

SPECIAL REPORT

112WATCH publishes this special report to summarise the human rights situation in Thailand from 2022-2023 caused by the increasing use of Article 112 against Thais.

Lèse-Majeste, or the crime of injury to royalty, is defined by Article 112 of Thailand's Penal Code 1956 (BKK) 112 (TH.), which states that defamatory, insulting, or threatening comments regarding the king, queen, or regent are punishable by 3 to 15 years in prison. A major shift occurred in Thai society in 2020, when Thai youth began to protest lèse-majesté and seek reform of the monarchy (Sasipornkarn, 2022). Their motivation stemmed from the perception that Article 112 has been dangerously politicised, and as a political tool, that it has been used to undermine political opponents and attack anyone with a political ideology perceived to be a threat by the monarchy. This report presents the cases involving Article 112 from 2022 until the time of writing (21 February 2023).

Overall

According to Thai Lawyers for Human Rights (2023a), from the beginning of 2022 until 15 February 2023, at least 69 persons were prosecuted under Article 112, at least 8 of whom were minors (under 20).

Interestingly, the youngest to have been prosecuted under 112 was a 14-year-old girl for her participation in political activity in October 2022 (112watch, 2023).

Since the increased use of Article 112 in late 2020, more than 18 youths under the age of 18 have been prosecuted (112watch, 2023).

- This includes Thanakorn Petch Phiraban, a leading 19-year-old LGBTQ activist who was found guilty under Article 112 and sentenced to 18 months in prison (suspended) on 22 December 2022 for speech criticising the late King Bhumibol Adulyadej and the current King Vajiralongkorn and for wearing a crop-top style shirt at Siam Paragon Department Store (Prachatai, 2022).

From December 2022 until 20 January 2023, 10 people have been imprisoned under Article 112 (Meksopon, 2023).

Two cases have been completely resolved, with sentences issued.

- **Anchan Preeert**: A 67-year-old woman who pled guilty to 29 separate violations for sharing and posting insults to the Thai monarchy on social media during

2014–2015. She was initially sentenced to 87 years, but because she acknowledged wrongdoing, the court showed leniency and reduced her sentence to 43 years in prison (Reuters Staff, 2021).



Free Anchan, Credit: Amnesty International

- **Maetin (alias)**: A 22-year-old ex-military officer who pled guilty for mentioning the current Thai king while arguing with the other involved party during a car crash accident on 7 February 2022. He was initially sentenced to 5 years, but because he acknowledged his wrongdoing, the court reduced it to 2 years and 6 months (The MATTER, 2022).

Eight detainees with pending trials.

- **Sombat Thongyoi**: A former guard in Thailand's antigovernment United Front for Democracy Against Dictatorship (UDD; colloquially, the 'Red Shirts'). He has been sentenced to 6 years in prison without suspension for posting one of the king's remarks in the late 2020 and

other comments about his majesty on Facebook (Thai PBS, 2022).

