

# THE BIG INTERVIEW

**112WATCH** interviews Prach Panchakunathorn, a PhD student at Stanford University, on lèse-majesté from the younger generation

**112WATCH:** AAs a Thai living overseas, can you tell us if the exceeding use of lèse-majesté law has caused any concern in a country where you are residing?

**Prach:** The lèse-majesté law has caused not just concern, but fear, among people I know in the US – students and scholars in particular. This is because of two things. First, the lèse-majesté law applies everywhere on earth. So you could be jailed in Thailand for a comment you made in the US. Joe Gordon, an American citizen, was jailed in Thailand for posting some translated sections of a book while he was in the US. (The book was *The King Never Smiles*, published by Yale University Press.) Second, the lèse-majesté law is in the “national security” section of the criminal code. This means that anyone could file charges against anyone. So anyone is a potential informant.

As a result, Thai students to silence themselves in the US, just as when they are in Thailand. American scholars have to censor themselves, for fear of being arrested upon their visit to Thailand. American universities are reluctant to hold academic events on the Thai monarchy. At my institution, Stanford University, a seminar on the Thai monarchy had to be held behind closed doors in 2017, not open even to Stanford students.

Therefore, the lèse-majesté law is not only a problem in Thailand. It's a problem here in the US too. Its pervasive reach encroaches on academic freedom and freedom of expression in the US.

**112WATCH:** As a young Thai and possibly being a part of the new generation, what is your view on Article 112? If you think the law is problematic, what is the best way to deal with it?

**Prach:** My view is that Article 112 is beyond problematic. It is barbaric. It has condemned people to decades in jail simply for commenting on the Thai monarchy, or for sharing someone else's comments. (Although the maximum penalty is 15 years, the court often counts multiple comments as constituting multiple violations. Thus, Anchan Preeleert, a Thai woman, was sentenced to 43 years in jail for sharing multiple audio files that the court regarded as insulting the monarchy.)

Second, the lèse-majesté law sustains the military's dominance in Thai politics. By forbidding any discussion

of the monarchy's support for the military, the lèse-majesté law keeps that support unchallenged.

I think my view here is quite representative of those of people in my generation (millennials). Among the younger generations (generation Z and younger), the view is even more widely shared.

The best way to deal with the lèse-majesté law is either to repeal or to fundamentally change it. But campaigning for repeal or amendment is risky. Some who did so have themselves been charged with violating the law

The international community has an important role to play. While UN experts have occasionally commented that the lèse-majesté law violates international law and human rights, they should repeat and press this message. UN members should call on UN special rapporteurs to visit Thailand and investigate lèse-majesté repression. Countries should take opportunities to embarrass Thai authorities for lèse-majesté repression at international events. Countries should tie the issue of the lèse-majesté repression with their arms and trade deals with Thailand.

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**112WATCH:** You have been living in the United States for quite sometime now, has there been any movement toward raising the issue of 112 among the Thai communities there?

**Prach:** I am familiar with two groups: *Thai Rights Now*, and *Alliance for Thai Democracy, USA*. Both are run by Thai students and Thai political asylees, some of whom are lèse-majesté asylees. They campaign for a transition to democracy in Thailand, and the issue of the lèse-majesté law is one of their top agendas. They filed UN Universal Periodic Reviews (UPR) about lèse-majesté repression in Thailand. They organized vigils in

remembrance of victims of Thai state violence, including exiled *lèse-majesté* dissidents who were disappeared from Laos and Cambodia during 2018-2020. They campaigned for a name change of King Bhumibol Square in Cambridge, Massachusetts.

**112WATCH:** If you can discuss the issue of 112 with the US authorities, what would be your talking-points?

**Prach:** First, it is a mistake for the US to regard the *lèse-majesté* law as an *internal* matter to Thailand. As many of UN special rapporteurs have made clear, the *lèse-majesté* law violates international law and human rights. So it is in part a problem for the international community. Moreover, the *lèse-majesté* law has real chilling effects on expression in the US. This is because the law applies on American soil, as much as on Thai soil. It silences academics and students in American institutions, as well as US citizens and residents with ties to Thailand (basically anyone with a reason to visit Thailand). It encroaches on academic freedom and freedom of expression in the US.

Second, the US's stance on the *lèse-majesté* law should be updated to keep up with the level of repression and the changed attitude of Thai people towards the monarchy. Over the past 4-5 years, under the new reign, Thai people's attitude towards the monarchy has changed fundamentally. Widespread criticisms of the monarchy have prompted greater repression from authorities. *Lèse-majesté* arrests skyrocketed, and new forms of repression were introduced, such as the use of long pre-trial detentions, house arrests, and bizarre bail conditions. Yet the US's posture on the *lèse-majesté* law has not changed in response to all this. It is still based on the old assumption that the Thai monarchy commands near-universal respect, and that the US must treat anything related to the monarchy as untouchable. This assumption is out of date. The US should apply more pressure on Thai authorities on Thai authorities to change the law, to keep up with the escalated repression and the new social attitude.

Third, the US should ensure that American companies are not complicit in *lèse-majesté* repression by the Thai state. American internet platforms should not provide Thai authorities with any information that would lead to *lèse-majesté* arrests. They also should also lend themselves as censorship tools for Thai authorities to suppress monarchy-related contents. While American laws may limit the US government's power to force companies' hands, there is much room for non-coercive, cooperative work. The US government could issue country-specific recommendations to internet platforms on pressing human rights issues. In the case of Thailand, avoiding complicity in *lèse-majesté* repression should be high on the list.

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**112WATCH:** What is your message for your Thai compatriots in Thailand as they are calling for a royal reform and the reform of Article 112?

**Prach:** I can only thank them for their courage. Some of them – those who were the first to dare calling out the monarchy in public protests – took very great risks upon themselves on behalf of us. At a time when exiled *lèse-majesté* dissidents had been disappeared in neighboring countries, some of whose bodies were found in the Mekhong river in gruesome conditions, the risks to their lives were very real. I stand in solidarity with my fellow citizens who speak up, and will do what I can to further their just, democratic cause. I call on citizens and policymakers of the democratic world to do the same.



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