



Thailand: Theater Activists Jailed for Insulting Monarchy

Publisher [Human Rights Watch](#)

Publication Date 20 August 2014

Cite as Human Rights Watch, *Thailand: Theater Activists Jailed for Insulting Monarchy*, 20 August 2014, available at: <http://www.refworld.org/docid/53f74e904.html> [accessed 15 December 2014]

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The arrest of two activists involved in a play considered by Thai military authorities to be "insulting to the monarchy" shows the decline in freedom of expression in Thailand since the May 22, 2014 coup, Human Rights Watch said today. At least 14 new lese majeste cases are pending in the Bangkok Military Court and in criminal courts around Thailand, according to the Internet Dialogue on Law Reform (ILaw).

Patiwat Saraiyaem, 23, and Pornthip Munkong, 25, were arrested on August 14 and 15 respectively for their participation in "The Wolf Bride," a play presented in October 2013 as part of the 40th commemoration at Thammasat University of the October 1973 pro-democracy protest.

"Thailand's military junta first put a chokehold on TV, radio, newspapers and the internet, and now they're going after the theater arts," said Brad Adams, Asia director at Human Rights Watch. "Since the military coup, the authorities have clamped down on any speech they find objectionable, including what they deem is critical of the monarchy."

Patiwat, a student of Khon Kaen University's Fine and Applied Arts Faculty who was an actor in "The Wolf Bride," was transferred after his arrest from Khon Kaen province to Bangkok's Chanasongkhram police station. Police said that a warrant for his arrest had been issued in June. Pornthip, an activist who directed "The Wolf Bride," was arrested as she was about to leave Thailand to study overseas. She was also sent to the Chanasongkhram police station.

The Bangkok Criminal Court denied both Patiwat's and Pornthip's bail requests. Patiwat is currently detained at the Bangkok Remand Prison while Pornthip is at the Central Women's Correctional Institution.

The International Covenant on Civil and Political Rights (ICCPR), which Thailand has ratified, encourages bail for criminal suspects. Article 9 states that, "It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial." Those denied bail need to be tried as expeditiously as possible, Human Rights Watch said. The ICCPR in article 19 upholds the right to freedom of expression.

"For many years Thai courts have regularly refused bail to people awaiting trial for 'insulting the monarchy,'" Adams said. "The systematic denial of bail for lese majeste suspects seems intended to punish them before they even go to trial."

The offense of lese majeste is found under article 112 of Thailand's penal code. The Thai authorities have frequently used article 112 to intimidate, arrest, and prosecute people who are accused of criticizing or speaking ill about the king and members of the royal family.

The military junta, the National Council for Peace and Order (NCPO), has pledged to restore human rights protections in Thailand, but has also repeatedly vowed to prosecute critics of the monarchy, which clearly undermines the right to free speech. The arrests of Patiwat and Pornthip 10 months after the performance of "The Wolf Bride" suggest that the military authorities are sending a current political message rather than addressing a past harm, Human Rights Watch said.

Neither King Bhumibol Adulyadej nor any member of the royal family has ever personally filed lese majeste charges, Human Rights Watch said. During his birthday speech in 2005, the King stated that he was not above criticism. "Actually, I must also be criticized. I am not afraid if the criticism concerns what I do wrong, because then I know. Because if you say the King cannot be criticized, it means that the King is not human," he said. "If the King can do no wrong, it is akin to looking down upon him because the King is not being treated as a human being. But the King can do wrong."

However, the police, public prosecutors, courts, and other state authorities appear to be afraid to reject any allegations of lese majeste out of concern they might be accused of disloyalty to the monarchy. Human Rights Watch has long urged the Thai authorities to amend article 112 so that private parties cannot bring complaints of lese majeste since no private harm is incurred. Private persons and groups have often misused lese majeste laws for political purposes.

"The heavy-handed enforcement of lese majeste laws has a devastating impact on freedom of expression in Thailand," Adams said. "A broad-based discussion is urgently needed to amend the laws to ensure that they conform with Thailand's international human rights obligations."

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