



“His untouchable Majesty”

Thailand

**Censorship and imprisonment :
the abuses in the name of lese majeste**

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Thailand :

Censorship and imprisonment : the abuses in the name of lese majeste

“But there has never been anyone telling me "approve" because the King speaks well and speaks correctly. Actually I must also be criticised. I am not afraid if the criticism concerns what I do wrong, because then I know. Because if you say the King cannot be criticised, it means that the King is not human.”.

Rama IX, king of Thailand,
5 december 2005

Thailand : Censorship and imprisonment : the abuses in the name of lese majeste

It is undeniable that King Bhumibol Adulyadej, who has been on the throne since 5 May 1950, enjoys huge popularity in Thailand. The kingdom is a constitutional monarchy that assigns him the role of head of state and protector of religion. Crowned under the dynastic name of Rama IX, Bhumibol Adulyadej, born in 1927, studied in Switzerland and has also shown great interest in his country's agricultural and economic development.

Devotion to the king is a major feature of life in Thailand. Every Monday, hundreds of thousands of Thais don yellow clothes in honour of the king, who was born on a Monday. But the absence of criticism towards the king, his family or the monarchy as a system, is not solely linked to devotion. There are very harsh laws on this subject to punish free speech.

Today, thousands of websites have been censored, fear stalks intellectual circles and an Australian has been imprisoned like a criminal for writing a few lines on a Thai prince. How did things get to this state?

A new government has been in power in Thailand since 20 December 2008, and one of its priorities has been to regulate the Internet. Just over one month after it took control, nearly 4,000 websites were blocked because of their "content damaging the monarchy". The justice ministry said that 10,000 sites had posted comments and articles damaging to the monarchy. The new information minister, Ranongruk Suwachawee, also decided to spend 80 million baht (nearly 1.7 million euros) to set up an Internet filtering system in the kingdom, known as the "war room".

According to Reporters Without Borders, a reform of the laws on the crime of lese majeste could only come from the palace. That is why our organisation is addressing itself directly to the sovereign to ask him to find a solution to this crisis that is threatening freedom of expression in the kingdom.

With a king aged 81, the issues of his succession arises. Will the crown prince Wachiralongkorn be as popular as his father? And if he isn't, will the authorities use the law of lese majeste to punish every criticism?

Thailand is quite rightly seen as a model of press freedom in south-east Asia. The press is free and diverse, but journalists all have one point in common: they use self-censorship as soon as anything comes up that affects the monarchy.

In the light of this situation, Reporters Without Borders calls for prompt reform of the laws regulating the crime of lese majeste. In addition to censorship of the Internet, the offence has led to the imprisonment of around 100 people. This report presents the story of six people who have been victims of an investigation for the crime of lese majeste. This is defined as: "anyone who defames, insults or threatens the King, the Queen, the crown prince or the regent". Offenders face "from three to 15 years in prison (Art 112 of the Thai penal code relating to offences of national security)". Ten years ago, Amnesty International was saying that the "last time the law was used dated back to 1991"! Henceforth, barely a day goes past without the ruling coalition, the People's Alliance for Democracy (PAD), redoubling its efforts to silence critics, all in the name of the king.

Respect for the king is a rule, not a courtesy.

According to the 2006 Constitution, “The King shall be enthroned in a position of revered worship. No person shall expose the King to any sort of accusation or action.” (Chapter 2, Section 8). It ensues from this principle that any citizen can call for an investigation into any person suspected of being the author of an article or publication that damages the royal family. It is the duty of police authorities to open investigations into each complaint. This was how *BBC South-East Asia* correspondent, Jonathan Head, weathered at the end of 2008, a third complaint for the crime of lese-majeste, laid against him by a colonel, over articles posted on the website of the *BBC*, which the military figure said questioned the role of the monarchy in the kingdom's political affairs.

Under the law, to speak about the king means nothing less than potentially damaging national security. Justice Minister, Pirapan Salirathavibhaga, confirmed this in an interview on 16 January, saying: “The monarchy in Thailand is not just a symbolic institution. It is the pillar of national security. Whatever is deemed as affecting the monarchy must be treated as a threat to national security”. The ruling coalition recently proposed an amendment raising the maximum sentence from 15 to 25 years in prison.

definition contravenes Article 19 of the International Covenant on Civil and Political Rights that Thailand ratified in 1997, under which: “Everyone shall have the right to hold opinions without interference... everyone shall have the right to freedom of expression”.

