

Thailand: Arnon Nampha arrested - Government escalates crackdown on peaceful protesters

Saturday 8 August 2020, by [BUGHER Matthew](#), [PRACHATAI](#), [SATRUSAYANG Cod](#), [WILSON James](#) (Date first published: 7 August 2020).

The arrest of prominent human rights lawyer Arnon Nampha and at least one student activist signals a dangerous escalation in the Thai government's efforts to suppress a growing protest movement, said ARTICLE 19. The two individuals are among a group of activists sought by the police in connection to recent pro-democracy protests. The authorities should immediately and unconditionally release the detainees, end all related criminal proceedings, and cease efforts to harass and obstruct peaceful protesters.

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Image: Arnon Nampa / Facebook

“The Thai government is clearly worried by the vocal criticism coming from an increasingly defiant pro-democracy movement,” said Matthew Bugher, ARTICLE 19’s Head of Asia Programme. “These arrests underscore the government’s willingness to violate human rights in order to suppress dissent.”

Arnon, a prominent pro-democracy activist and lawyer with Thai Lawyers for Human Rights, was arrested in Bangkok today at approximately 2pm. The arrest warrant presented by police officers was issued by the Bangkok Criminal Court on 6 August and described Arnon’s involvement in recent protest activities. According to the arrest warrant, he is accused of eight violations under multiple laws and emergency measures enacted in response to the COVID-19 pandemic. The most serious charge, sedition, carries a sentence of up to seven years imprisonment. Shortly before his arrest, Arnon announced his intention to give speeches during planned protests on 9 and 10 August.

Panupong Jadnok, a student activist, was also arrested in Bangkok this afternoon. He faces the same charges as Arnon. Panupong and Arnon were identified on their arrest warrants as “Accused #5” and “Accused #7”, respectively, indicating that other protest participants are being sought by the police. At the time of writing, ARTICLE 19 was unable to identify the other accused persons or verify whether further arrests had been made.

Arnon and Panupong have participated in multiple protests in the past month, including a gathering at Bangkok’s Democracy Monument on 18 July that drew more than 2,000 protesters. Earlier this week, the Office of the Prime Minister filed a royal defamation complaint against Arnon in relation to a speech during a Harry Potter-themed protest on 3 August. The arrest warrant is not explicit about which protests are the basis for the charges against the activists, although dates on the document implicate the 18 July protest.

The arrests followed a press conference this morning by the “Free Youth” student activists who have been organising recent protests. The activists reiterated their demands, including the reform of Thailand’s military-backed constitution and the holding of fresh elections. During the press conference, they called for further protests on 16 August if their demands are not met. They also re-branded their movement as “Free People” reflecting their desire to grow the coalition beyond its base of student support.

In recent months, the Thai authorities have repeatedly used criminal investigations and other forms of harassment to suppress the nascent protest movement. The government has used the COVID-19 pandemic as a pretext for obstructing protests, relying on restrictive emergency powers despite the fact that Thailand has not recorded a domestically transmitted case of COVID-19 in more than two months.

“Thailand’s leaders would like to bury those calling for democratic reforms under a mountain of criminal charges,” said Bugher, “The government’s recent actions only underscore the concerns about democracy and human rights that are driving the protest movement.”

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• Article 19. Posted on August 07, 2020 :

<https://www.article19.org/resources/thailand-government-escalates-crackdown-on-peaceful-protesters>

Govt official files royal defamation complaint over Harry Potter protest speech

Apiwat Kantong, vice minister of the Office of the Prime Minister, filed a complaint today (5 August) against human rights lawyer Anon Nampa accusing him of defaming the monarchy in his speech at the Harry Potter-themed protest on Monday (3 August), during which he called for monarchy reform and open criticism of the crown.



*Anon Numpa during his speech at the rally on Monday (3 August).
(Source: The Isaander)*

Apiwat filed his complaint today at the Samranrat Police Station against Anon, bringing to the police documents, audio clips, and video clips of the protest as evidence. He accused Anon and other unnamed supporters of the protest of violating the Emergency Decree and other criminal laws, defaming the monarchy in his rally speech, and of intending to damage the monarchy and create division in the country.