- Aek (alias): A 28-year-old bar staff member prosecuted under Article 112 and imprisoned for 48 days beginning on 22 December 2022 for sharing a post regarding King Vajiralongkorn and Tawee Wattana Prison (Meksopon, 2023b).
- Kong TaluRam: A 24-year-old Ramkhamhaeng University law student prosecuted under Article 112 for five posts regarding King Vajiralongkorn and his queen. He was sentenced to imprisonment for 7 years and 6 months without parole. He has been imprisoned since 21 December 2022 but has appealed his case (Meksopon, 2023b).
- Nutthanit 'Baipor' Duangmusit: A 20-year-old member of the political Taluwang group who was charged under Article 112 for conducting a poll with Bong Netiporn regarding the monarchy on 8 February 2022. After being imprisoned for 64 days, on 8 August 2022, she was granted bail and released from prison (BBC News, 2022b). However, after participating in a protest on 17 November 2022, which led to a violent clash with police at the APEC Summit 2022, the court revoked her bail, and she returned to prison on 9 January 2023 (Kaosod Online, 2023).
- Sophon 'Get' Surarittamrong: A 23-year-old medical student and member of the Mokluangrimnam activist group who was arrested and imprisoned under Article 112 on 1 May 2022 for his speech in the flash mob 'Tour Mulapua' on 22 April 2022. Initially, the court refused his bail request. Later, however, on 31 May 2022, he was released on bail (Thairath Plus, 2023a). After participating in a protest on 17 November 2022, which led to a violent clash with police at the APEC Summit 2022, the court revoked his bail, and he returned to prison on 9 January 2023 (Kaosod Online, 2023).
- Orawan (Bam) Phupong: A 23-year-old activist prosecuted under Article 112 for conducting a poll regarding the monarchy on 8 February 2022. She was granted bail, with the condition of wearing an electronic monitoring bracelet. She became unemployed (Voice TV, 2023). Later, she joined a strike along with Tawan (see next entry).
- Tantawan (Tawan) Tuatulanon: A 21-year-old activist prosecuted under Article 112 for conducting a poll regarding the monarchy in February 2022 and live streaming a broadcast criticizing a royal parade that forced the move of a Framer protest out of the area on 5 March 2022 (BBC News, 2022a). Her Article 112 prosecution (no bail granted in her case) resulted in a prison sentence beginning 20 April 2022. This led her to start a hunger strike; she was subsequently released from prison on 26 May, with the condition of wearing an electronic monitoring bracelet, and forbidden to leave her home (BBC News, 2022a).

Note: In protest of the treatment of Baipor and Get, who were sent to prison again, and other political prisoners, Tawan and Bam renounced their own bail and went on strikes that continue at present (Thairath, 2023a).

- Sithichok Sethasew: A 26-year-old food delivery driver prosecuted under Article 112 and sentenced to a prison term of 2 years and 4 months on 17 January 2022 for bringing a fuel-like liquid to spray into a bonfire in which a portrait of King Vajiralongkorn and his queen was burned during an assembly on 18 July 2021. He insisted that he wanted to extinguish the fire and had no intention of burning the image (Meksopon, 2023b).

Who are on strike?

In 2022

Tawan: After been sent to prison without bail, Tawan began a hunger strike that lasted 37 days. She was then released on 26 May 2022.

Baipor and Bong: After Baipor Nutthanit and Bong Netiporn were sent to prison for conducting the monarchy-related poll and being denied bail (BBC News, 2022b), they decided to undertake a hunger strike on 2 June 2022 to demand bail. After 64 days, they were granted bail (after seven requests by their lawyers) and were finally released from prison on 4 August 2022 (Saengsuriyong, 2022).

Get Sophon: After being sent to prison on 1 May 2022, the court denied his request for bail. This led him begin a hunger strike lasting from 5 to 24 May 2022 (total of 20 days). He was finally released from prison on 31 May 2022 (BBC News, 2023).

In 2023

Bam and Tawan: After renouncing their right to bail on 16 February 2022, they made three demands:

- 1) a demand for justice reforms,
- 2) a call for a moratorium on political prosecutions, and
- 3) a request for the political parties to guarantee people's rights and liberties by repealing Articles 112 and 116.

They also demanded action in 3 days by the court and political parties. If their demands were not met in that time, they asserted they would start a protest movement (Thairath, 2023a).

Their demands went unmet, so they commenced a hunger strike on 8 January 2022. After not eating for 2 days, they were hospitalised. Yet, in solidarity despite hospitalisation and because several political prisoners remain in prison, their hunger strike has continued until today 21 February 2023. They continue to reject food and treatment and are only sipping water, with doctors concerned for their condition (Kaewjinda, 2023).

Sithichok: Since being imprisoned, Sithichok started a hunger strike on 17 January 2023 and then doubled-down on the strike by refusing water on 26 January 2023. He was then hospitalised and sent to hospital on 1 February 2023 (Prachatai, 2023).