In most countries where this crime exists, such as Spain, Jordan, Nepal or even the Netherlands, convictions are rare and argument often deemed to be null and void. Within Europe for example, it also stands in contradiction to Article 10 of the European Convention on Human Rights which defines the right to freedom of expression, subject to certain restrictions “provided for under the law”; this right includes “freedom of opinion and freedom to seek, receive and impart ideas of all kinds, regardless of frontiers.” One of the most recent cases in which the crime of lese majeste was invoked in Europe, pitted the Prince of Spain and his wife against two press cartoonists, who were sentenced to each pay a fine of 3,000 euros, in 2007.

But Peter Noorlander, jurist for the freedom of expression organisation Article 19, said: “The current use of lese majeste in Thailand cannot be compared even with the few Spanish and Dutch cases that occur from time to time and the penalty imposed on the Australian writer is egregiously disproportionate to the 'crime' said to have been committed by him.”

“When it comes to the monarchy, reason goes away. The monarchy in Thailand is like everywhere, but if you don't respect it, you will be harshly punished. Even the international press - *BBC* etc - and books, have very little room for manoeuvre”

A Thai reporter

The crime of lese majeste has been in the criminal code since 1957 and its existence has never been questioned. However, this

Above all, this offence prevents the press from working freely on subjects linked to the monarchy. Reporters Without

Borders recorded more than a dozen press freedom violations during 2008 (threats against media and journalists). In this respect, the comment of Arnaud Dubus, of French daily *Libération* in Bangkok speaks volumes: "I do not recall a single case of a Thai journalist being accused of lese majeste. They know the rules very well and censor themselves. If a Thai journalist criticised the royal family, there would be no doubt about the punishment: straight to prison".

Internet : presumed guilty?

As in most Asian countries, the Internet has become more and more popular as a means of communication. It fulfils the critical role now ceded by the media when it comes to the king. Internet-users find it a space for free expression and exchange. Some 14 million Thais go online every day - 500 times more than in 2000 . Most of them get connected in cybercafés (not exceeding 0,50 euro an hour) or through their work computers in the office.

The Computer Crime Act that came into force in 2007 obliges Internet service providers to keep individual information on Internet users for 90 days. The authorities have the power to check the information without any judicial control. Police are also authorised to seize computers they suspect of being used illegally.

Since Ranongruk Suwanchawee took over at the information ministry, Internet surveillance has been strengthened in the name of lese majeste, which is not mentioned in the Computer Crime Act. And if most of the 4,000 blocked websites do contain articles which are linked to the royal family, the threshold of tolerance towards these publications remains very hazy. The exact criteria used by the authorities to block websites are not known.

In this climate of generalised surveillance, citizens of the country are worried about

the crime of lese majeste. A member of the opposition coalition, Suchart Nakhangsai, chose to leave the country in January 2009 for fear of being accused of lese majeste after pronouncing a speech about the country's political situation. Since it came into power, the current government has ceaselessly announced new measures to "protect the king's image" and raise awareness of the "loyalty everyone must have towards him".

Supinya Klangnarong, coordinator for the Bangkok-based Thai Netizen Network said, "The authorities might think that the punishment and penalties provided in the Computer Crime Act are not severe enough. While the Computer Crime Act keeps surveillance on Internet users, the lese majeste crime represses them". So Internet-users can be acted against for their opinions as a result of posts on a personal website, like the academic Giles Ji Ungpakorn, or even for a simple comment on another website like Internet-user Suwicha Thakor.

Faced with the strengthening of judicial means to keep Internet-users under surveillance, the Thai Netizen Network met the prime minister on 14 January 2009. "The negotiation with the Prime Minister is only a beginning and we cannot claim progress. But we asked for a working group set up by him to find a compromise and then, more than the LM use, to be sure of the prospect of the Computer Crime Act. Apparently, the government wants to amend it and make it even tougher", Supinya Klangnarong told Reporters Without Borders.

