

THE BIG INTERVIEW

112WATCH interviews scholar, Prem Singh Gill, on the impact of lèse-majesté on the region from a non-Thai perspective.

112WATCH: As a non-Thai, how do you see an impact on the use of Article 112 (lèse-majesté law) on the human rights situation in the country?

Prem Singh Gill: In my perspective, the use of Article 112 is used in order to criminalise a variety of actions imposed by different persons without a clear boundary. Because of the vague elements of crime and variety of act or expressions that could be interpreted differently, it is also not justified to be used in court. Because of this, some ordinary persons may be accused of violating the lèse-majesté law without clear verdicts or justifications given. However, a greater mass of restrictions with zero tolerances in criticism to Thai royal family has violated not just Thai Constitutional Law, but also International Human Rights Law – freedom of expression, exercising the political authority, indeed, it is not sufficient to impose such severe penalties.

112WATCH: From a regional perspective, in your view, how does the lèse-majesté law in Thailand cause an effect on the region's effort to promote peace and human rights?

Prem Singh Gill: The lèse-majesté law in Thailand decreases the regions' effort to promote peace and human rights because the lèse-majesté law can be filed by anyone, against anyone or citizens – it is incumbent for the government to prosecute if it were to be enforced by Thai Government, which clearly explains under Thai Criminal Procedural Code. This may cause instability and disorder as the citizens are able to go against one another. But then, from my observations, many Thais do lack basic understandings of democracy and human rights which has led them to exercise their rights with no strategies planned on their own – but they are controlled and paid by political representatives for protesting (which is not what we call it as 'democracy'). India is a great example for Thailand, where politics starts from the village and ends in the city, and less to no people are being controlled and paid. It is completely free! Furthermore, doing this is just a political tool to stifle critical speech that may degrade or harm the monarchy which is still not justified yet. Whilst many Thai teenagers and young adults have expressed their thoughts who they are prosecuted, and multiple times bail denied or even parole leave were denied. From this point of view, Thailand's birth to constitutional monarchy (from the

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112WATCH: What type of advocacy would you suggest in terms of making the international community well aware of the lèse-majesté situation in Thailand?

Prem Singh Gill: To make the international community aware of these lèse-majesté situations in Thailand, there should be report and case studies written about the excessive use of the lèse-majesté law in Thailand. This is so that the international community have access and are aware of what is happening regarding the use of the lèse-majesté law and how the citizens are being treated. Educating the international community through the case studies report will only make them aware of the situation. Alternatively, the superpowers and human rights-oriented nation/state must come forward and hold meetings and workshops to young leaders and teenagers – however, the efforts are also from Thai citizens and its leaders itself.



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112WATCH: The Thai lèse-majesté law is compatible with laws of the modern world. How do you assess this statement?

Prem Singh Gill: Personally, I do not think that the Thai lèse-majesté law is compatible with laws of the modern world because it does not conform with international standards in terms of guaranteeing freedom of expression and the right of assembly. It should not also be placed in a democratic country like Thailand itself. Japan is a good example, which they had repealed in 1947, whereas the United Kingdom do at least have Constitutional monarchy system – at least I do see their laws are favourable than Thailand, Cambodia, Vietnam. As aforementioned, Thailand needs to realise their position when even international law and norms are subjected to illegitimate, and so the monarchy's standings are getting exacerbating.

ASEAN's role in terms of promoting human right and democracy is rather weak because many countries have set back their visions like it was in traditions time, where absolute/constitutional monarchies, communists, conservatives, racial orientation, and etc. still exists and they highly integrated to their standing points. Thus, ASEAN has miles to go, but if they are intending to contemplate themselves in such roles, first they needs to redefine their thoughts and realise – whether such backlogs should continue, importantly, understanding their own culture and adapting to a right perspective is a must – after all, human rights and democracy do have the same meaning, but the initiatives and embarking through their cultures must balance the between assimilation and integration

112WATCH: Does ASEAN have any role to play in terms of promoting human rights and democracy in the face of the excessive use of lèse-majesté in Thailand?

Prem Singh Gill: ASEAN has a role in terms of promoting human rights and democracy in order to achieve peace and stability in the country. If there is an excessive use of

lèse-majesté in Thailand, ASEAN should step in in order to review the country and to promote prosperous community in terms of protecting the citizens from being abused. In my opinion, ASEAN's role in terms of promoting human right and democracy is rather weak because many countries have set back their visions like it was in traditions time, where absolute/constitutional monarchies, communists, conservatives, racial orientation, and etc. still exists and they highly integrated to their standing points. Thus, ASEAN has miles to go, but if they are intending to contemplate themselves in such roles, first they needs to redefine their thoughts and realise – whether such backlogs should continue, importantly, understanding their own culture and adapting to a right perspective is a must – after all, human rights and democracy do have the same meaning, but the initiatives and embarking through their cultures must balance the between assimilation and integration (NOT borrowing from European countries and make a use of it – it does not work this way!)



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