Get Sophon: After being returned to prison and inspired by Bam and Tawan's strike, from 7 February 2023 until 20 February 2023 (in total for 14 days) and with other political prisoners (Tom Jatupol and Bank Natthaphon), Get decided to join the strike by doing a sleep strike to support the demands of Tawan and Bam, demanding that the courts and Thai justice system ensure that prisoners who have been released will not be detained again (The Standard Team, 2023;).

Note: Tom and Bank recently were released from prison (16 February 2023), with the condition of wearing an electronic monitoring bracelet (Thai Lawyer for Human Rights, 2023b).

Even those who have been prosecuted under Article 112 are entitled to bail, but their release is subject to certain conditions, such as wearing electronic monitoring (EM) bracelets and being subject to 24/7 surveillance.

- Vehar Sanchonchanasuk, who had been prosecuted under Article 112 and was temporarily released from prison with the condition of wearing an EM bracelet being subject to 24/7 surveillance, joined the strike and, in a symbolic gesture, cut off the EM bracelet in front of Rachada Court on 25 January 2023 (Thaipost, 2023).



Tawan and Bam, Credit: TLHR

What are the effects of Tawan/Bam

No further prosecutions have been commenced against political actors.

Some of the charges under Article 112 have been dismissed.

For example, in a case in Lampang, a group of five university students and a civilian were prosecuted under Article 112 because of their symbolic protest to express their dissatisfaction with vaccination management by the

government; they hung a cloth reading 'Royal budget > Covid19 vaccine' at Ratsadaphisek Bridge on 30 December 2020. On 30 January 2023, this case were dismissed because the authorities concluded the message was not intended to defame or insult the king, as required for prosecution under Article 112 (Matichon Weekly, 2023).

Approximately 34 political prisoners (including those prosecuted under Article 112) were released from the order to wear EM bracelets (Meksopon, 2023).

Six individuals have been released from prison and are entitled to bail:

- Sombat Thongyoi was temporarily released from prison on a bail bond of 70,000 baht on 9 February 2023 (Today Writer, 2023a).
- Sithichok was temporarily released from prison on a bail bond of 130,000 baht on 10 February 2023 (Meksopon, 2023b).
- Aek (alias) was temporarily released on 3 February 2023 (Meksopon, 2023b).
- Kong TaluRam was released temporarily on 4 February 2023 after a total period of imprisonment (without bail) of 46 days (Meksopon, 2023b).
- Baipor Nutthanit are entitled to bail on 20 February 2023 after a total period of imprisonment of 43 days (Today Writer, 2023b)
- Get Sophon are entitled to bail on 20 February 2023 after a total period of imprisonment of 43 days and doing a sleep strike for 14 days (Today Writer, 2023b).

To date (up 21 to February 2023), several political prisoners remain imprisoned for political crimes, this led Tawan and Bam continued their strike until everyone are entitled to bail which is basic rights of everyone (Meksopon, 2023; Thairath Plus, 2023b).

References

- 112watch. (2023). *14 Year-Old Girl Accused of Lese Majeste*. 112watch. <https://112watch.org/14-year-old-girl-accused-of-lese-majeste/>
- BBC News (2022a, May 17). มาตรา 112 : ทานตะวัน ตัวตุลานนท์ ผู้ต้องหาหญิงวัย 20 หลังอดอาหารประท้วงในเรือนจำ 37 วัน [Article 112: Tantanwan Tuatulanon, 20 years old suspect who have been on hungry strike in prison for 37 days]. *BBC News*. <https://www.bbc.com/thai/thailand-61479953>
- BBC News (2022b, August 4). ม.112 : ศาลให้ประกันตัว "ไบปอ" และ "นั้ง" ทะลุวัง [Article 112: court grant to bail for Baipor and Bong Taluwang]. *BBC News*. <https://www.bbc.com/thai/thailand-62419542>

