa has 14 charges against him. Another prominent pro-democracy protest leader, Panupong Chadnok, faces nine charges. If found guilty of all counts, Parit could be sentenced to a total of 300 years in prison, while Anon, Panupong, and Panusaya's prison sentences could total 210, 135, and 120 years, respectively. However, they would each serve a maximum penalty of 50 years, as prescribed by the Article 91(3) of the Thai Criminal Code. Those targeted also include pro-democracy activists Somyot Pruksakasemsuk, Patiwat Saraiyaem, and Jatupat Boonpattaraksa, who already served lengthy prison sentences for lèse-majesté.



(L-R) Pro-democracy activists Panupong Chadnok, Parit Chiwarak, Panusaya Sitijirawattanakul, and Anon Nampa hold up the three-finger salute to their mouths as they arrive at Chanasongkram police station in Bangkok on 30 November 2020 to hear charges of allegedly violating Article 112 of Thailand's Criminal Code during pro-democracy protests.
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16. Thai Lawyers for Human Rights, *TLHR overall situation in January 2021*, 15 March 2021.

17. Thai Lawyer for Human Rights, *The number of prosecutions under "lèse-majesté" in 2020 – 2021* [in Thai], <https://tlhr2014.com/archives/23983> (last accessed: 1 September 2021).

The courts have repeatedly denied bail to pro-democracy activists held in detention during investigation or pending trial. In many instances, the courts justified the denial of bail by referring to the gravity of the charge and claiming that the defendants were flight risks, might cause further harm, or could repeat the same offense if they were to be released - even though all of them regularly reported to the police, public prosecutors, and the courts, in accordance with their appointments. [See below, 5. *Reminder: Article 112 violates international law*].¹⁸

For example, after having their bail requests rejected numerous times,¹⁹ Anon was granted temporary release after spending 113 days in detention.²⁰ Parit was released after 92 days in detention.²¹ Panupong was granted bail by the court after being detained for 86 days.²² Somyot was detained for 74 days.²³ Panusaya and Patiwat each spent 60 days in detention.²⁴ Jatupat was temporarily released after being detained for 47 days.²⁵

On 9 August 2021, Anon was re-arrested after surrendering himself to the Pathumwan police station in Bangkok after learning that an arrest warrant had been issued against him for violating Article 112 and the Emergency Decree in connection with his participation in a peaceful protest on 3 August in Central Bangkok.²⁶ On 11 August, after Anon spent two nights in custody at the Pathumwan police station, the Bangkok South Criminal Court approved the police request to detain him and denied him bail, citing the severity of the offense, violation of previous bail conditions, and the possibility of re-offending, if released.

Parit and Jatupat were also re-arrested on 8 and 9 August, respectively, on charges of violating the Emergency Decree and Article 215 of the Criminal Code ("leading an illegal assembly of more than 10 people") and had their previous bail revoked by the courts.²⁷ Parit was charged for his participation in a peaceful protest on 1 August in front of the Border Patrol Police Region 1 Headquarters in Pathumthani Province.²⁸ Jatupat's charges stemmed from his participation in a protest held in front of the Thung Song Hong police station in Bangkok on 3 August.²⁹

3.2 Lèse-majesté charges target online expression

Between 24 November 2020 and 31 August 2021, nearly half (55 of 124) of the lèse-majesté charges brought against pro-democracy activists, protesters, and other individuals, were related to forms of online expression. Because the pro-democracy movement heavily relies on the use of social media, many lèse-majesté charges and prosecutions stemmed from the online posting or sharing of content that criticized the monarchy or demanded reform of the institution.³⁰ From 24 November 2020 to 31 August 2021, at least 55 individuals were charged with lèse-majesté for publishing online content, along with violating Article 14 of the Computer Crimes Act. Below are some examples of prosecutions that derived from the legitimate exercise of the right to freedom of opinion and expression online.

On 15 December 2020, police charged a leader of the protest guards, Sombat Thongyoi, with lèse-

18. Prachatai, *Questions raised as some royal defamation cases are bailed, some not*, 6 May 2021.

19. Thai Lawyers for Human Rights, *Statistics of temporary release requests of political detainees 2021*, 3 May 2021.

20. Anon Nampa was detained from 9 February to 1 June 2021.

21. Parit Chiwarak was detained from 9 February to 11 May 2021.

22. Panupong Chadnok was detained from 8 March to 1 June 2021.

23. Somyot Pruksakasemsuk was detained from 9 February to 23 April 2021.

24. Panusaya Sitijirawattanakul was detained from 8 March to 6 May 2021; Patiwat Saraiyaem was detained from 9 February to 9 April 2021.

25. Jatupat Boonpattaraksa was detained from 8 March to 23 April 2021.

26. FIDH, *Thailand: Arbitrary detention of eight pro-democracy activists*, 12 August 2021.

27. FIDH, *Thailand: Arbitrary detention of eight pro-democracy activists*, 12 August 2021.

28. Thai Lawyers for Human Rights, *9 pro-democracy activists denied bail regarding #2Aug.Rally in front of the Border Patrol Police Region 1, demanding the release of Thalufah members, citing without fear of the law*, 15 August 2021.

29. Thai Lawyers for Human Rights, *5 Thalufah activists charged in 4 cases, splattering paint color at Thung Song Hong Police Station – Phalang Pracharat headquarters – Bhumjaithai headquarters – casting candle, before denying Pai's bail citing that he committed harmful acts*, 15 August 2021.

