

# Thai court jails Australian writer for insulting the king

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The jailing of Australian writer Harry Nicolaides in Thailand last month for the crime of *lese majeste*—insulting the king—is a particularly draconian example of the increasing use of this anti-democratic law. This heavy-handed defence of King Bhumibol Adulyadej is another sign that, far from being over, the country's protracted political crisis is embroiling the monarchy, which has been the crucial lynchpin of the Thai state for decades.

Nicolaides was jailed for three years on January 19 after a Thai court ruled that he had insulted the monarchy by his "reckless choice of words" in a self-published novel entitled *Verisimilitude*. The fact that only 50 copies of the book were printed and only 7 sold highlights the absurdity of the case.

The allegations against Nicolaides all hinged on one 103-word paragraph, which alluded to the philandering of a fictional prince. The court claimed that words were a reference to Bhumibol's son and heir apparent Prince Maha Vajiralongkorn, who is widely known in Thailand as a playboy despite a media blackout of his indiscretions.

According to the *Australian*, Nicolaides had even sent copies to the royal household, the Ministry of Culture and Foreign Affairs and the national library for approval, prior to the book's publication in 2005. Nicolaides, who has lived and worked in Thailand since 2003, was arrested three years later as he was about to fly out of Bangkok last August.

After being detained for four and a half months in the harsh conditions of a Thai jail, Nicolaides pleaded guilty to the charge. As a result, the court halved his jail time from six to three years. He had faced a possible sentence of up to 15 years in jail. His family and friends are deeply concerned for his health, which is deteriorating in the appalling conditions of a Thai prison.

The jailing of Nicolaides has nothing to do with his alleged insult to the Thai monarchy. Rather he is being made a scapegoat in order to intimidate and silence, those inside and

outside Thailand, who are critical of King Bhumibol's partisan involvement in the country's political crisis. The king has been closely associated with the three-year campaign by the traditional Thai elites—the military, state bureaucracy and the courts—to oust former prime minister Thaksin Shinawatra and end his political influence.

Thaksin, a right-wing, populist billionaire who won the 2001 election, increasingly alienated the traditional elites by undermining the previous patterns of patronage that benefited the military and state bureaucracy. Sharp differences emerged over economic policy as Thaksin, who had pledged to protect weaker sections of Thai businesses, came under pressure to continue the pro-market policies demanded by foreign investors.

The king tacitly supported an army coup that ousted Thaksin in September 2006, after a protracted standoff between his government and Peoples Alliance for Democracy (PAD) protestors demanding its removal. Despite the outlawing of Thaksin's Thai Rak Thai (TRT) party and a ban restricting its leading members from politics, its successor—the People Power Party (PPP)—won national elections in December 2007.

Last year, the country lurched from one political crisis to the next as PAD demonstrators, backed by the courts and the military, sought to oust the government. PAD supporters occupied the government house compound in August, and Bangkok's two airports in November. Its ties with the monarchy were evident in its choice of yellow—the royal colour—for all their campaign paraphernalia. As well as denouncing Thaksin for corruption, PAD claimed that he was trying to turn Thailand into a republic. In a public sign of support for PAD, Queen Sirikit attended the funeral of a PAD protestor killed in clash with police on October 7.

In two highly political decisions, the Constitutional Court sacked PPP leader Samak Samaravej as prime minister in September, then in December dissolved the PPP for alleged electoral fraud and banned its leading members, including prime minister Somchai Wongsawat, from politics. After

intense pressure from the army, some of the PPP's former allies joined the opposition Democrat Party, making its leader Abhisit Vejjajiva the new prime minister. King Bhumibol gave his royal seal of approval to the new government.

The involvement of the king in ousting Thaksin and his supporters has undercut the carefully cultivated image of the monarchy as being "above politics". In fact, King Bhumibol has always had close associations with the state bureaucracy and the armed forces, which have ruled through military juntas for much of the post-World War II period. Nevertheless, the illusion of neutrality enabled the monarchy to intervene to defuse political crises. In 1992, for instance, the king facilitated a compromise to end a worsening confrontation between a military-backed regime and mounting street protests in Bangkok.

The charge of *lese majeste* is being used to silence opposition. The day after Nicolaidis was sentenced, Chulalongkorn University academic Giles Ji Ungpakorn was charged under the same law for remarks in his book, *A Coup for the Rich*, published in 2007. Dealing with the events leading up to 2006 army coup, the book reportedly includes an examination of the role of the king and his advisers in supporting ousting Thaksin.

Last weekend, Ungpakorn fled to the UK where he has dual citizenship. He told the Australian Broadcasting Corporation from Britain: "Whether or not that's its intention, the fact is that the monarchy is being used by the government and the military to justify its own action. The 16 million people who voted for the previous elected government feel that the monarchy has intervened in politics and actually destroyed democracy."

Ungpakorn made clear that he did not support Thaksin, whom he denounced for his attacks on human rights. While in power, Thaksin intimidated and threatened media critics, and launched a ruthless "anti-drug war" that resulted in hundreds of extra-judicial killings of alleged dealers by the police. But Ungpakorn noted: "We now have a government which has manoeuvred into power by the military."

In another case, a young activist, Chotisak Onsoong, was charged last April with refusing to stand for the royal anthem at a movie screening. In November, a 75-year-old academic and critic of the *lese majeste* law, Sulak Sivaraksa, was removed from his home late at night and driven 450 kilometres to a police station, where he was charged with insulting the monarchy during a university lecture the previous year.

The BBC's correspondent in Bangkok, Jonathan Head, faced possible charges after a police lieutenant-colonel filed a complaint last May that his reporting between 2006 and 2008

had "damaged and insulted the reputation of the monarchy". One of the allegations was that the BBC web site had slighted the king by placing his photo below that of Thaksin in a story. The BBC has rejected all of the claims.

The London-based *Economist* magazine has withdrawn two issues from circulation in Thailand since December. Both contained articles highly critical of the Thai monarchy and its role in the country's political life. A lengthy article entitled "A right royal mess" published on December 4 took aim at royal family, declaring: "Thailand's interminable political conflict has much to do with the taboo subject of monarchy. That is why the taboo must be broken."

The article detailed the king's long association with the military hierarchy and anti-communist groups, including those responsible for the murder of students at Thammasat University in 1976, and pointed to growing popular discontent with the monarchy. After reporting the arrest of an activist at a pro-Thaksin rally who called the king "a thorn in the side of democracy", it commented: "What shocked the royalist establishment was not just the startling criticism of the king—but that the activist was cheered."

The decision by the *Economist* to target the monarchy highlights the growing concerns in international financial circles over the king's role in the Thai political crisis. Far from acting as a stabilising factor, the monarchy has helped fuel the infighting between two factions of the ruling elite. King Bhumibol's own views of a protected national economy are also sharply at odds with those of global capital markets and Thailand's heavy dependence on exports. Above all, as the full impact of the international economic downturn hits, the fear is that the state apparatus, including the monarchy, is so compromised that it will prove incapable of dealing with the looming political and social shocks.



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