

Reporters Without Borders

<http://www.rsf.org/thailande-website-editor-could-get-20-years-01-09-2011,40895.html>

Asia - Thailand

Surprising revelations

Prosecution testimony exposes weakness of evidence against website editor

14 September 2011

A prosecution witness at **Chiranuch Premchaiporn's** trial on lèse-majesté charges revealed at the latest hearing on 9 September that it was a member of the royal family who alerted the police to the presence of messages criticising the monarchy on her website, *Prachatai*.

The witness, Police Lt. Col. Boonlert Kullayanamit of the Crime Suppression Bureau, said then interior ministry inspector-general ML Panadda Disakul notified the police about the messages on 24 October 2008. The initials ML (Mom Luang) are a honorific that is given to the grandchildren of Thai kings. Panadda is now the governor of Chiang Mai province.

It was as a result of Panadda's information that an investigation was begun and the charges were brought against Chiranuch.

Other revelations during the hearing highlighted the weakness of the evidence against her. It emerged that at least one of the allegedly defamatory comments, one posted by "Bento," had been copied word for word from *Hi5*, another website.

Lt. Col. Boonlert also revealed that the investigators worked with printed transcripts of the posts without ever comparing them with the originals.

In comments to the media, Boonlert said if a new case were brought against *Prachatai*, the police would request the cooperation of foreign companies, as the media's server has relocated overseas.

09.01.2011 - Website editor could get 20 years on computer crime charges

Reporters Without Borders is very worried about **Chiranuch Premchaiporn**, the head of the news website *Prachatai*, whose trial in connection with comments posted on her site resumes today. Also known as **Jiew**, she is charged under articles 14 and 15 of the Computer Crimes Act.

"Chiranuch is the victim of arbitrary use of draconian laws, namely the Computer Crimes Act and Section 112 of the criminal code, on lèse-majesté," Reporters Without Borders said. "The new prime minister, Yingluck Shinawatra, and her government must prevent freedom of expression being curbed under the pretext of protecting the king's image. We are waiting for a sign of a real political will to reform these repressive laws.

"We take note of Judge Kampot Rungrat's pledge to use purely technical and legal criteria when trying this case, namely whether or not Chiranuch contributed to the comments posted on the site and whether or not she deliberately waited before deleting them. We urge the authorities to drop the charges against her without delay."

Two police officers are due to testify for the prosecution when the trial resumes today before a Bangkok court after a six-month break. More prosecution witnesses are due to be heard on 2,

6, 7, 8, 9, 20 and 21 September. Witnesses for the defence will testify on 11, 12, 13 and 14 October.

Chiranuch is facing a possible 20-year jail sentence for 10 comments damaging to the "royal court's image" which were posted on her site from April to October 2010 and which, according to prosecutors, were not withdrawn quickly enough. Each comment could potentially result in a five-year sentence, but the overall maximum is 20 years. Chiranuch's lawyers insist that she cooperated with the authorities and deleted the offending comments as soon as possible.

The number of lèse-majesté complaints brought before Thai courts (often combined with charges under the Computer Crimes Act) has been growing steadily for years. Reporters Without Borders deplores the way this charge worthy of bygone age is used arbitrarily for political ends and points out that Prime Minister Yingluck has herself criticized "inappropriate" use of the lèse-majesté law.

Chiranuch was arrested on 31 March 2010 in connection with another lèse-majesté complaint which, if it leads to prosecution, could potentially result in second sentence of up to 50 years in prison.

All the lèse-majesté charges that have been brought against Thai journalists, bloggers and ordinary members of the public constitute serious violations of the fundamental right to media freedom and free expression.

Joe Gordon, a Thai-born US citizen who has been detained for nearly 90 days was formerly charged with lèse-majesté on 30 August for praising a biography of King Bhumibol Adulyadej on his blog and translating it into Thai. The biography, written by Paul Handley and entitled "The king never smiles," is banned in Thailand. He was arrested during a visit to his birthplace in northeastern Thailand last May and has been denied bail ever since. Lèse-majesté carries a maximum sentence of 15 years in prison.

Channel 7 journalist **Somjit Nawakruasunthorn** is meanwhile the target of an intimidation campaign by members of the "Red Shirt" movement, who accuse her of addressing the prime minister in an inappropriate manner during an interview. "Her comments breached the code of ethics for the media," said Nopporn Namchiangtai, the leader of a Red Shirt group that staged a demonstration outside the TV station on 30 August.

The *Bangkok Post* reported on 26 August that a group of journalists sent an open letter to the prime minister drawing her attention to the "hate campaign" against Somjit. Emails are reportedly circulating among Red Shirt members with her name and photo and with instructions to "remember her face" and "take care of her when you see her."

In another worrying development, Deputy Prime Minister Chalerm Yubamrung, who also heads the Royal Thai Police Office, announced on 26 August that he intended to establish a “war room” to deal with websites with content constituting lèse-majesté.

Reporters Without Borders also condemns the continuing detention of **Somyot Prueksakasemsuk**, the former editor of the *Voice of Thaksin* newspaper, who is facing a possible 30-year jail sentence on two lèse-majesté counts with which he was formally charged on 26 July.

Norawase Yospiyasathien, a 22-year-old student at Kasetsart University, was arrested on 5 August for copying an article from Fa Diew Kan (Same Sky), a blog covering social and political issues, and posting it on his personal blog. The university’s deputy rector of student affairs filed a lèse-majesté complaint against him in order to protect “the university’s image.”

See also the cases of **Somsak Jeamteerasakul** and **Thanthawut Taweewarodomkul**.

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