

Opinion

Thailand: It's time to talk about the lèse majesté law

Monday 25 October 2021, by [ROJANAPHRUK Pravit](#) (Date first published: 23 October 2021).

Consider this an open letter to fellow Thai journalists.

A year has passed since the students-led monarchy reform movement descended to the streets of Bangkok and beyond in large numbers. One year on, over 140 have been charged with lèse majesté crimes, or defaming the monarchy. It's punishable by a maximum imprisonment term of 15 years. Around half a dozen of them are currently being incarcerated as I type these words.

To Thai journalists, as well as foreign correspondents in Thailand, the lèse majesté law continue to be the biggest impediment to a free press. Only journalists in chronic denial would say they can carry out critical coverage of the monarchy institution in Thailand despite the law. No, censorship and self-censorship are the norm, combined with self-denial or silence to due fears of repercussions or political expediency. As the Thai press watches more people slowly taken to prison under the law, they should bear in mind that we, as journalists and media organizations and press associations, have an obligation to honour in this unfolding repression of fundamental rights to free expression.

Parit "Penguin" Chiwarak, a Thammasat University protest leader, Jatupat "Pai Dao Din" Boonpattaraksa and Anon Nampa, all have been behind bars for nearly 80 days now. Repeated bail applications have been denied.

The press could continue to watch and simply report about more prosecutions as more youths take the risks, are taken to jail, repeatedly denied bail, and refrain from questioning the anachronistic law. Such stance means the Thai press continue to be part of the problem for their lack of courage and commitment to greater press freedom.

It means the most young political activists feel the need to express themselves publicly on the streets or on social media, despite the risks as they regard the current situation as not just abnormal but unacceptable, intolerable and undemocratic. (Their next major protest is next Sunday, Oct 31, BTW.)

The least that journalists and media associations can do is to call out publicly and say we need to talk about the lèse majesté law and something needs to be done about it. Even if they do not support the abolition of the law, there are crucial details worth reforming: the severity of the law which is disproportionate and more.

Instead of saying this is not our problems, the Thai press can take a leap of faith and publicly say we need to at least reform the law so the press can function more normally and freely and cease to continue to function as a de facto PR machinery, willingly or not, for the monarchy institution because they can only report positive and more positive news, and non-critical news due to the draconian law.

For those Thai journalists still in denial, one has to only watch footage of the BBC Southeast Asia

chief correspondent Jonathan Head spelling it out on air for you. Back in Oct 2016, when Head reported Live about the death of the late king, Rama IX, on Oct 13, he was asked by the news host in London what he thought about the successor, Crown Prince Vajiralongkorn, now the current king, Rama X. Head reminds the BBC news host and its global viewers that he's not at liberty to freely criticize due to the law (and the fact that he's in Thailand).

When Head was asked what kind of king Rama X would be, Head replied. "We can't frankly, because of the law against [defaming] the monarchy, talk very safely about his personality," Head said, matter of fact.

That's the next best thing a journalist can do if you have to censor yourself. Let the public know that you are censoring yourself and why. Many Thai journalists took the road more commonly travelled - self-denial and silence, however.

The lèse majesté law is not just about young activists wanting to critically discuss the monarchy and reform the institution but about the press being unable to do a proper job in providing critical reporting about one of the most important institutions in Thai society. This has gone on for too long and to the detriment of Thai society and basic freedom.

To fellow Thai journalists I say: If not now then when? How many more have to be taken to prison or flee into life-long exile simply because they want to discuss the monarchy critically - something that's taken for granted in the United Kingdom or Japan. The time is now, the Thai press in general are already a year, if not many many years, late.

It's time to muster fortitude and publicly say we need to publicly discuss the law and make it in line with the changing world now. Reduce the maximum imprisonment term, bar the general public from being able to file a lèse majesté complaint and add into the law a stipulation that if criticism against the monarchy is conducted with good intention for the public interests, it is not a crime. And more. These can be a good start and a compromise.

To not have the courage to do so, to continue the silence and docility, the Thai press will certainly be condemned by history as not just for being part of the problems but for abandoning their duty due to the lack of courage to fight for the very fundamental prerequisites of their profession - press freedom and honesty to the public.

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P.S.

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