30. Thai Lawyers for Human Rights, *TLHR overall situation in January 2021*, 15 March 2021; Thai Lawyers for Human Rights, *TLHR overall situation in February 2021*, 15 March 2021.

majesté and violation of Article 14(3) of the Computer Crimes Act over his posts on social media.³¹ The complaint against Sombat was filed by a fellow citizen who accused him of posting three satirical messages on Facebook about King Rama X's address to an audience that greeted him on 23 October 2020 in Bangkok. On 19 May 2021, Sombat was indicted for violation of Article 112. On the same day, the Bangkok South Criminal Court released him on bail on condition that he must not involve in activities that cause further damage to the monarchy.³²

On 25 January 2021, the Technology Crime Suppression Division (TCSD) police charged pro-democracy activists Chonthicha Jangrew and Panupong Chadnok with lèse-majesté and with violating Article 14(3) of the Computer Crimes Act for posting on their Facebook letters to King Rama X as part of the People's Messages campaign, organized by the pro-democracy group Free Youth on 8 November 2020.³³ In their letters, Chonthicha criticized the royal budget and reiterated the movement's demands for reforms of the monarchy, while Panupong criticized King Rama X.³⁴ The two lèse-majesté complaints were filed by a member of the Center of Legal Assistance for Victims of Cyberbullying, a royalist group acting as cyber vigilantes [See below, 3.3 *Return of Article 112 fueled by cyber vigilantism, online warfare*].

On 4 March 2021, police arrested Tiwagorn Withiton, 45, from his house in Khon Kaen Province over posts he made on Facebook in February that called for an end to the use of Article 112 and the release of pro-democracy protest leaders. The posts included a picture of him wearing a t-shirt with a printed message "I lost faith in the monarchy."³⁵ Upon his arrest, police requested Tiwagorn's detention, but the Khon Kaen Provincial Court released him on bail. He was also charged under Article 116 of the Criminal Code ("sedition"). On 28 May, he was indicted for lèse-majesté and sedition and was granted bail by the court.³⁶ Tiwagorn had previously been arrested without charge in July 2020 for wearing the same t-shirt. He was then forcibly admitted to a psychiatric hospital in Khon Kaen Province, where he was held for 15 days.³⁷

3.3 Return of Article 112 fueled by cyber vigilantism, online warfare

Royalist groups and members of the military's cyber units have been at the forefront of systematic attacks against online dissent.

Because anyone can file a lèse-majesté complaint, many of the charges under Article 112 have traditionally stemmed from complaints made by ordinary internet users, political groups, and cyber vigilantes against alleged offenders.³⁸

Since the May 2014 coup, the Thai military has used social media as part of its cyber warfare against critics of the government and the monarchy.³⁹ In particular, the military's Army Cyber Center, established in 2015,⁴⁰ and the TCSD police⁴¹ have played a key role in conducting cyber surveillance and suppressing political dissent online.⁴² In October 2020, the new Cybercrime Investigation Bureau

31. Thai Lawyers for Human Rights, *Former Red Shirt Protester's guard 'Sombat' charged with lèse-majesté for posting 'very brave, very good, thank you'*, 15 December 2020 [in Thai].

32. Thairath, *Sombat Thongyoi granted bail with a condition not to engage in activities involving monarchy*, 19 May 2021 [in Thai].

33. Thai Lawyers for Human Rights, *'Lookkate-Mike' acknowledging lèse-majesté charge for 'People's Message', writing letters to the king on social media*, 25 January 2021 [in Thai].

34. Thai Lawyers for Human Rights, *'Lookkate-Mike' acknowledging lèse-majesté charge for 'People's Message', writing letters to the king on social media*, 25 January 2021 [in Thai].

35. Thai Layers for Human Rights, *'Tiwagorn' arrested with lèse-majesté and sedition charges for wearing the lost faith shirt and posting on ending lèse-majesté on Facebook*, 4 March 2021 [in Thai].

36. Prachatai, *Court accepts lèse-majesté case against 'lost faith' shirt wearer*, 28 May 2021.

37. Prachatai, *Facebook user behind viral 'lost faith' shirt committed to psychiatric hospital*, 13 July 2020.

38. Thai Lawyers for Human Rights, *TLHR overall situation in March 2021*, 16 April 2021; Thai Lawyers for Human Rights, *TLHR overall situation in April 2021*, 13 May 2021.

39. Stanford Internet Observatory, *Cheerleading without fans: A low-impact Domestic Information Operation by the Royal Thai Army*, 8 October 2020.

40. Prachatai, *Thai army forms 'Army Cyber Center' to protect the monarchy*, 21 October 2015.

41. The Technology Crime Suppression Division (TCSD) was established in 2009 under the Thai police's Central Investigation Bureau. TCSD has the duty to maintain order, prevent, and suppress crimes related to technology and carry out investigations under the Criminal Code, the Criminal Procedure Code, and other laws relating to the computer systems.