- BBC News (2023, January 19). ตะวัน แบม : การอดอาหารประท้วงระลอก 3 ของนักกิจกรรมผู้ต้องหาคดีหมิ่นสถาบันกษัตริย์ [Tawan-Bam: A third hungry strike of activist who have been prosecuted with lese majeste]. *BBC News*. <https://www.bbc.com/thai/articles/c3g7rgdmr360>
- Kaewjinda, K. (2023, February 7). Concern rises for lives of 2 Thai activists on hungry strike. *ABC News*. <https://abcnews.go.com/International/wireStory/concern-rises-lives-2-thai-activists-hunger-strike-96917319>
- Khasod Online (2023, January 9). ต่วน! ศาลสั่งถอนประกัน 'ไบปอ-เก็ท' หลังร่วมชุมนุม เกิดปะทะกับตำรวจ [Urgent! The court ordered the withdrawal of bail for 'Baipor-Get' after joining the protest causing a clash with the police] *Khasod Online*. https://www.khaoasod.co.th/breaking-news/news_7449928
- Matchon Weekly (2023, January 31). ศาลจังหวัดลำปาง พิพากษายกฟ้อง ม.112 นศ.แขวนป้ายวิจารณ์การจัดการวัคซีนโควิด [Lampang court dismissed the lawsuit against university students who hung a sign criticizing the management of the COVID vaccine]. *Matchon Weekly*. https://www.matchonweekly.com/hot-news/article_645645
- Meksopon, N. (2023a, January 21). ยังไม่จบ ม.ค. 66 ผู้ถูกคุมขังทางการเมือง พุ่งรวม 22 ราย [It is not over yet. In January 2023, there are political detainees for 22 persons in total]. *Prachatai*. <https://prachatai.com/journal/2023/01/102399>
- Meksopon, N. (2023b, February 2). 'ตะวัน-แบม เอฟเฟกต์' ผู้ต้องหาทางการเมืองยังไม่ถูกฝากขังเพิ่ม-ทยอยได้ประกันตัวต่อเนื่อง [Tawan-Bam's effects, there is no extent of imprisoning other political prisoners, some have been released from jail continually.]. *Prachatai*. <https://prachatai.com/journal/2023/02/102742>
- Prachatai (2022, December 22). ศาลเยาวชนฯ พิพากษาจำคุก 3 ปี คดี ม.112 'เพชร ธนกร' เหตุปราศรัยวิจารณ์สถาบันกษัตริย์ [The Juvenile Court sentenced him to 3 years in prison for the case of Section 112 'Petch Thanakorn' for making a speech critical of the monarchy]. *Prachatai*. <https://prachatai.com/journal/2022/12/101964>
- Prachatai (2023, February 8). ศาลยังไม่ให้ประกัน 'สมบัด' คดีหมิ่น 'ประยุทธ์'-'สิทธิโชค' ยกระดบอดข้าวและน้ำ อัดนอน-'ทัตพงศ์' ได้รับการปล่อยตัวแล้ว [Court still refuses bail for 'Sombat' for lese majeste and defaming Prayut and 'Sittichok' raising rice and water starvation Ordnon-'Thatpong' has been released]. *Prachatai*. <https://prachatai.com/journal/2023/02/102680>
- Reuters Staff (2021, January 19). Thai woman sentenced to 43 years in jail for insulting monarchy. *Reuters*. <https://www.reuters.com/article/us-thailand-king-insult-idUSKBN29015H>
- Saengsuriyong, P (2022, September 20). บุ่ง-ไบปอ ทะลุวัง: ม.112 การอดอาหาร และชีวิตที่อยากเห็นสังคมเปิดกว้าง [Bong-Baipor Taluwang: Article 112, hungry strike and a wish to see an open society]. *The Matter*. <https://thematter.co/social/bung-baipor-thaluwang/185964>
- Thai Lawyer for Human Rights. (2023a, February 15). สถิติผู้ถูกดำเนินคดีมาตรา 112 ตั้งแต่วันที่ 24 พ.ย. 63 – 9 ก.พ. 66 [Statistics record of people who have been prosecuted under section 112 from 24 November 2020 – 9 February 2023]. Thai Lawyer for Human Rights. <https://tlhr2014.com/archives/23983>
- Thai Lawyer for Human Rights. (2023b, February 16). ศาลอาญาให้ประกันตัว "4 ทะลุแก๊ส" หลังถูกขังระหว่างพิจารณาข้ามปี [The court granted bail to "4 of Talu Gas" group after being imprisoned pending trial for over a year]. Thai Layer for Human Rights. <https://tlhr2014.com/archives/53649>
- Thai PBS. (2022, April 29). Former 'Red Shirt' guard sentenced to 6 years for lese majeste, computer crimes. *Thai PBS*. <https://www.thaipbsworld.com/former-red-shirt-guard-sentenced-to-6-years-for-lese-majeste-computer-crimes/>
- THAILAND PENAL CODE 1956 (BKK) 112 (TH.).
- Thairath Plus. (2023a, January 9). ศาลสั่งถอนประกัน เก็ท โสภณ และไบปอ ณัฐนิช ผิดเงื่อนไข ม.112 ชุมนุมช่วงเอเปก [The court ordered the withdrawal of bail, Get Sophon and Bai Por Nutthanit, which violated the conditions under Section 112 by joining the APEC protests]. *Thairath Plus*. <https://plus.thairath.co.th/topic/speak/102647>
- Thairath Plus. (2023b, February 21). "ตะวัน-แบม" พอใจศาลปล่อยตัว "เพชร-เก็ท-ปอ" เลื่อนออก รพ. ร่างกายยังไม่พร้อม ["Tawan-Bam" satisfied with the court's release "Phet-Get-Po" postponed discharge from the hospital, as their body are not ready yet]. *Thairath*. <https://www.thairath.co.th/news/politic/2635140>
- The MATTER (2022, August 11). ศาลทหารสั่งจำคุกทหารเกณฑ์ 5 ปี คดี ม.112 เหตุพาดพิงในหลวง ร.10 ขณะเถียงกับคู่กรณีขับรถเฉี่ยวชน [The Military Court sentenced conscripts to 5 years in prison for the case of Section 112 for implicating King Rama 10 while arguing with the other party driving a car accident]. *The Matter*. <https://thematter.co/brief/182810/182810>
- The Standard Team (2023, February 6). 'เก็ท โสภณ' ประกาศอดนอนประท้วง ในเรือนจำ หนุนข้อเรียกร้องตะวัน-