During his speech at the rally on Monday, Anon spoke directly about the need to reform the monarchy, and called for open criticism of the crown. He pointed out that many legislative changes meant that the monarchy now has power beyond what is allowed in a constitutional monarchy, and that this is an issue that must be discussed seriously, publicly, and respectfully, so that a solution can be reached.

“Talking like this is not overthrowing the monarchy, but it is for the monarchy to exist in Thai society with legitimacy in accordance with the democratic system of government with the monarch as head of state,” Anon said during his speech.

Under Thailand’s lèse-majesté law, or Article 112 of the Criminal Codes, criticizing the monarchy is punishable with a maximum sentence of 15 years imprisonment.

Anon posted on his Facebook today that “It is important and necessary to talk about the expansion of the power of the monarchy because so that the society can ask questions and find solutions to the country’s problems together, because the country does not belong to just one person but to all of us.

“If this political fight is successful and resulted in the monarchy being truly above politics and under the constitution, the benefits of the fight will be for every Thai citizens, including this group of people who is filing charges against me.”

Pol Col Ittipol Pongthorn, superintendent of the Samranrat Police Station, said that they will be investigating the evidence submitted to them and will be forwarding the cast to the Chana Songkhram Police Station, since the protest took place under the Chana Songkhram Police’s jurisdiction.

Prachatai

- Prachatai. Submitted on Wed, 5 Aug 2020 - 11:28 PM:
<https://prachatai.com/english/node/8698>
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Student protest leaders want to expand movement beyond students; calls for governments to listen to their criticism

The leaders of the student led #FreeYouth movement held a press conference on Friday calling for the government to listen to their demands and respect their right to assemble while also calling for the expansion of their movement.

Student protests have erupted across the country for the past two months, with students calling for the Prayut administration to amend or redraft the military-backed constitution and to hold new elections.

Student Protest Leaders

The leaders of the protest on Thursday said that they want to expand their movement and will change their name from #FreeYouth to #FreePeople.

“The reason we are expanding to become the free people movement is because to achieve our demands, we require more support,” said protest leader Tattap Ruangprapaikitseree.

“That is why we are inviting all members of Thai society to join us in our campaign,” Tattap told Thai Enquirer before the press conference. “We want everyone to feel like they can join our movement and that it is not strictly for young people and students.”

The student leaders, on Friday, also called on the government to not only listen to the protesters demand but to stop intimidating protesters with security officials and respect their right to assemble.

The government has, in the past, used a security law to arrest student leaders for violation of a government order on large gatherings. The government said that the students were risking the spread of Covid-19 by holding large scale protests even though there have been no cases in Thailand outside of state quarantine in over two months.

The government, last month, extended the security law until the end of August, a move that rights group criticize as unnecessary and done to prevent large scale pressure on the administration.

The leaders of the new #FreePeople movement have called for a protest on August 16 at 3PM if their demands are not met.

James Wilson and Cod Satrusayang

• Thai Enquirer. August 7, 2020:

<https://www.thaienquirer.com/16684/student-protest-leaders-want-to-expand-movement-beyond-students-calls-for-governments-to-listen-to-their-criticism/>

Thailand: Emergency measures threaten human rights

Emergency measures announced today by the Thai government threaten the right to freedom of expression and access to information, said ARTICLE 19. The measures, which will be in place

through at least 30 April, include a ban on communications that are ‘false’ or ‘misleading’. The recent arrest of an artist criticising the government’s response to the public health crisis heightens concerns that emergency powers will be used to suppress free speech and access to information.

“The virus’ spread in Thailand demands a forceful response, but there is no reasonable justification for the type of restrictions on speech imposed by the government today,” said Matthew Bugher, Head of Asia Programme at ARTICLE 19. “Emergency powers should be limited to those strictly necessary to ensure an effective public health response. Broad restrictions on speech are counterproductive in these circumstances. They inhibit, rather than help, efforts to stop the spread of the virus.”

In a press conference on Tuesday, Prime Minister Prayut Chan-o-cha announced that emergency powers would be exercised under the Emergency Decree on Public Administration in Emergency Situation, B.E. 2548 (2005) (Emergency Decree) beginning Thursday. The government today announced that the Emergency Decree would apply nationwide until 30 April and issued the first list of measures to be implemented during that period.

