

URGENT ACTION

ACTIVIST'S BAIL REVOKED FOR COMMENTING ON FACEBOOK

Activist Jatupat Boonpattaraksa may face up to 15 years' imprisonment for posting a news article online. On 22 December authorities revoked his bail – allegedly for making joking comments on social media – and detained him in Khon Kaen Central Prison in north-eastern Thailand.

Final year law student and activist **Jatupat Boonpattaraksa** (also known as Pai) was detained on 3 December and charged with violating Article 112 of the Thai Penal Code – Thailand's lèse majesté law - and the Computer Crimes Act for sharing on his Facebook account a BBC Thai article published on 1 December and entitled "Profile: Thailand's new King Vajiralongkorn". He was released on a 400,000 Baht (US\$ 11,100) bail on 4 December.

On 22 December the Khon Kaen Provincial Court allowed Khon Kaen Police Station's request for his bail to be revoked on the basis that his social media comments satirised authorities. After being released on bail Jatupat Boonpattaraksa wrote a comment on his Facebook account stating that "The economy is bad so authorities take my bail money". Police officers at the hearing also stated that this statement may "cause misunderstanding" for his 4,000 Facebook followers, he had not deleted his original post of the BBC article, and there was a risk that he would carry on posting such messages that they consider would "cause more damage."

Jatupat Boonpattaraksa may face up to 15 years' imprisonment for sharing the BBC article. He remains detained in Khon Kaen Central Prison in north-eastern Thailand. On 22 December, his request for bail – which referred to the fact that he has a university exam on 16 January 2017 – was refused by the court.

Please write immediately in Thai or your own language:

- Urging the authorities to release Jatupat Boonpattaraksa immediately and unconditionally and stop all criminal proceedings against him;
- Expressing concern that Jatupat Boonpattaraksa is being targeted solely for the peaceful exercise of his rights to freedom of expression, association and assembly;
- Calling on authorities to uphold their international obligations to protect and fulfil the right to freedom of expression, including online.

PLEASE SEND APPEALS BEFORE 3 FEBRUARY 2017 TO:

Minister of Justice
Suwaphan Tanyuwardhana
Ministry of Justice
Government Centre Building A
120 Moo 3
Chaengwattana Road,
Bangkok 10210, Thailand
Fax: +66 2953 0503

Salutation: Dear Minister

Commissioner General of Royal Thai Police
Pol. Gen Chakthip Chaijinda
Royal Thai Police Headquarters
Rama 1 Rd, Pathum Wan
Bangkok, 10330
Thailand

Fax: +66 2251 4739
Salutation: Dear Commissioner General

And copies to:

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

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, Fax 020 7823 9695, 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

Jatupat Boonpattaraksa is a prominent activist who already faces charges for his peaceful protests for community rights and democracy, in violation of an official ban on "political" gatherings of five or more persons, as well as for handing out materials urging voters to reject the draft constitution, and participating in a forum to discuss Thailand's draft constitution. He may face up to forty years' imprisonment should he be prosecuted in multiple cases for the peaceful exercise of his rights to freedom of expression, association and assembly. He was previously released from 19 days of detention on 23 August 2016. See UA 191/16, available at: <https://www.amnesty.org/en/documents/ASA39/4644/2016/en/>

Since taking power in a May 2014 coup, Thailand's military government has used the criminal justice system to harass activists and perceived critics of their rule, in violation of their obligations under international human rights law. They intensively targeted online speech as part of a broader crackdown on the rights to freedom of expression, association and peaceful assembly. 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.

Under Article 112 of the Penal Code – Thailand's lèse majesté law – anyone who "defames, insults or threatens the king, the queen, the heir-apparent or the regent" will be punished with between three and 15 years in prison. It has been used to penalise the peaceful expression of opinions, in tandem with the Computer Crimes Act (2007), which allows for up to five years' imprisonment and/or a fine of 100,000 baht for anyone who puts material online that is related with an offence against Thailand's security. Restrictive amendments were passed in December 2016 to the controversial cybercrime law – the Computer Crimes Act (2007) (see UA 225/16, available at: <https://www.amnesty.org/en/documents/ASA39/4944/2016/en/>) – which is already regularly used to prosecute and punish peaceful Facebook users. 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 on privacy. They also expand official investigatory powers for online activities, including by requiring service providers to retain user data for up to two years. The amendments expand both judicial powers of censorship of materials considered "false", or damaging persons or the public and official powers to censor materials that are not illegal, without any judicial authorisation.

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