42. Australian Journal of South-East Asian Studies, *Mass Surveillance and the Militarization of Cyberspace in Post-Coup Thailand*, 30

was established under the police to investigate cyber-related crimes, including defamation, threats, and “fake news.”⁴³

Authorities have also increasingly used social media as a tool not only to monitor and control information, but also to bolster popular support and manipulate public opinion.⁴⁴ Following the rise of the pro-democracy movement in 2020, the Thai military has engaged in online information operations (IOs) to instigate nationalist sentiment and to attack political opponents and pro-democracy protesters.⁴⁵ Beginning in February 2020, a series of leaked documents and interviews brought to public attention the military’s role in systematically conducting and funding IOs and cyber attacks against human rights defenders, activists, social critics, and members of the political opposition.⁴⁶ In the wake of the escalating calls for monarchy reform during pro-democracy protests, state actors – many with military backing – have used social media to amplify royalist messages and identify critical content about the monarchy, some of which resulted in prosecutions under Article 112.⁴⁷

On 8 October 2020, Twitter revealed it had taken down a network of 926 accounts, registered between April 2019 and March 2020, which were linked to the Thai Army and the military-backed government and had engaged in coordinated IOs.⁴⁸ These accounts were used primarily to promote pro-military and pro-government content and to attack political opposition, particularly the now-dissolved Future Forward Party (FFP) and the Move Forward Party (MFP).⁴⁹ In November 2020, Twitter suspended another account, @jitarsa_school, after it found it was connected to over 48,000 accounts that disseminated pro-monarchy content, which Twitter said violated the platform’s “rules on spam and platform manipulation.”⁵⁰

In March 2021, Facebook removed 185 accounts, pages, and groups on Facebook and 18 Instagram accounts engaged in an IO run by the Thai military.⁵¹ The accounts were linked to the military’s Internal Security Operation Command (ISOC) and targeted audiences in Thailand’s southern border provinces. According to Facebook, the network of accounts posted content supporting the Thai military and the monarchy.⁵²

In addition, social media have become a significant platform for a royalist campaign to counter the pro-democracy movement.⁵³ A number of royalist groups have been created not only to promote pro-monarchy ideals online but also to file lèse-majesté complaints against anyone they perceive to be insulting the monarchy.⁵⁴ Some of the groups are named as follows:

- Thai Pakdee
- Center of Legal Assistance for Victims of Cyberbullying
- Network of Thai People Protecting the Monarchy
- Vocational Students’ Network Protecting the Monarchy
- Center of People Protecting the Monarchy
- Loyal People to Protect the Monarchy
- Protect Rama IX and Rama X Group

December 2016; The Diplomat, *Thailand’s creeping digital authoritarianism*, 17 February 2021.

43. Bangkok Post, *New agency to tackle cybercrimes*, 13 October 2020.

44. Stanford Internet Observatory, *Cheerleading without fans: A low-impact Domestic Information Operation by the Royal Thai Army*, 8 October 2020.

45. Stanford Internet Observatory, *Cheerleading without fans: A low-impact Domestic Information Operation by the Royal Thai Army*, 8 October 2020.

46. Thai Enquirer, *Army accused of conducting propaganda campaign against government’s political opponent*, 26 February 2020; Thai Lawyers for Human Rights, *Joint Statement: State-backed online information operation against human rights defenders must be fully investigated and immediately halted*, 2 March 2020; Bangkok Post, *Army denies hiring firm to do IO after data leak*, 28 November 2020.

47. Reuters, *Exclusive: Twitter suspends Thai royalist account linked to influence campaign*, 30 November 2020.

48. Twitter, *Disclosing networks to our state-linked information operations archive*, 8 October 2020.

49. Stanford Internet Observatory, *Cheerleading without fans: A low-impact Domestic Information Operation by the Royal Thai Army*, 8 October 2020.

50. Reuters, *Exclusive: Twitter suspends Thai royalist account linked to influence campaign*, 30 November 2020.

51. Reuters, *Facebook removes Thai military-linked information influencing accounts*, 3 March 2021.

52. Associated Press, *Prayuth orders probe into Facebook’s removal of army’s ‘IO’*, 5 March 2021.

53. Reuters, *Exclusive: Twitter suspends Thai royalist account linked to influence campaign*, 30 November 2020.

54. Channel News Asia, *In Focus: Growing divisions between Thailand’s establishment and youth-led movement*, 10 December 2020; Reuters, *Google takes down maps targeting hundreds of Thais accused of opposing king*, 29 June 2021.

- Sri Suriyothai Operation to Protect the Monarchy
- New Generations who Love the Monarchy
- Thai Women to Protect the Monarchy
- NEXTGEN
- Black Prince's Warriors of the Two Seas
- Cheer Lung Thailand

On 28 June 2021, Google removed two modified Google Maps pages that contained personal details, including pictures, names, and addresses, of over 400 people who allegedly insulted the Thai monarchy.⁵⁵ The pages belonged to the Center of Legal Assistance for Victims of Cyberbullying, an online royalist group known for harassing and filing *lèse-majesté* complaints against more than 1,400 internet users, including a student as young as 14.⁵⁶ In early June 2021, Thai Lawyers for Human Rights began receiving various reports from internet users who said they were being threatened by this group.⁵⁷

3.4 Arrests and prosecutions of children

Students under the age of 18 – a significant force of the pro-democracy movement that emerged in 2020 – have been prosecuted on charges of *lèse-majesté* in connection with their participation in pro-democracy demonstrations. From 24 November 2020 to 31 August 2021, at least eight minors were charged with violating Article 112.

On 11 January 2021, police charged 17-year-old Thanakorn [last name withheld] with *lèse-majesté* over his speeches at a political rally at the Wong Wian Yai roundabout in Bangkok on 6 December 2020.⁵⁸ Later that day, he was taken to the Central Juvenile and Family Court by authorities to request for his detention. The Court initially approved the authorities' detention request, but later released him on bail following his lawyer's appeal.⁵⁹ On 24 May 2021, the Central Juvenile and Family Court informed Thanakorn of the *lèse-majesté* indictment dated 9 April 2021, making his case the first minor to be indicted under Article 112.⁶⁰

Thanakorn is also facing another *lèse-majesté* charge. On 20 January 2021, he and another minor aged 17, were charged with violating Article 112 for wearing crop tops and parading at a shopping mall in Central Bangkok to protest against the *lèse-majesté* prosecution against another minor on 20 December 2020.⁶¹ Four other protest leaders were charged in the same case, including Parit Chiwarak, Panusaya Sithijirawattanakul, and Panupong Chadnok. Authorities accused them of mocking King Rama X by posing as him.