Among the measures announced today is a prohibition against sharing “any kind of news or information related to COVID-19 that is false and might instigate fear amongst the public or that is intentionally distorted to mislead the public”. Public officials are empowered to censor these types of communications or initiate criminal proceedings under the Computer Crime Act or the Emergency Declaration. The Computer Crimes Act—a repressive law in its own right—provides for up to five years’ imprisonment for uploading ‘false information’ and violations of orders made under the Emergency Declaration are punishable by up to two years’ imprisonment.

The measures announced by the government also prohibit “any kind of assembly and activity in a congested place or any kind of seditious act”. Other measures include the closure of public venues, restrictions on international visitors, and a prohibition on hoarding goods. Elderly persons and those with pre-existing health conditions were advised to remain at home and travel between provinces was discouraged. Further measures may be announced in the future.

The Emergency Decree grants the Prime Minister broad powers in an ‘emergency situation’ that requires measures to protect state interests including ‘the safety of the people’. Under Section 9 of the Emergency Decree, the Prime Minister may issue orders confining people to their homes, prohibiting assemblies, banning press releases and other publications that ‘may instigate fear’, and restricting travel and access to certain areas or buildings. Additional powers of arrest, detention, search, seizure and requisitioning of goods and services are available under Section 11 of the Emergency Decree in ‘serious situations’ involving ‘terrorism, use of force, [or] harm to life, body or property’. The measures announced today were made under the authority of Section 9, and the government has not indicated whether it intends to issue measures under Section 11.

The Emergency Decree has been in force since 2005 in three southern provinces, where the government is battling armed insurgent groups. The use of powers under the Emergency Decree in the Thailand’s Deep South has been linked to grave human rights abuses, including torture, arbitrary detention and extrajudicial killings, and has contributed to impunity for such abuses. The Emergency Decree was also invoked during a violent crackdown on protesters in 2010, leading to human rights violations.

ARTICLE 19 has urged governments around the world to ensure that emergency powers used to combat the spread of coronavirus are implemented consistently with international human rights law. Moreover, any government initiatives to counter misinformation and hate speech relating to the outbreak, must also comply with international human rights standards.

Protecting public health is a legitimate state interest that may justify limits on the rights to freedom of expression and access to information. However, such restrictions must meet the standards of legality, necessity and proportionality, as established by Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR). Thailand ratified the ICCPR in 1996. Additionally, states should ensure that emergency measures are applied in a non-discriminatory manner, strictly time-bound, and subject to Parliamentary oversight.

Thailand's use of emergency powers to impose broad restrictions on speech is a clear violation of the right to freedom of expression. The government has provided no justification indicating that these measures are necessary or proportional to the purported aim of helping to stem the spread of coronavirus in Thailand. To the contrary, the free flow of information is essential in responding to the coronavirus pandemic, and the severe criminal penalties imposed by the Emergency Decree and Computer Crime Act are not justified by the circumstances.

In a 2017 Joint Declaration, the UN Special Rapporteur on freedom of expression and three regional rapporteurs warned that:

"[G]eneral prohibitions on the dissemination of information based on vague and ambiguous ideas, including "false news" or "non-objective information", are incompatible with international standards."

Thai government officials have already used other legislative powers to suppress free speech and criticism of the government's response to the coronavirus outbreak. According to local media, at least ten people have been arrested or investigated under the Computer Crime Act, B.E. 2561 (2017) in relation to social media posts about the pandemic. On 23 March, police arrested Danai Usama, a 42-year-old artist from Phuket, after he made a Facebook post about the lack of screening measures at the airport upon his return from Spain.

The Thai government should immediately repeal the emergency measure restricting speech relating to the coronavirus outbreak. It should also ensure that any new emergency measures are consistent with international human rights standards, and that their implementation does not raise further human rights concerns. Information about emergency measures should be clear and easily accessible. Furthermore, the government should be fully transparent and accountable in all actions to respond to the pandemic, ensuring clear communication with the public and committing to upholding human rights in all actions and policies.

"Thai officials have already demonstrated their willingness to use the power of law to silence those criticising the government's response to the pandemic," said Matthew Bugher. "Using emergency powers to stifle reporting or public discourse not only violates human rights, but also impedes Thailand's effort to head off the crisis."

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• Article 19. Posted on March 25, 2020 :

<https://www.article19.org/resources/thailand-emergency-measures-threaten-human-rights/>