Yellow shirts against red shirts

Demonstrations held from August 2008 onwards heightened tension between Thais, now separated into two political colours: red and yellow. The yellows are allies of Prime Minister Abhisit Vajjajiva, from the Democratic Party and appointed

“A monarch who gets close to the people is necessarily subject to more criticism. Our organisation condemns the use being made of the crime of lese majeste in Thailand. By using the image of the king, the authorities and many other political figures try to establish their power or their repute. Investigating citizens and imposing sentences of three to 15 years in prison for expressing themselves publicly is unacceptable and gives a negative image of the kingdom”.

Jean-François Julliard,
Secretary general of Reporters Without Borders.

by the king on 20 December 2008. They are pressing for example for a parliament that is appointed and not elected. Wearing shirts in the royal yellow colour, they above all call for respect of the king. The abusive use of the crime of lese majeste derives in part from this zealous protection of the image of the king.

The reds have been in the majority within the government since 23 December 2007, the date on which the People's Power Party (PPP) won general elections. Founded to support the controversial former prime minister Thaksin Shinawatra of the Thai Rak Thai party (Thais for the Thais) at the time of the military coup that toppled him on 19 September 2006, the party has support among the northern rural areas. The red-clad militants of this populist party, loyal to Thaksin, have in particular called for institutional reform.

After the fall of Thaksin Shinawatra and his exile in London, General Sonthi Boonyaratgin, aged 59, an ardent monarchist and the first Muslim to hold the post in this Buddhist kingdom, became head of the Council for Democratic Reform, made up of the three armed forces (army, air force and navy) and the police, repealing the Constitution, declaring martial law, dissolving the government and taking over all power.

The current monarch is the sole figure who is genuinely popular in society, as far

as one can tell, for any poll on his popularity would be seen as a crime of lese majeste...

David Camroux, a researcher linked to the Paris-based Centre for International Studies and Research (CERI) explained: “It is the image that counts in Thailand and the monarchy has always been central to the life of the country. Bhumipol is the symbol of the country. He is also the arbiter in Thai political life”. But the king rarely expresses an opinion and he can't express any political position. The actors in the 2006 coup claim to stand for the legitimacy of the king and those who are today using the crime of lese majeste also claim it in the name of the monarchy. Bhumipol Adulyadej raised the issue on only one occasion, during his annual address, in 2005, in which he said that “the king is not above criticism”.

Why this excessive zealousness? One Thai political journalist said that “the police feel it is obligatory to crack down on people for the crime of lese majeste. They do it enthusiastically because they know that not to do it could be very costly politically”.

The spirit of the law

Police on 22 April 2008 accused student Chotisak Onsoong of insulting the monarchy for refusing to stand when the royal anthem was played at the cinema.

Every public activity in Thailand is preceded by this anthem, which rings out every evening at 8.30pm. Standing and stopping whatever you are doing is a tacit rule, which is not enshrined in any law, but which everyone respects.

“If the law states that this against the law, I will abide by that law, as the law has the real power over us. But I understand that it is not against the law, so I chose not to stand. [...] Traditions are man-made, not unlike laws. If they're not appropriate, not right, anachronistic, or against people's wellbeing, they can be revoked”, the student said in an interview with the news website Prachatai .

Shortly afterwards, trade unionist Jitra Kotchadej was sacked from her job for wearing a t-shirt bearing the words “It is not a crime not to stand up”, in reference to the act of Chotisak Onsoong, during a TV programme broadcast three months earlier. Her employer, a subsidi-

“I never received any court summons”,

Jitra Kotchadej, trade unionist at the Thai branch of the Germany company Triumph International

diary of the German lingerie company Triumph, sent for on 29 July to tell her she was dismissed, following two summonses from the court in Bangkok since 8 July. Her sacking prompted demonstrations by the company's staff and thousands of militants demanding her reinstatement.

“I never received any court summons,” Jitra Kotchadej told the Thai press. The press believed that the company wanted to prevent her from damaging and undermining the union's weight. It wasn't until more than 2,000 workers went on strike from 30 July to 13 September 2008 that Jitra Kotchadej was discreetly taken back into the company ... at another branch.