แอม หลังถูกถอนประกันเหตุร่วมชุมนุมด้าน APEC 2022 [Get Sophon announces sleep deprivation in prison support the demand for Tawan-Bam after being withdrawn the bail due to joining protests against APEC 2022]. *The Standard*. <https://thestandard.co/get-sophon-sleep-deprivation/>

- Today Writer (2023a, February 10). ปลอ่ยชั่วคราว ‘สมบัติทองย้อย’ วงเงินประกัน 70,000 บาท คดีหมิ่นนายกฯ [Temporary released ‘Sombat Thongyoi’ with a bail bond for 70,000 baht from insulting the prime minister’s case]. *Workpoint Today*. <https://workpointtoday.com/news-274/>
- Today Writer (2023b, February 20). ศาลอาญา ให้ประกันตัวผู้ต้องขังคดีการเมืองเพิ่ม 3 ราย ‘เกี๊ย โสภณ’ ยุติ ‘ฝืนตื่นประท้วง’ [Criminal Court grants bail to 3 more political prisoners, Get Sophon end the ‘sleep strike’]. *Workpoint Today*. <https://workpointtoday.com/ppolitic-crime-2/>
- Voice TV. (2023, January 20). รู้จัก ‘แอม-อรวรรณ’ ผู้ต้องหา 112 เต็มพันชีวิต ด้วยเจตจำนง ‘เลือดแลกเลือด’ [Get to know ‘Bam-Orawan’, who has been accused of 112, bet her life with the will of ‘blood in exchange for blood’]. *Voice TV*. <https://voicetv.co.th/read/sMUMEarS>