On 20 March 2021, police arrested two youths, aged 14 and 15, for their conduct in front of a portrait of King Rama X during a pro-democracy rally in front of the Supreme Court in Bangkok on the same day.⁶² Police accused them of throwing trash, spray painting, and burning the King's portrait. The arrests were carried out without a warrant amid the violent dispersal of protesters by riot police.⁶³ The two minors were taken to the Border Patrol Police Region 1 Headquarters in Pathumthani Province. The Central Juvenile and Family Court released them on bail on the following day.

55. Reuters, *Google takes down maps targeting hundreds of Thais accused of opposing king*, 29 June 2021.

56. Prachatai, *Center of Legal Assistance for Victims of Cyberbullying presented evidence to TCSD to prosecute 1,275 individuals*, 11 July 2021 [in Thai].

57. Thai Lawyers for Human Rights, *Cyber vigilante group threatens at least 62 individuals with lèse-majesté, leaking personal information of over 466 individuals via Google Map*, 30 June 2021.

58. Thai Lawyers for Human Rights, *A statistical profile of minors charged for political expression and protest, 2020-2021*, 19 January 2021.

59. Thai Lawyers for Human Rights, *Justin - Tee Phayao – 17-year-old youth acknowledged Article 112 charges over speeches criticizing the monarchy at Wongwian Yai intersection*, 11 January 2021 [in Thai].

60. Thai Lawyers for Human Rights, *First minor prosecuted with lèse-majesté law in 2021*, 27 May 2021.

61. Thai Lawyers for Human Rights, *Police file lèse-majesté charges against activists for #LetsWearCropTops parade at Paragon and mocking the king*, 20 January 2021 [in Thai].

62. Thai Lawyers for Human Rights, *A statistical profile of minors charged for political expression and protest, 2020-2021*, 19 January 2021.

63. Khaosod English, *20 arrested during the crackdown near Grand Palace, reporters hit by rubber bullets*, 21 March 2021.

4. Lèse-majesté cases taken to extremes

Similar to the situation under the NCPO,⁶⁴ Thai authorities continued to widely interpret Article 112, and stretched the letter of the law to absurdity. Below are examples of some of the outlandish legal actions taken by authorities under Article 112.

Criticizing COVID-19 vaccine management

Authorities have charged several individuals for their criticism of the Thai government's COVID-19 vaccine management, which made reference to the role of the monarchy in the country's response to the pandemic.⁶⁵

On 21 January 2021, a representative of Prime Minister Prayuth filed a lèse-majesté complaint against former leader of the now dissolved FFP, Thanathorn Juangroongruangkit, for criticizing the government's handling of the COVID-19 vaccine program.⁶⁶ The complaint accused Thanathorn of defaming King Rama X during his Facebook Live titled "Royal Vaccine: Who Benefits and Who Doesn't?" on 18 January. In his broadcast, Thanathorn questioned the selection of Siam Bioscience, a company wholly owned by the Crown Property Bureau, as a sole producer of the COVID-19 vaccines developed by United Kingdom (UK)-based AstraZeneca in Thailand. Thanathorn was also accused of violating Article 14(3) of the Computer Crimes Act for allegedly spreading false information online and causing misunderstanding among people.⁶⁷



Thanathorn Juangroongruangkit, the former leader of the Future Forward Party, speaks at a news conference on 21 January 2021 in Bangkok. The event led to charges against him under Article 112 of Thailand's Criminal Code. © Lauren DECICCA / GETTY IMAGES

64. FIDH, *36 and counting: Lèse-majesté imprisonment under Thailand's military junta*, 26 February 2016.

65. Prachatai, *A total of cases that were charged with Lèse-majesté for criticizing the management of Covid vaccine*, 15 May 2021 [in Thai].

66. Reuters, *Gov't files royal insult complaint after criticism of its vaccine strategy*, 20 January 2021.

67. Prachatai, *DES filed complaint against 'Thanathorn' under Article 112 – Computer Crimes Act for going live to criticize vaccine imports*, 20 January 2021 [in Thai].

On 25 January 2021, police in Lampang Province charged five individuals (four of them students) with Article 112 for hanging a fabric banner with a text “Royal budget > COVID-19 vaccine” at Ratsadaphisek bridge in Lampang Province on 30 December 2020.⁶⁸ They were released after police collected DNA samples from them.⁶⁹

On 30 March 2021, police charged activist Piyarat Chongthep from the We Volunteer (WeVo) group of protests guards with lèse-majesté for printing banners containing political messages that criticized the government’s COVID-19 vaccine strategy and hanging them at various places in Kalasin Province on 23 January.⁷⁰ He was charged while he was detained pending trial at the Bangkok Remand Prison on a separate charge of being a member of a criminal organization and conspiring to commit a criminal offense (Articles 209 and 210 of the Criminal Code) in relation to a protest in Bangkok on 6 March.⁷¹ On 2 April, Piyarat was granted temporary release on bail by the Bangkok Criminal Court in relation to the alleged offense committed on 6 March, but was immediately re-arrested for alleged violation of Article 112 in connection with the protests in Kalasin Province.⁷² On 3 April, the Kalasin District Court approved Piyarat’s temporary detention on charges of lèse-majesté. As a result, he was immediately taken to Kalasin Remand Prison where he was detained for 33 days. He was eventually released on 5 May after the court repeatedly denied him bail.⁷³

