



Thailand: Lèse-majesté detentions skyrocket under military rule

Publisher [International Federation for Human Rights](http://www.refworld.org/docid/548acce715.html)

Publication Date 21 November 2014

Cite as International Federation for Human Rights, *Thailand: Lèse-majesté detentions skyrocket under military rule*, 21 November 2014, available at: <http://www.refworld.org/docid/548acce715.html> [accessed 16 December 2014]

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Paris, Bangkok, 21 November 2014: Thailand's military junta, the National Council for Peace and Order (NCPO), must end the arbitrary deprivation of liberty of individuals under the country's draconian lèse-majesté laws, FIDH and its member organization Union for Civil Liberty (UCL) urged today. Fifteen of the 20 individuals currently behind bars on lèse-majesté charges have been either detained or imprisoned after the 22 May 2014 military coup.

"Under the pretext of protecting the monarchy, the junta has embarked on a witch hunt that has significantly eroded fundamental human rights," said FIDH President Karim Lahidji. "Trials in military courts, closed-door proceedings, and the systematic denial of the right to bail have become a disturbing reality of the junta's overzealous enforcement of lèse-majesté laws."

"The junta must immediately end the unnecessary deprivation of liberty for alleged violators of lèse-majesté laws and restore all guarantees of fair trials," urged UCL Chairman Jaturong Boonyarattanasoontorn.

Article 112 of the Thai Criminal Code states that "whoever defames, insults or threatens the King, the Queen, the Heir to the throne or the Regent shall be punished with imprisonment of three to 15 years."

Under the military junta, authorities have stepped up investigations, arrests, and prosecution of individuals suspected of lèse-majesté.

On 14 October 2014, National Police Acting Deputy Chief Lt Gen Chakthip Chaijinda said that police aimed at bringing charges in about 50% of the 93 lèse-majesté active investigations by the end of the year.

Since 22 May, 18 individuals have been arrested for allegedly violating Article 112 of the Criminal Code. Two have been released on bail and five have been sentenced to prison terms for offenses committed before the military coup, with one released on a suspended sentence.

On 18 November, a military court in Bangkok deliberated its first case and sentenced web radio host Kathawuth Boonpitak, 59, to five years in prison. The court found Kathawut guilty of making comments that defamed the monarchy during a political talk show aired on his website in March 2014. Defendants cannot appeal the verdicts of military courts.

On 4 November, a Bangkok Criminal Court sentenced 24-year-old student Akkaradet Iamsuwan to two-and-a-half years in prison under Article 112 of the Criminal Code and Article 14 of the Computer Crimes Act. Akkaradet was found guilty of posting a Facebook message on 15 March 2014 that the court deemed it insulted the monarchy and threatened national security.

On 1 September, a Bangkok Criminal Court sentenced behind closed doors Chaleo Jankiad, a 55-year-old tailor, to a three-year suspended prison term for uploading to the web an audio clip in late 2011 that was deemed to be offensive of the monarchy. Chaleo is the only defendant who has been released as a result of a suspended sentence.

On 14 August, a Bangkok Criminal Court sentenced Yuthasak [last name withheld], a 43-year-old taxi driver, to five years in prison. Yuthasak was accused by a passenger, a Chulalongkorn University lecturer, of expressing anti-monarchy views. The passenger recorded the conversation on her phone and filed a lèse-majesté complaint against Yuthasak in January 2014.

On 31 July, the Ubon Ratchathani Provincial Court sentenced 28-year-old musician [name withheld] to 15 years in prison under Article 112 of the Criminal Code and Article 14 of the Computer Crimes Act. The court found him guilty of posting messages on Facebook between 2011 and 2012 that were deemed to insult the monarchy.

All five defendants saw their original sentences halved because they pleaded guilty to the charges.

In addition to these verdicts, on 19 September, the Court of Appeals upheld a Bangkok Criminal Court's lèse-majesté conviction of Somyot Phrueksakasemsuk. The court failed to inform Somyot, his lawyer, and his family members that the hearing would take place on that day. On 19 November, Somyot filed an appeal to the Supreme Court against his conviction. Court officials have denied Somyot's requests for bail 15 times. Somyot suffers from hypertension and he is not receiving adequate treatment at the Bangkok Remand Prison.

In the overwhelming majority of lèse-majesté cases, courts have denied bail for detainees awaiting trial. FIDH and UCL believe that this deprivation of liberty is in violation of the principle that release must be the rule and provisional detention the exception, as stipulated by Article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a State party.

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