“A bad dream”

“Harry Nicolaides was found guilty under Article 112 of the penal code. The court sentenced him to six years, but, since he confessed, the penalty is reduced to three years”, the judge at the criminal court in Bangkok ruled on 19 January 2009. “Harry Nicolaides wrote a book that slandered the king, the crown prince, Thailand and the monarchy”, the judge said.



A charge of lese majeste was made against 41-year-old Australian **Harry Nicolaides** in 2006 for his book “Verisimilitude”, of which 50 copies were published in 2005, and despite the fact that the book received a publication number in Thailand and was therefore officially authorised in the kingdom. The author made trips to and from Thailand between 2006 and 2008 without any interference to give his courses at the University of Mae Fah Luang in Chiang Rai, northern Thailand.

Nicolaides lived in Thailand from 2003 to 2005. During that time, he wrote a column on the website Phuketinfo.com. He has now spent more than five months at Bangkok central prison for having referred to a Thai prince, whom he did not name.

His Australian lawyer, Mark Dean, said, “No one was mentioned by name. The

case involved only three sentences in the 226-page book. Furthermore, the charge was based on the Thai translation, not the original English. The reference to the monarchy is not even central to the book's plot.” Four bail applications made since his arrest at Bangkok airport on 31 August 2008 have all been refused.

Nicolaides told the *BBC* after the verdict: “This has to be a bad dream. It cannot possibly be real. I regret that my family is suffering.”

He had pleaded not guilty to the charge at the first hearing in the case on 21 November 2008. His brother told Reporters Without Borders that he and the family would do “everything they can to ensure that Harry remains strong, healthy and positive in the circumstances”. His family were “extremely distressed” by the outcome of the trial. They called on the king to grant a royal pardon to the prisoner. The Australian government made the same request on 22 January.

“I am sorry that my words may have hurt. It was not my intention to attack His Majesty the king or his kingdom. I know the importance of respecting this country's traditions, customs and expectations. I am not an agitator”.

Harry Nicolaides

A Swiss national, Oliver Jufer, 57, was arrested in 2007 for throwing paint at a portrait of the king after a drunken evening out. He was sentenced to ten years in prison and served four months of his sentence before being granted a royal pardon.

Detained for a comment posted online

Suwicha Thakor was arrested by the Department of Special Investigation (DSI), while he was at the home of friends on 14 January 2009. His computer's Internet address matched the address from which the comments about the king and his aides had been sent, the DSI said, adding that he had left Bangkok because he knew he was guilty. His lawyer appealed unsuccessfully against his imprisonment on 16 January. His application for bail was refused on 26 January.



“Suwicha Thakor is neither a militant, nor a political figure nor an intellectual. Like

millions of his peers, he surfs the Internet for pleasure. His arrest is a warning to all Internet users in the country. It shows just how far the government is prepared to go to punish those who express themselves about the king”, Reporters Without Borders said.

“The arrest of Suwicha Thakor is a warning to all Internet users in the country.”

Vincent Brossel,
head of the Asia desk, Reporters
Without Borders

The powered para-gliding enthusiast (<http://www.212cafe.com/freewebboard/view.php?user=tv007&id=604>) is currently being held in Klong Prem prison after denying lese majeste charges against him. His situation has similarities with that of Duranee Charnchoengsilpakul, better known under the pseudonym “Da Torpedo”. The pro-Thaksin militant was arrested in July 2008 after making a 30-minute speech against the PAD. He remains in custody without any official charge being put to him.

Red and yellow

On 22 January 2009, around 100 red-shirts rallied in front of the Burmese and Singapore embassies in Bangkok. The demonstrators, who were led by **Jakrapob Penkair**, were urging various governments to boycott the summit of the Association of East Asian Nations (ASEAN) which was to be held in Hua Hin, from 17 February to 1st March 2009. On the following day, Jakrapob, a former minister in the government of Thaksin Shinawatra and one of the founding members of the United Front for Democracy against Dictatorship (UDD) was officially charged with lese majeste.