On 20 May 2021, police in Bangkok charged a woman with lèse-majesté for posting videos on Tik Tok criticizing the government’s spending in handling the COVID-19.⁷⁴

Wearing a traditional dress or a crop top

On 17 December 2020, police charged activist Jatuphon Saeung with lèse-majesté for wearing a traditional Thai dress during a satirical fashion show held by pro-democracy protesters on Bangkok’s Silom Road on 29 October 2020.⁷⁵ Jatuphon was accused of imitating the Thai Queen by wearing a dress and supposedly acting like her. She was released without having to post bail after acknowledging the charges.⁷⁶

Along with Jatuphon, 16-year-old student Noppasin [last name withheld] was also charged with violating Article 112 for participating in the same protest.⁷⁷ Noppasin was accused of mocking King Rama X for wearing a black crop top. On 17 December, after acknowledging the lèse-majesté charge, Noppasin was brought to the Central Juvenile and Family Court, which approved a detention request by the police citing the severe penalty of the charge. He was eventually released on bail later that day after his lawyer filed an appeal.⁷⁸

68. Thai Lawyers for Human Rights, *Police pressed Article 112 charges against five students – individuals in Lampang for hanging banner “budget allocations for the monarchy > COVID-19 vaccine”*, 25 January 2021 [in Thai].

69. Thai Lawyers for Human Rights, *Police pressed Article 112 charges against five students – individuals in Lampang for hanging banner “budget allocations for the monarchy > COVID-19 vaccine”*, 25 January 2021 [in Thai].

70. Prachatai, *Activist immediately re-arrested following release*, 5 April 2021.

71. Prachatai, *Trash dumped and burned at court entrance*, 7 March 2021.

72. Thai Lawyers for Human Rights, *Statistics of temporary release requests of political detainees 2021*, 3 May 2021.

73. Thai Lawyers for Human Rights, *Bail granted for ‘Toto’ with 2 hundred thousand surety and EM bracelet requirement, along with a condition not to engage in activities damaging the monarchy institution*, 5 May 2021 [in Thai].

74. Thai Lawyer for Human Rights, *A Kalasin girl charged with lèse-majesté and computer crimes act for posting Tik Tok video, criticizing the management of people’s tax. It is revealed that Prayuth’s representative filed it*, 21 May 2021 [in Thai].

75. Prachatai, *Students accused of royal defamation for protest fashion show hear charges*, 18 December 2020.

76. Thai Lawyer for Human Rights, *Article 112 complaint filed against a youth – Thai costume wearer for walking a red carpet at a fashion show in Silom*, 17 December 2020 [in Thai].

77. Thai Lawyer for Human Rights, *Article 112 complaint filed against a youth – Thai costume wearer for walking a red carpet at a fashion show in Silom*, 17 December 2020 [in Thai].

78. Thai Lawyer for Human Rights, *Article 112 complaint filed against a youth – Thai costume wearer for walking a red carpet at a fashion show in Silom*, 17 December 2020 [in Thai].

Criticizing a past monarch

On 11 February 2021, TCSD police charged a 19-year-old student with *lèse-majesté* and violation of Article 14(3) of the Computer Crimes Act for posting a photo of the late King Rama IX, who died in October 2016, and writing words that allegedly insulted him on Twitter on 14 October 2020.⁷⁹ Upon acknowledging the charges against her, she was released without having to post for bail.⁸⁰

On 1 June 2021, police in Samut Prakan Province charged a 16-year-old student with violating Article 112 and Article 14(3) of the Computer Crimes Act for criticizing King Rama IX by posting a picture of him and his grandson, Prince Dipangkorn Rasmijoti, on the satirical Facebook group Royalist Marketplace in May 2020.⁸¹ Police released him later on the same day.

Quoting a UN statement on *lèse-majesté*

On 21 December 2020, police from Bang Khen police station in Bangkok charged NGO worker and pro-democracy activist Pimsiri Petchnamrob for *lèse-majesté* and sedition. The charges against Pimsiri stemmed from her public speech at a pro-democracy rally in front of the 11th Infantry Regiment in Bangkok on 29 November 2020, during which she quoted former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression David Kaye's statement criticizing Thailand's Article 112.⁸² In October 2017, Mr. Kaye said that *lèse-majesté* had no place in a democratic country and was against international human rights laws. [See below, 6. *International concern mounts over the abuse of Article 112*]

Throwing dog food

On 26 March 2021, police charged pro-democracy protest leader Panusaya Sitijirawattanakul with *lèse-majesté* while she was detained at the Central Women's Correctional Institution in Bangkok. The charge stemmed from a protest against the arrest of fellow activist Sirichai Natueng for *lèse-majesté* on 14 January 2021. During this protest, Panusaya threw dog food at the police and King Rama X's portrait at Khlong Luang Police Station, Pathumthani Province.⁸³ A total of nine individuals were charged with violating Article 112 in connection with the protest, including a 17-year-old student and seven pro-democracy activists, including Parit Chiwarak and Panupong Chadnok.⁸⁴ Authorities reasoned that throwing dog food implied that the protesters mocked the police as dogs and the King as the dogs' owner.⁸⁵

79. Thai Lawyers for Human Rights, *Lèse-majesté and computer crime charges pressed against student who tweeted about King Rama IX*, 16 February 2021 [in Thai].

80. Thai Lawyers for Human Rights, *Lèse-majesté and computer crime charges pressed against student who tweeted about King Rama IX*, 16 February 2021 [in Thai].

