

# Prosecutions continue under Thailand's anti-democratic lese majeste laws

John Roberts  
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A trial is currently underway in the Bangkok Criminal Court of Somyot Pruksakasemsuk under Article 112 of the Thai Criminal Code, the section that deals with *lese majeste* or offences against the Thai King and royal family. The case is one of hundreds that were brought by the previous military-backed government of Prime Minister Abhisit Vejjajiva as a means of intimidating its opponents.

The fact that the anti-democratic laws remain in force and that the trials continue highlights the political accommodation reached by the current government of Yingluck Shinawatra with the country's traditional elites—the military, state bureaucracy and the monarchy. In a deal struck prior to national elections last July, Yingluck agreed to stay out of military affairs and leave the *lese majeste* laws untouched if she came to power.

The uneasy truce ended five years of bitter political infighting within the country's ruling elites after the military ousted Yingluck's brother—Thaksin Shinawatra—in 2006. The result, however, is that critics of the Abhisit government and its backers in the military and monarchy now face lengthy jail terms on a range of charges, including *lese majeste*, that is, denigrating the monarchy.

The *lese majeste* laws are such a politically sensitive issue because the monarchy has played such a pivotal role in protecting the Thai state apparatus. In times of crisis, the Thai king has been able to posture as a neutral arbiter and intervene to defuse developing opposition, to the military in particular. Over the past six years, however, the monarchy has increasingly been seen as acting in a partisan fashion against the Thaksin faction of the ruling elite. This is why there is a greater

use of *lese majeste* laws to block critics.

The 50-year-old Somyot has a long history as an activist in student and trade union organisations and as a publicist. He is charged over two articles that appeared in the *Voice of Taksin* magazine in 2010, when he was the editor. Somyot was arrested on April 30, 2011 and has been held in custody ever since. Eight applications for bail were rejected. If convicted he faces up to 15 years imprisonment.

More than 30 officers were involved in the Somyot case, including from the Centre for the Resolution of the Emergency Situation (CRES), the Department of Special Investigations, the Council of State, the National Security Council, the National Intelligence Agency and the Ministry of Information and Communications Technology.

On April 19, the second day of Somyot's trial, defence questioning of prosecution witnesses highlighted the arbitrary and political character of the charges.

Colonel Wijan Jodtaeng from the army's Internal Security Operations Command admitted that he had never read the two articles involved in the case when he was ordered by the CRES to file a *lese majeste* complaint, which he did in August 2010. CRES was headed at the time by Abhisit's deputy for security affairs, Suthep Thaugsuban.

Colonel Nuchit Sribunsong acknowledged that he did not know who had written the articles under the pen name "Jitr Pollachan." He said the articles constituted *lese majeste* because they mentioned incidents that

occurred during the early years of the Chakri Dynasty in the late eighteenth century, following the death of King Taksin.

The responsibility to examine the articles for *lese majeste* offences was given to two Thammasat University law students who were Department of Special Investigations interns at the time.

The charging of Somyot took place in the aftermath of the bloody crackdown on the pro-Thaksin United Front for Democracy Against Dictatorship (UDD), or “red shirt” movement, that held months of protests against the Abhisit government. More than 90 people were killed and hundreds injured in May 2010 when heavily-armed troops acting on Abhisit’s orders moved in and broke up red shirt encampments in Bangkok’s commercial district.

Many of the red shirt supporters were from the urban and rural poor who supported Thaksin because of his government’s limited social concessions, including cheap health care and village development loans, in the period from 2001 to 2006. They denounced the 2006 military coup and the subsequent judicial ouster of pro-Thaksin governments in 2008.

The number of *lese majeste* cases referred to the courts follows the rise of political tensions and the use of police-state repression against the red shirts. From just 33 cases in 2006, the figure increased to 164 in 2009 and reached a high point of 478 in 2010 before falling back to 85 last year.

The railroading of Somyot is only one of the better known cases. Surachai Danwattananusorn, who is 71 years old, is serving seven and a half years for three counts of insulting the king in 2010. He pleaded guilty in February in return for a lighter sentence, something that Somyot has refused to do.

A court is due to give a verdict on May 30 in the case of webmaster Chiranuch Premchaiporn, whose trial concluded in February. She was charged under the Computer Crimes Act for taking too long to delete *lese majeste* material from her website. The Thai government has blocked thousands of sites on the basis

of *lese majeste* content. Between 2007 and 2010, some 75,000 sites were blocked or suspended.

The Yingluck government has continued these prosecutions, in part to placate the monarchy and the military. Deputy Prime Minister Chalerm Yuamrung has set up a “war room” to deal with *lese majeste* offences online and has declared that websites that offend “will not be tolerated by the government.”

More fundamentally, however, Yingluck, her brother Thaksin and their ruling Puea Thai party are just as fearful of widening popular opposition to the monarchy and the state apparatus as their rivals in the political establishment. In the midst of the 2010 protests, the “red shirt” movement of the urban and rural poor went beyond Puea Thai’s demand for early elections and began to voice concerns about social inequality and the political dominance of the country’s traditional elites.

As the global economic crisis has impacted on Thailand, the economy has slowed and social tensions have continued to rise. The ruling class as a whole has come together to prosecute cases under the reactionary *lese majeste* laws as one means of menacing anyone who calls into question the existing state apparatus and thereby threatens to undermine crucial mechanisms for bourgeois rule.



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