In May 2008, a masters' student at the Buddhist University of Mahamakut in Bangkok had accused him of wanting to change the kingdom's legislative and political system. He accused him of "treason" and "the crime of lese majeste" because of a speech he made at the foreign correspondents' club in Bangkok ... in August 2007. He had said of the then opposition

PAD coalition that they were "elites which talk about democracy but who promote their system of patronage and do not want to abide by the verdict of the ballot box". He also said "so the patronage system of helping people or being dependant [on the state] had been changed into the state of protection. If you have loyalty to the King, unquestionable loyalty to the King, you would be protected. In order to show this protection more clearly, people who do otherwise must be punished."

"I was told to stop my activities to avoid being charged"

Jakrapob Penkair

The 48-year-old has devoted his entire political career to the struggle of Thaksin Shinawatra. He got himself noticed by the then prime minister in 2003, when he was rapporteur of the summit of Asia-Pacific Economic Cooperation (APEC). Thaksin Shinawatra appointed him government spokesman before the end of the year. When in 2006, the prime minister was in the process of being ousted, it was he who became head of the UDD, rallying pro-Thaksin movements to support him. This coalition won general elections on 23 December 2007, bringing to power a prime minister close to Thaksin Shinawatra.

(You can find Jakrapob Penkair's speech to the conference of the Foreign Correspondents Club of Thailand on Reporters Without Borders' website).

“The foundations of a government rest on its ethics”

Sulak Sivaraksa is as well known to Thais as he is to the police. The 75-year-old holds the record for lese majeste complaints against him, the first of which dates back to 1984. The most recent, on 7 November 2008, was for remarks he made at Khon Khaen University in December 2007 where he was guest lecturer.



This writer and an ardent Buddhist, is viewed as a “social critic”. He was arrested at his home in Bangkok on 7 November, by police from the Khon Khaen province (450 kms north-east of the capital) where the university he teaches at is based. He was questioned and then released a few hours later.

Founder of the organisation “Sathirakoses-Nagapradipa Foundation” which mixes Buddhist and ecological philosophy to campaign for a peaceful transformation of society, Sulak Sivaraksa has taken up a trenchant position against the government and institutions. The offending comments made in Khon Khaen were a criticism of the palace's expenses for the jubilee celebration of 60 years of

the king's rule in 2006. He also made clear his opposition to the government of Thaksin Shinawatra, calling him a “pitiful dog” in 2006 during a demonstration organised by the PAD.

His lawyer, Somchai Homlaor, said however that his remarks at the 2007 event were “mild”. He also raised the issue of why it had taken the authorities a year to arrest him. He believed the arrest was more likely linked to Sivaraksa's comment about a statement by ex prime minister Thaksin Shinawatra, who said that demonstrations in the autumn were supported by the army and the palace. Sulak Sivaraksa studied at Lampeter University in Wales. On his return, in 1961, he became director of Sangkhomsaat Paritat (Social Sciences Review) and was forced to leave the country for two years after the 1976 coup.

“The five top leaders of the People's Alliance for Democracy, as well as some other key figures in the party, act with arrogance. They consider that they are at the head of the good party, while unfairly repressing other political movements”

Sulak Sivaraksa

He was accused of lese majeste for the first time in 1984. Further proceedings were launched against him from 1991, after he described members of the royal family as “ordinary people” while speaking to students at Thammasat University in Bangkok. Following his victory before the courts, he was won the 1995 Right Livelihood Award. His arrest on 8 November 2008, was at least his tenth charge for the crime of “lese majeste”.

An academic at risk

When you ask **Giles Ji Ungpakorn** what he teaches in his political science course at the University of Chulalongkorn in Bangkok, he replies that he deals with “several questions, including democracy, the monarchy in Thailand, as well as social movements”. He was charged with the crime of lese majeste on 20 January 2009 because of the publication of his book, “A Coup for the Rich”, which was published in 2007, shortly after the September 2006 military coup. This book, which sold 1,000 copies can also be downloaded from his blog (<http://wdpress.blog.co.uk>). The outcome of his case is not yet known.



Shortly after publication, the book was only withdrawn from sale in the university library, which gave it to the Police. However, it was available in other academic libraries. The accusation came from the institution itself, which denounced the author to the police, objecting to eight paragraphs pointing a finger at the role of the monarchy in the 2006 military coup that toppled Prime Minister, Thaksin Shinawatra.