81. Thai Lawyer for Human Rights, *16-year-old minor charged with violating Article 112 after being witch hunted for criticizing King Rama IX on Royalist Marketplace Facebook group*, 2 June 2021 [in Thai].

82. Thai Lawyers for Human Rights, *Charges from #Nov29Rally – "Sai" gave no speeches but was charged with Article 112, 116*, 21 December 2020 [in Thai].

83. Thai Lawyers for Human Rights, *Police file more lèse-majesté charges against Rung Panasaya for throwing dog food to protest the arrest of 'New Sirichai'*, 27 March 2021 [in Thai].

84. Thai Lawyers for Human Rights, *Police file more lèse-majesté charges against Rung Panasaya for throwing dog food to protest the arrest of 'New Sirichai'*, 27 March 2021 [in Thai].

85. Thai Lawyers for Human Rights, *Four other activists acknowledged Article 112 charges in the throwing dog food protest calling for the release of 'New'*, 12 March 2021.

Protesters facing possible death sentence for “attempted violence against the Queen”

In an astonishing development, between October and November 2020, authorities arrested and charged five pro-democracy protesters with another form of *lèse-majesté* – this time under Article 110 of the Criminal Code.⁸⁶ This provision prescribes sentences ranging from 16 years to life in prison for those found guilty of “committing or attempting to commit an act of violence against the Queen,” or a death sentence “if such act is likely to endanger the life of the Queen.”

The charges against the five defendants, who include pro-democracy activists Bunkueanun Paotong, Ekkachai Hongkangwan, and Suranat Paenprasoet, and two other individuals, stemmed from their participation in a pro-democracy protest on 14 October 2020 in Bangkok.⁸⁷ The five were among a large group of peaceful protesters located in the vicinity of Government House – an area through which Queen Suthida’s motorcade drove and made a brief encounter with protesters.⁸⁸ Ekkachai and Suranat were arrested on 16 and 21 October 2020, respectively, and detained at the Bangkok Remand Prison. They were both released on 3 November 2020.⁸⁹ On 31 March 2021, all five defendants were formally indicted on charges under Article 110.⁹⁰

86. Prachatai, *Protesters accused of harming the Queen, royal motorcade route questioned*, 19 October 2020; Prachatai, *Third person charged in connection with the royal motorcade incident*, 21 October 2020; Thai Lawyers for Human Rights, *Prosecutor yet to accept Article 110 case of “attempted violence against the liberty of the Queen” after 2 more defendants identified*, 22 January 2021.

87. FIDH, *Thailand: Release all democracy activists, end crackdown on peaceful dissent and independent media*, 16 October 2020; BBC Thai, *Royal motorcade: voices of defendants in the historic case of Article 110 “harming the Queen”*, 20 November 2020 [in Thai].

88. Reuters, *Turning point in Thailand: Queen’s brush with protest*, 23 October 2020.

89. Prachatai, *4 pro-democracy protesters released from temporary detention*, 3 November 2020.

90. BBC Thai, *Royal motorcade: court granted bail to five defendants accused of harming the queen under Article 110 after being indicted by prosecutors*, 31 March 2021 [in Thai].

5. Reminder: Article 112 violates international law

Article 112 remains a powerful legal weapon to silence criticism and discussion of the Thai monarchy, in violation of international human rights law – most notably the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party. The violations of the ICCPR primarily concern: 1) the right to liberty and freedom from arbitrary detention (Article 9); 2) the right to fair trial (Article 14); and 3) the right to freedom of opinion and expression (Article 19).

The deprivation of liberty that stems from lèse-majesté prosecutions is “arbitrary” by international standards, because it results from the legitimate exercise of the right to freedom of opinion and expression, guaranteed by Article 19. Article 9(1) of the ICCPR states that “no one should be subjected to arbitrary arrest or detention.”

The courts’ continuous and systematic denial of bail for alleged lèse-majesté violators is also inconsistent with Article 9(3) of the ICCPR, from which it stems that pre-trial detention should be the exception rather than the rule.⁹¹ In addition, pre-trial detentions of lèse-majesté defendants violate their right to be presumed innocent, guaranteed by Article 14(2) of the ICCPR. In its 2011 annual report, the UN Working Group on Arbitrary Detention (WGAD) also established that pre-trial detention should be an exceptional measure.⁹²

Thai courts’ typical reasoning for denying bail to lèse-majesté detainees is based on the following criteria: 1) severity of the alleged crime; 2) flight risks; and 3) likelihood of recurrence of the alleged offense [See above, 3.1 *Pro-democracy activists face decades in jail*]. Such reasoning is inconsistent with international human rights standards and UN jurisprudence, which make it clear that the presence of these criteria should not automatically result in the deprivation of liberty of lèse-majesté defendants.

Regarding the severity of the crime, in its General Comment No.35, the UN Human Rights Committee (CCPR) states that pre-trial detention should not be ordered based on the potential sentence for a crime, rather than on a determination of necessity.⁹³ Similarly, the WGAD has consistently stated in its opinions that “pretrial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances, or ordered for a period based on the potential sentence for the crime charged, rather than on a determination of necessity.”⁹⁴

On the issue of flight risk, Article 9(3) of the ICCPR stipulates that the release from pre-trial detention “may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings.”

Regarding the recurrence of the crime, in General Comment No.35 the CCPR states that “detention pending trial must be based on an individualized determination that it is reasonable and necessary, taking into account all the circumstances, and that “the relevant factor should not include vague and expansive standards such as public security.”⁹⁵ Such arguments have also been repeated in many WGAD opinions concerning lèse-majesté defendants.

