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1 February 2012

Dear Your Excellency,

As concerned international observers of Thailand, we stand in solidarity with our colleagues in the Campaign Committee for the Amendment of Article 112, led by the most respected Thai scholars Dr. Charnvit Kasetsiri, Dr. Nidhi Aeosriwong, and Dr. Pasuk Phongpaichit, in calling for the reform of Article 112 of the Criminal Code. We have watched with growing unease over the last five years since the 19 September 2006 coup as the number of people charged and prosecuted has multiplied exponentially in the service of repression, while the violation of the basic rights of those who face lèse majesté accusations – including the denial of bail and the denial of the right to an open trial – has become routine.

In recent months, the harshest sentence to date under Article 112 was given to Mr. Ampon (a.k.a. Ah-Kong), who was sentenced on 23 November 2011 to 20 years in prison for allegedly sending four SMS messages with anti-monarchy content. There are many known cases in which charges have been filed and prosecutions carried out over the last five years, as well as an unknown number which have not been made public but which court statistics indicate have taken place. Adding an additional layer of concern to the use of Article 112, anyone can currently file a complaint of a violation with the police, who are then compelled to investigate fully. This is of particular concern as the growth in the number of accusations leveraged and prosecutions carried out under Article 112 has occurred as Thai society has become increasingly polarized along political and ideological lines. Within this context, Article 112 has become a powerful tool to silence political dissent, and in particular, any dissent interpreted as disloyalty to the institution of the monarchy. There is no political space in present-day Thailand to publicly discuss the role and future of the monarchy under democracy, which is a crucial subject for the country at the moment.

The harsh and disproportionate lengths of the prison sentences given out under Article 112 have devastated the individuals sentenced and their families. Grandfathers have been wrenched from the grandchildren and fathers and husbands from their children and wives. Yet these sentences, which are comparable to those given for drug trafficking and violent crime, also work powerfully to create fear among Thai citizens writ large. When citizens cannot be certain if, or when, a knock at the door is going to come for a message they have written, an article they have posted online or another action deemed to be disloyal, action and thought are constricted. As long as this occurs, the full exercise of human rights cannot occur in Thailand.

We stand with the Campaign Committee for the Amendment of Article 112 because reform is necessary to protect the basic rights of Thai citizens and support the consolidation of democracy and the rule of law in a broad sense. The amendment draft proposed by the Khana Nitirat will address the crises engendered by the abuse of Article 112 by making the punishment reasonable and proportionate to the crime, limiting who can file a complaint with the Office of His Majesty's Principal Private Secretary rather than any citizen, differentiating sincere and truthful criticism

from threats to the monarchy, and treating violations of Article 112 as those within the legal category of insulting the honor of the monarchy, rather than the category of violations of national security.

We urge you to consider the proposed amendment without delay.

Sincerely,

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