Ji Ungpakorn has called himself a “socialist” for more than 30 years. He started the “Turn Left” movement that opposes PAD, calls for the abolition of the crime of lese majeste and the establishment of welfare state in Thailand. After he was summoned by the police follo-

wing publication of the book, on 11 January 2009, he launched a petition calling for its abolition which attracted 1176 signatures so far.

In “A Coup for the Rich”, he wrote that “the major forces behind the 19th September coup were anti-democratic groups in the military and civilian elite, disgruntled business leaders and neo-liberal intellectuals and politicians. The coup was also supported by the Monarchy. What all these groups have in common is contempt and hatred for the poor. For them 'too much democracy' gives 'too much' power to the poor electorate and encourages governments to 'overspend' on welfare. For them, Thailand is divided between the 'enlightened middle-classes who understand democracy' and the 'ignorant rural and urban poor’”.

Giles Ji Ungpakorn was born and raised in Thailand. He went to the United Kingdom at the university. His father, Dr Puey Ungpakorn, was an economist who opposed Thailand's successive military regimes from the 1950s onwards. At a time when he was president of the University of Thammasat in Bangkok, the authorities forced him to leave the country following the 1976 military coup.

“The army generals and the Democrat party want an example. They want to stop criticism of their lack of democratic legitimacy. I am prepared to fight any lese majeste charges in order to defend academic freedom, the freedom of expression and democracy in Thailand. ”

Giles Ji Ungpakorn

Political science professor at the University of Chulalongkorn in Bangkok since 1996, Giles Ji Ungpakorn has published books in English and Thai such as “Social Movements in Thailand (in Thai)” and “Debates around political questions in South-East Asia”.

British journalist falls victim to a Thai military figure who speaks no English

Jonathan Head has been *BBC* correspondent in South-East Asia for 13 years and has covered Thailand since 2006. He has been hounded through the courts by the one of the opponents of former prime minister, Thaksin Shinawatra, Lieutenant-Colonel Wattanasak Mungkandee... who speaks no English.



This colonel laid a complaint against Jonathan Head on 23 December 2008 for the third time in a year for the crime of lese majeste. He complained of an article published on 3 December 2008 headlined “How did the Thai protestors manage it?”. In this article, the journalist addressed the possibility that the royal palace supported the militants in the People's Alliance for Democracy (PAD), who were occupying the capital's airports. He wrote: “The

“As a journalist, it's very frustrating not being able to discuss the monarchy, but we must respect the law and be restrained in what we say.”

Jonathan Head

government and its rural followers believe there is a palace-army-elite conspiracy to rob them of their electoral mandate. The PAD and its middle-class followers believe the pro-Thaksin camp intends to turn Thailand into a republic and overthrow the existing social order. With so much believed to be at stake, compromise between the two sides is almost impossible.” The two complaints made against Jonathan Head by Lieut-Col. Wattanasak Mungkandee were linked to his articles about the monarchy on the *BBC* website. The journalist does not know where investigations and proceedings have got to in the three cases.

Wattanasak Mungkandee accused Jonathan Head of the “crime of lese-majeste”, after photos “insulting the monarchy” were posted on the British media's website. A score of articles were also cited, some of which were not by-lined Jonathan Head. Police opened an investigation that followed one already started on 8 April, after the journalist spoke during a conference he organised at the Foreign Correspondents' Club of Thailand (FCCT), on 13 December 2007.

The conference, “Coup, Capital and Crown” presented two publications and launched a debate between four speakers. One person who attended the conference said that the moderator, Jonathan Head, had said: “As a journalist, it's very frustrating not being able to discuss the monarchy, but we must respect the law and be restrained in what we say [...] His Majesty the King is now 80, he will not be around for ever... democracy, the military and the monarchy are deeply linked.” A part of this speech is available online: <http://reallife-thailand.blogspot.com/2007/12/coup-capital-crown-report-from-fcct.html>.