Since November 2020, nearly half of lèse-majesté charges have stemmed from the legitimate exercise of the right to freedom of opinion and expression, which is guaranteed by Article 19 of the ICCPR. Under Article 19, restrictions to such right are permissible on the grounds of respect of the rights or reputations of others, protection of national security or of public order [ordre public], or of public health or morals. However, the curbs and penalties imposed by Article 112 are not permissible restrictions to

91. 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.

92. 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.

93. 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.

94. UN Human Rights Council, *Opinion adopted by the Working Group on Arbitrary Detention at its seventy-ninth session*, 21-25 August 2017 – No.51/2017 (Thailand), 13 October 2017, UN Doc. A/HRC/WGAD/2017/51; UN Human Rights Council, *Opinion adopted by the Working Group on Arbitrary Detention at its seventy-ninth session*, 21-25 August 2017 – No.56/2017 (Thailand), 13 October 2017, UN Doc. A/HRC/WGAD/2017/56; UN Human Rights Council, *Opinion adopted by the Working Group on Arbitrary Detention at its eighty-first session*, 17-26 April 2018 – No.3/2018 (Thailand), 9 July 2017, UN Doc. A/HRC/WGAD/2018/3.

95. 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.

freedom of opinion and expression under Article 19 of the ICCPR as they fail to meet the strict tests of necessity and proportionality. Thai authorities, including the courts, have consistently failed to demonstrate how online content that is critical of the monarchy could be considered as defamatory, insulting, or threatening under Article 112. Similarly, Thai authorities have failed to demonstrate how the dissemination of such online content threatens the rights or reputations of others, national security, public order, public health, or morals, and why the prosecution of lèse-majesté defendants is a necessary and proportionate response to the dissemination of such material.

In General Comment No.34, the CCPR 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.”⁹⁶ The CCPR specifically expressed concern regarding lèse-majesté laws and urged state parties not to prohibit criticism of institutions.⁹⁷ According to the CCPR, defamation laws must not stifle freedom of expression and imprisonment “is never an appropriate penalty” for the violation of these laws.

Children (i.e. individuals under the age of 18) have also been subjected to arrests and prosecutions for lèse-majesté in connection with their participation in pro-democracy protests [See above, 3.4 *Arrests and prosecutions of children*]. Such measures violate the fundamental rights of children and Thailand's obligations under the Convention on the Rights of the Child (CRC), to which Thailand is a state party. Children's rights to freedom of expression and freedom of peaceful assembly are enshrined in Articles 13 and 15 of the CRC. In addition, under Article 37 of the CRC, the arrest, detention, or imprisonment of a child shall be treated as a “measure of last resort and for the shortest appropriate period of time.” Lastly, Article 4 of the CRC stipulates that the best interests of the child should be a “primary consideration” in all actions concerning children undertaken by courts and administrative authorities.

96. 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.

97. 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.

6. International concern mounts over the abuse of Article 112

Over the past 10 years, numerous UN human rights monitoring mechanisms have repeatedly expressed concern over Article 112 and declared that its enforcement is inconsistent with international law. Between 2011 and 2015, various UN human rights bodies issued a total of 14 public statements that called for the amendment or repeal of Article 112 and the release of *lèse-majesté* detainees.⁹⁸ These calls were reiterated in recent years.

On 28 May 2017, the CCPR issued its Concluding Observations following the review of Thailand's second periodic report under the ICCPR on 13-14 March 2017 in Geneva, Switzerland.⁹⁹ With regard to the increase in the number of prosecutions under Article 112, the CCPR expressed concern over the "extreme sentencing practices, which result in dozens of years of imprisonment" for those found guilty of this offense. The CCPR recommended Thailand review Article 112 to bring it into line with Article 19 of the ICCPR and reiterated that the imprisonment of persons for exercising their freedom of expression violated this provision.

On 6 October 2017, during a public lecture at the Foreign Correspondents' Club of Thailand (FCCT) in Bangkok, David Kaye, the then-UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, said *lèse-majesté* prosecutions in Thailand were "inconsistent with international law and should be stopped." He also reiterated that Article 112 "should be repealed."¹⁰⁰

On 18 December 2020, spokesperson for the UN High Commissioner for Human Rights Ravina Shamdasani stated that the UN was "deeply troubled" that Article 112 had been used against at least 35 pro-democracy protesters, including a 16-year-old student. She urged the Thai government to "amend the *lèse-majesté* law" and bring it into line with Article 19 of the ICCPR.¹⁰¹

On 8 February 2021, UN Special Rapporteur on the right to freedom of opinion and expression Irene Khan, UN Special Rapporteur on the rights to peaceful assembly and association Clement Nyaletsossi Voule, and members of the WGAD expressed grave concern over Thailand's growing number of *lèse-majesté* prosecutions and increasingly severe application of Article 112. They were particularly alarmed by the extremely harsh sentence handed down to *lèse-majesté* defendant Anchan Preelerd in January 2021. The experts reiterated that *lèse-majesté* laws had "no place in a democratic country" and urged the Thai government to "revise and repeal" Article 112, drop all charges against all those who faced criminal prosecution for *lèse-majesté*, and release those who have been imprisoned for exercising their right to freedom of expression.¹⁰²

In addition, the WGAD has repeatedly ruled that the deprivation of liberty stemming from *lèse-majesté* charges in Thailand is "arbitrary" and has called on Thai authorities to immediately release *lèse-majesté* detainees and accord them an "enforceable right to compensation."¹⁰³ Between August 2012 and August 2021, the WGAD found the deprivation of liberty of eight individuals detained under Article 112 to be arbitrary. They were all subsequently released.¹⁰⁴ *Lèse-majesté* detainees whose deprivation of liberty was deemed "arbitrary" by the WGAD in recent years included: Pongsak Sriboonpeng (21 November

98. FIDH, *36 and counting: Lèse-majesté imprisonment under Thailand's military junta*, 26 February 2016.

99. UN Human Rights Committee, *Concluding observations on the second periodic report of Thailand*, 15 April 2017, UN Doc. CCPR/C/THA/CO/2.

