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PRESS RELEASE

**Thailand: Web Developer's 13 Year Prison Sentence
Another Setback for Freedom of Expression**

London 16.03.11: Red shirt-affiliated website administrator **Thanthawut Taweewarodomkul** has been sentenced by a Thai court to 13 years in prison for posting content offending the royal family. **ARTICLE 19** is deeply concerned about the mounting clampdown on freedom of expression in Thailand, especially on the internet.

"This case is another example of Thai authorities limiting public debate using lèse-majesté as pretence. The sentence is highly disproportionate and will create a chilling effect on freedom of expression in Thailand. The growing trend to censor expression, especially on the internet, is setting back the democratic progress Thailand has made over the last decade," says Dr Agnès Callamard, ARTICLE 19 Executive Director.

Thanthawut Taweewarodomkul, 38, was sentenced to ten years imprisonment under the *lèse-majesté* law (Article 112 of the Penal Code) and another three years under Article 14 of the Computer Crime Act (CCA). He was charged by the Technological Crimes Suppression Division (TCSD) for posting offensive messages between 13 to 15 March last year and being the administrator of the *Nor Por Chor* USA website (www.norporchorusa.com). Since his arrest on 1 April 2010, Thanthawut has been detained without bail.

ARTICLE 19 is concerned that the court decision will set a precedent for making web administrators liable for comments posted on their websites. In a separate case currently under trial, Chiranuch Premchaiporn, the editor of the news website, *Prachatai*, has been charged under these provisions for anti-monarchy comments made on the site by anonymous visitors.

ARTICLE 19 is also concerned about the CCA requirement that all internet service providers collect internet traffic information about their users' activities, which was used as evidence in this case. This is a violation of both the Thai Constitution and international law protecting personal life and data.

Since the CCA was adopted in 2007, ARTICLE 19 has argued that it severely undermines the right to freely provide and receive information on the internet, and contradicts Thailand's domestic and international freedom of expression obligations. In particular, the provisions in Articles 14-16, which criminalise the publishing of information on public computers, are

vague and over-broad, and allow for subjective interpretation by state officials. Furthermore, the *lèse-majesté* law which provides special protection for the royalty is in breach of international guarantees of freedom of expression, which require public figures to tolerate more, rather than less, criticism.

ARTICLE 19 calls on the Thai Criminal Court to reverse this ruling, and urges the Thai government to repeal the *lèse-majesté* law and limit the CCA to only crimes that affect systems or networks such as illegal access to computer systems, causing harm to the computer network by releasing viruses or conducting denial of service attacks, and preventing fraud.

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NOTES TO EDITORS:

- For more information, please contact: Amy Sim, ARTICLE 19 Senior Asia Programme Officer, amy@article19.org or +44 20 7324 2500.
- ARTICLE 19 has recently submitted a report to the UN Human Rights Council in preparation for the Universal Periodic Review of Thailand in October 2011. The Submission is available at: <http://www.article19.org/pdfs/submissions/thailand-upr-submission.pdf>
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.