

URGENT ACTION

LAWYER AND ACTIVISTS DETAINED FOR FACEBOOK POSTS

Detained lawyer Prawet Prapanukul, Danai, Wanchai and three others were arrested by a joint military security force on 29 April and held in an unknown location for five days before Bangkok's Criminal Court on 3 May remanded the six men to custody. They have been targeted in an ongoing crackdown on individuals sharing or expressing views critical of ruling authorities online. If convicted, they could face between 15 and 50 years' imprisonment for sharing and commenting on Facebook.

On 3 May, the Bangkok Criminal Court remanded lawyer Prawet Prapanukul, Danai, Wanchai and three others into custody while police investigate allegations that the six men violated Article 112 of the Penal Code – Thailand's lèse majesté law – and the Computer Crimes Act. They are believed to be accused of sharing one or more Facebook posts by exiled historian Professor Somsak Jeamteerasakul, including about the unexplained removal of a historic plaque in Bangkok commemorating a revolution that ended absolute monarchy in Thailand. The authorities have threatened to prosecute individuals who share Professor Somsak's posts or follow him online. Prawet Prapanukul has also been accused of sedition under Article 116 of the Penal Code in connection with his criticism of the ruling authorities on Facebook. The six men remain in custody at the Bangkok Remand Prison, where they have been held since 3 May. On 4 May the Criminal Court denied an application for provisional release on bail lodged by two of the men.

A joint security force detained the six men on 29 April, searched their houses and confiscated electronic devices, reportedly without ever presenting an arrest or search warrant. The individuals reported being blindfolded while transported from their homes to military detention. Fears that Prawet Prapanukul and Danai had been subjected to an enforced disappearance following the authorities' failure to acknowledge their detention or whereabouts were made public by the media on 2 May. On 3 May officers from the 11th Circle military camp transferred the group from arbitrary incommunicado detention to Bangkok Criminal Court and then to Bangkok Remand Prison.

Please write immediately in English, Thai or your own language:

- Urging the authorities to immediately and unconditionally release the six men, as they are prisoners of conscience arbitrarily detained solely for the legitimate exercise of their right to freedom of expression, and ensure pending their release, the six men are protected from torture and other ill-treatment, and granted access to their families, lawyers of their choosing and any healthcare they may require;
- Urging the authorities to amend or repeal the Head of National Council for Peace and Order (NCPO) Order No. 3/2015, the Computer Crimes Act, and Articles 112 and 116 of the Penal Code, to ensure that they comply with Thailand's international human rights obligations;
- Urging the authorities to stop targeting peaceful dissenters and critics who engage in the legitimate exercise of their rights with prosecution and arbitrary detention.

PLEASE SEND APPEALS BEFORE 21 JUNE 2017 TO:

Commissioner General of the Royal Thai Police
Pol. Gen Chakthip Chaijinda
Royal Thai Police Headquarters
Rama 1 Road, Pathum Wan
Bangkok 10330, Thailand
Fax: +66 2251 4739

Salutation: Dear Commissioner General

Minister of Justice
Suwaphan Tanyuvardhana
Ministry of Justice
Government Centre Building A
Chaengwattana Road
Bangkok 10210, Thailand
Fax: +66 2953 0503

Salutation: Dear Minister

Minister of Foreign Affairs
Don Pramudwinai
Ministry of Foreign Affairs
Sri Ayudhya Road
Bangkok 10400, Thailand
Fax: +66 2643 5320 / +66 2643 5314
Email: minister@mfa.go.th

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. His Excellency MR KITTIPHONG NA RANONG, Royal Thai Embassy, 29-30 Queen's Gate SW7 5JB, tel 020 7225 5500 or 020 789 2944,

email rtelondon@thaiembassyuk.org.uk and csinfo@thaiembassyuk.org.uk www.thaiembassyuk.org.uk, Salutation: Your Excellency Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Nearly three years after declaring martial law and seizing power in a coup, military authorities continue to excessively and sweepingly restrict the rights to freedom of expression, association and peaceful assembly in Thailand in the name of security, in flagrant violation of Thailand's obligations under international human rights law. Authorities continue to misuse the criminal justice system to harass and target activists and perceived critics of their rule with prosecution, and are currently intensively targeting online speech, including on Facebook. This includes the targeting of individuals for prosecution on the sole basis of sharing posts by others, such as Jatupat Boonpattaraksa, currently detained and denied bail for sharing a BBC Thai article on Facebook and refusing to delete it (see <https://www.amnesty.org/en/documents/asa39/5586/2017/en>).

Thai authorities in April 2017 stated that anyone who communicates with or shares any form of information on Facebook generated by Professor Somsak or two other exiled individuals accused of lèse majesté offenses will face prosecution under the Computer Crimes Act. The Facebook posts by Professor Somsak shared by individuals who have now been targeted for prosecution are believed to contain commentary on an ongoing controversy about the April 2017 removal by unknown individuals of a plaque in Bangkok, and its replacement by another plaque. The plaque commemorated Thailand's 1932 revolution, and its replacement makes no reference to the revolution. In April 2017, the authorities arbitrarily detained an anti-corruption campaigner and former prisoner of conscience, and charged a former elected parliamentarian under the Computer Crimes Act, after they either sought an official explanation or raised concerns about the disappearance of the plaque.

NCPO Order 3/2015 grants the authorities powers to arbitrarily detain individuals for up to a week without charge, trial and access to the outside world. This order has allowed for the arbitrary detention of perceived or actual critics of their rules and policies for up to a week in unofficial places of detention. Authorities have justified this form of detention – commonly referred to as “attitude adjustment” – as a measure to enforce cooperation with their administration. Under the order, authorities may hold individuals in unofficial places of detention without charge, trial or judicial safeguards including access to relatives, lawyers or courts. Such conditions have facilitated torture and other of ill-treatment. The United Nations Human Rights Committee recently recommended that Thailand should immediately release all victims of arbitrary detention and provide them with full reparation.

Lawyer Prawet Prapanukul could face ten separate charges of lèse majesté, the highest number known to have been made against any individual. While prison sentences in Thailand are capped at 50 years, these and the charges under the Computer Crimes Act and Article 116 of the Penal Code could lead to a prison sentence of up to 171 years. Scores of individuals – including politicians, musicians, poets, bloggers and editors – have been arrested or imprisoned for peaceful online expression, chiefly on Facebook for their public status updates, “likes”, shares and private messages. Many of these individuals have been subjected to unfair trials in military courts under charges of computer crimes, sedition and offences against the monarchy, and some have been convicted and sentenced to decades of imprisonment. Authorities continue to extensively use Article 112 of the Penal Code – Thailand's lèse majesté law – to penalise the peaceful expression of a range of opinions. Article 112 allows for the punishment of anyone who “defames, insults or threatens the king, the queen, the heir-apparent or the regent” with between three and 15 years in prison. It has been used in tandem with the Computer Crimes Act (2007), which allows for up to five years' imprisonment and a fine of 100,000 baht (c.US\$2,876) for anyone who puts material online that constitutes an offence against the security of the Kingdom under the criminal code. Restrictive amendments to the law were passed in December 2016 (see [UA 225/16](#)), which is already regularly used to prosecute and punish people peacefully expressing themselves online. The amendments still allow for the prosecution of individuals and webhosts for the peaceful online exercise of rights guaranteed under the country's international human rights obligations, and fail to address the law's inconsistency with these obligations, including those relating to privacy.