100. FIDH, *UN expert calls for end to lèse-majesté prosecutions and more arbitrary detentions*, 10 October 2017.

101. UN OHCHR, *Press briefing notes on Thailand*, 18 December 2020.

102. UN OHCHR, *Thailand: UN experts alarmed by the rise in use of lèse-majesté law*, 8 February 2021.

103. FIDH, *Lèse-majesté must not be used to criminalize pro-democracy protest leaders and participants*, 25 November 2020.

104. FIDH, *UN body petitioned over record-breaking prison sentence in lèse-majesté case*, 7 July 2021.

2016);¹⁰⁵ Sasiphimon Patomwongfangam (23 August 2017);¹⁰⁶ Thiansutham Suthijitseranee (24 August 2017);¹⁰⁷ Chayapha Chokpornbudsri (17 April 2018);¹⁰⁸ and Siraphop Kornaroot (24 April 2019).¹⁰⁹

Members of the international community also expressed their concern over the enforcement of Article 112. On 11 May 2016, during its second Universal Periodic Review (UPR) in Geneva, Switzerland, Thailand received seven recommendations that called for the repeal or amendment of Article 112 and an end of its abuse to limit freedom of expression.¹¹⁰

105. UN Human Rights Council, *Opinion adopted by the Working Group on Arbitrary Detention at its seventy-seventh session*, 21-25 November 2016 – No.44/2016 (Thailand), 17 January 2017, UN Doc. A/HRC/WGAD/2016/44.

106. UN Human Rights Council, *Opinion adopted by the Working Group on Arbitrary Detention at its seventy-ninth session*, 21-25 August 2017 – No.51/2017 (Thailand), 13 October 2017, UN Doc. A/HRC/WGAD/2017/51.

107. UN Human Rights Council, *Opinion adopted by the Working Group on Arbitrary Detention at its seventy-ninth session*, 21-25 August 2017 – No.56/2017 (Thailand), 13 October 2017, UN Doc. A/HRC/WGAD/2017/56.

108. UN Human Rights Council, *Opinion adopted by the Working Group on Arbitrary Detention at its eighty-first session*, 17-26 April 2018 – No.3/2018 (Thailand), 9 July 2017, UN Doc. A/HRC/WGAD/2018/3.

109. UN Human Rights Council, *Opinion adopted by the Working Group on Arbitrary Detention at its eighty-fourth session*, 24 April-3 May 2019 – No.4/2019 (Thailand), 30 May 2019, UN Doc. A/HRC/WGAD/2019/4.

110. FIDH, *Government unwilling to address systematic human rights violations at UN-backed review*, 22 September 2016.

7. Recommendations to the Thai government

FIDH, TLHR, and iLaw call on the Thai government to take the following measures:

1. Withdraw the charges under Article 112 of the Criminal Code against pro-democracy activists, protesters, and individuals who merely exercised their fundamental right to freedom of opinion and expression.
2. End arrests, prosecutions, and detentions under Article 112 of the Criminal Code of pro-democracy activists, protesters, and individuals for the legitimate exercise of their right to freedom of opinion and expression.
3. End arrests and prosecutions of children under Article 112 of the Criminal Code and ensure the respect of Thailand's obligations under Articles 13, 15, and 37 of the Convention on the Rights of the Child with regard to the right to freedom of opinion and expression, the right to freedom of peaceful assembly, and the right to liberty.
4. Immediately and unconditionally release all individuals detained under Article 112 of the Criminal Code for the mere exercise of their fundamental right to freedom of opinion and expression.
5. Guarantee the right to a fair trial to lèse-majesté defendants, including the right to bail.
6. Amend Article 112 of the Criminal Code to bring it into line with international standards, including Thailand's international human rights obligations under the ICCPR.
7. Remove prison terms for violations of Article 112 of the Criminal Code that stem from the legitimate exercise of the right to freedom of opinion and expression.
8. Reserve the sole power to file complaints under Article 112 of the Criminal Code to the Bureau of the Royal Household.
9. 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.
10. Fully comply with recommendations made by relevant UN human rights monitoring mechanisms.
11. Arrange a country visit for relevant UN Special Procedures, including: the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the UN Special Rapporteur on the situation of human rights defenders; and the UN WGAD.
12. Ratify the Optional Protocol to the ICCPR.



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The Internet Law Reform Dialogue (iLaw) is a Thai human rights NGO that engages with civil society groups and the general public in an effort to achieve democracy, freedom of expression, civil and political rights, and a fairer and more accountable system of justice in Thailand. Founded in 2009, iLaw strongly supports public participation in achieving these goals through campaigns for legal reforms.



Thai Lawyers for Human Rights (TLHR) is a coalition of human rights lawyers and defenders, formed immediately following the May 2014 coup d'État in Thailand. The coalition's aim has since been to raise awareness about human rights violations resulting from the imposition of martial law and military rule in the country. The organization runs a 24-hour hotline and uses the information gathered to disseminate public awareness and advice for those summoned or arrested. TLHR provides free litigation and legal assistance for vulnerable people whose rights have been affected by martial law and who do not have legal representatives.

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