

Reporters Without Borders

<http://www.rsf.org/thailand-new-cases-suggest-no-change-in-13-09-2011,40978.html>

Asia - Thailand

Lèse-majesté

New cases suggest no change in lèse-majesté policy

13 September 2011

Reporters Without Borders regrets that the new Thai government is betraying the principles it originally affirmed by failing to put an end to misuse of the country's lèse-majesté laws in order to censor and detain journalists, bloggers and netizens whose articles and posts are the subject of complaints because they are outspoken or raise sensitive issues.

The press freedom organization fears that the new government lacks the will to implement what Prime Minister Yingluck Shinawatra had indicated would be its policy when she said, shortly after her election victory on 3 July, that the lèse-majesté laws should not be "used inappropriately."

Deputy Prime Minister Chalerm Yubamrung signalled a completely different policy when he said on 26 August: "The first thing I must tackle as a matter of urgency are those lèse-majesté websites. They will not be allowed during this government." Does the prime minister support this position?

Reporters Without Borders calls for the release of all netizens held on lèse-majesté charges and the withdrawal of these charges, and reiterates its call for the revision of the lèse-majesté laws. "We still hope that Thailand's new leadership will break with the habits of the past," the organization said. "A true democracy can only rest on pluralism and freedom of expression."

A government as repressive as the last one?

One of the latest cases is that of **Surapak Phuchaisaeng**, a 40-year-old Thai netizen who was arrested on 2 September in Bangkok. He is accused of lèse-majesté in connection with photos, videos and messages he posted on Facebook. A user calling himself "mmmp" on the [Thai E-News](#) blog claimed that Facebook provided the information that led to his arrest. But Facebook told Reporters Without Borders it received no request for information about this netizen.

Surapak, whose request for provisional release was rejected, could also face charges under the Computer Crime Act. The Reporters Without Borders correspondent met him in prison on 9 September and saw the conditions in which he is being held. He depends on his family for food but so far has had no visits.

The Reporters Without Borders correspondent was also able to speak to **Thanthawut Thaweewarodomkul**, who was [sentenced](#) to 13 years in prison on a lèse-majesté charge in March. Pending the outcome of his appeal he is being held in a 25-square-metre cell with around 30 other inmates amid an appalling lack of hygiene. He said he had been attacked by cellmates because of the charges against him.

Systematic repression

Ampon Tangnoppakul was arrested on a lèse-majesté charge on 3 August. He is accused of sending SMS messages that were "inappropriate and insulted the monarchy" to Somkiat Klongwattanasuk, a secretary to former Prime Minister Abhisit Vejjajiva. Prosecution and defence witnesses are due to testify on 23, 27, 28, 29 and 30 September and a verdict is expected by the end of October. Known as "Uncle SMS," Ampon was previously arrested last year under the Computer Crime Act.

There was a disproportionate mobilization of personnel for his arrest last month. A total of 15 police officers accompanied by a lieutenant-general, two colonels and two lieutenant-colonels went to pick him up from his home in Samutprakarn province.

Ampon, who is facing a possible 20-year jail sentence, reportedly admitted owning the phones from which the SMS messages were sent but denied sending them himself. Aged 60, he has cancer of the tongue and his condition is likely to get much worse if he is detained for a long time. Despite several requests from his lawyer, the court has so far refused to free him on bail. Reporters Without Borders calls for the immediate withdrawal of the charges against him.

Surapak and Ampon are among the first netizens to be detained on lèse-majesté charges since the new government took over. Their arrests are a disturbing sign that the previous government's repressive policies are to be pursued.

Web-hosting companies, new Internet police?

Anthony Chai, a US citizen of Thai origin, meanwhile recently decided to sue Netfirms, a Canadian web hosting company, for provided his personal information to the Thai government in a lèse-majesté case.

When approached by the Thai authorities, Netfirms reportedly closed down the anti-government Thai-language website it was hosting, Manusaya.com, and provided the Thai Department of Special Investigation (DSI) with the personal data of all the people who had been posting on the site.

As a result of the information supplied to the DSI, Chai was detained for two days during his last visit to Thailand, in 2006. Several of the offending posts had been sent from the IP addresses of Chai's computers, but they were available for the use of customers in his store in California. After his return to California, DSI officials went there to question him further.

Chai says that threats have been made against his family in Thailand and that he risks being arrested again if he tries to make another visit.

Reporters Without Borders is also alarmed by Police Lt. Col. Boonlert Kullayanamit's comments to the media during the trial of **Chiranuch Premchaiporn**, the head of the news website *Prachatai*, at which he has been testifying. If a new case were brought against *Prachatai*, Thailand would request cooperation from the country where it was hosted, he said.

Thailand is classified as a "country under surveillance" in the Enemies of the Internet list that Reporters Without Borders released on 12 March.

Photo : Yingluck Shinawatra (credit : Tarasaphorn)