World news editor of the *BBC*, Jon Williams, said “While we respect the Thai judicial process, the allegations made against Jonathan Head are completely

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unfounded. We understand that the police in Thailand are required to investigate all complaints of lese majeste and will cooperate with that investigation. We look forward to it clearing Jonathan in due course”.

A source close to the case, said the complaint had been made maliciously on the part of a former British journalist who works closely with Lieut-Col. Wattanasak

Mungkandee. The former journalist and member of the FCCT in Bangkok, is also suspected by some people of secretly filming meetings at the club for use against Jonathan Head as well as against Jakrabop Penkair (see p. 10).

Read “How did the Thai protestors manage it?”:
<http://news.bbc.co.uk/2/hi/asia-pacific/7762806.stm>

Open letter to King Bhumipol Adulyadej of Thailand

“Your Majesty,

Reporters Without Borders, an international organisation that defends press freedom, would like to draw your attention and your goodwill to the damage being done to freedom of expression in your kingdom.

The use made of the crime of lese majeste in your name, apart from seriously harming the image of your kingdom, constitutes a violation of freedom of expression enjoyed by your subjects. All the police investigations for “the crime of lese majeste” that we have learned about, have been opened since the establishment of the new government, often for remarks made more than a year ago. This zeal disturbs us in terms of the fate of those people, who have only expressed their point of view. The ease with which accusations can be made against Thai citizens and foreigners living in the kingdom is disconcerting and police and judicial opacity that surrounds them makes them ambiguous.

Reporters Without Borders would also like to draw your attention to the threat to free expression and development of the Internet in the country posed by the actions of the information and communications ministry. In order to better monitor Thai Internet users, the information ministry has no hesitation in strengthening Internet filtering but without explaining the reasons for the step. While in a kingdom that is so concerned for the wellbeing of its subjects, it is hard to understand that a citizen can face proceedings solely for posting a comment on a website, even if it does refer to the royal family. Did not Your Majesty Himself say in 2005 that his Excellency was not “above all criticism”?

We respectfully ask you, Your Majesty, to use your power and your authority so that charges are dropped against Jonathan Head, Giles Ji Ungpakorn, Sulak Sivaraksa, Jakrapob Penkair, Suwicha Thakor, Chotisak Oonsong and Jitra Kotchadej. We also respectfully ask you to grant a royal pardon to Harry Nicolaidis.

We are entirely at your disposal, Your Majesty, to provide you with any further information and with proposals for reform for a lasting guarantee for free expression in Thailand.

Yours respectfully,



Jean-François Julliard
Secretary General

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Further information

- The website **Thai Netizen Network** (mainly in Tha), posts news and information about the state of the Internet in the country. This Thai organisation, founded in 2008, was behind an initiative to open dialogue with the prime minister about individual freedoms in the country. It also wants to set up a collective of lawyers who could defend Internet users facing proceedings.

[http:// www.thainetizen.org](http://www.thainetizen.org)

- News website **Prachatai** (in Thai and English), posts news and information about social movements in Thailand. It is a news site that provides good analyses of the situation within the country. Its journalists have also posted an interview with student Chotisak Oonsong (<http://www.prachatai.com/english/news.php?id=607>). It has been censored several times within the country.

<http://www.prachatai.com>

- The website defending Internet freedom, **Freedom against Censorship in Thailand** (FACT), is a mine of information on censorship in the kingdom. It covers all Internet filtering issues, from the problems of pornography to recent crimes of lese majeste. Run by Australian CJ Hinke, it posts information in English.

<http://www.facthai.wordpress.com>

- The blog **New Mandala** belongs to Nicholas Farelly, head of Asiatic studies at the Australian National University.

<http://www.rspas.anu.edu.au>

- The blog by **Jotman** (in English), is recognised as one of the region's most interesting sources. Based on the border between Thailand and Burma, Jotman is a source of information that brings a different point of view on both countries. He is also a laureate of the 2007 Reporters Without Borders' Special Prize at the international Best of the Blogs (the BOBs) competition organised by Deutsche Welle.

<http://jotman.blogspot.com/>

- The website **Thai political prisoners** monitors the case of victims of abuse of power. The cases presented in this report, can also be found there:

<http://thaipoliticalprisoners.wordpress.com/>