

REPORT OF 2023/2024

1. Executive Summary

Published on the 16th of March 2024, this report examines the critical efforts of 112Watch to navigate and counteract the challenges posed by Thailand's lèse-majesté law, Article 112, focusing on the period from 2023 to the present, during which time the organisation dedicated itself to monitoring Article 112's application and providing essential legal support to Thai society and the individuals affected by this law. This report is enriched by the poignant examples from February 2024 of Tantawan "Tawan" Tuatulanon and Natthanon "Frank" Chaimahabud, whose acts of resistance, including hunger strikes, have highlighted the human rights abuses perpetrated under the guise of this law. Their experiences provide detailed accounts of individual resistance and demonstrate the urgent need for systemic transformation and legal reform within Thailand's socio-political fabric. By weaving together statistical data, impactful case studies, and forward-looking strategies, this report analyses the developments surrounding Article 112 from 2023 to the present while showcasing the ongoing and future initiatives of 112Watch in the organisation's quest to advocate for justice and human rights.

2. Introduction

Under the leadership of Pavin Chachavalpongpun, an advocate for human rights, the organisation 112Watch serves as a beacon in the fight against Article 112, a law in Thailand that criminalises speech against its monarchy. The organisation was established in response to the sharp rise in the law's application, as seen in the surge of cases during the 2020–2021 protests. The organisation's founder experienced this rise himself, as he was charged under Article 112 for his criticism of the Thai monarchy. In response to these continued efforts to suppress speech, 112Watch has dedicated itself to countering this use of the law to target anyone who expresses opposition to the Thai government and monarchy. Through its commitment to human rights and democratic principles, the organisation has developed strategies focused on elevating global awareness and establishing advocacy coalitions to inspire a significant policy shift in how Article 112 is enforced.

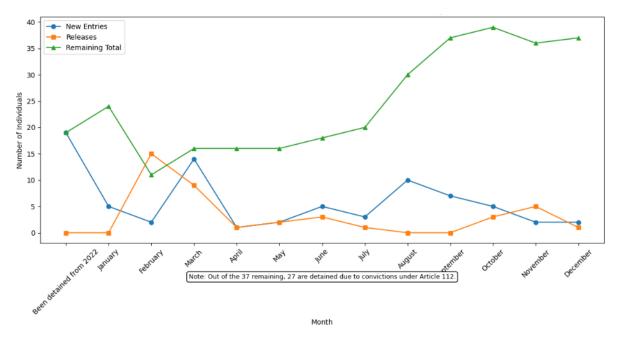
In 2023, as part of its mission to draw international attention to the injustices of Article 112, Pavin exhibited "Faces of Victims of 112," a photographic narrative project, at galleries worldwide, including in Australia, Canada, and the United States. These exhibitions were designed to illuminate the law's impact and generate global support for its reform in 2023. By detailing the personal stories of those affected, the exhibitions played a crucial role in 112Watch's broader strategy to highlight Article 112's far-reaching impact on the freedom of expression and mobilise a collective call for change, as increasing international dialogue on this issue is crucial.

3. Contextual Background

Article 112 of the Thai Penal Code, known as the lèse-majesté law, has ostensibly been instituted to safeguard the monarchy's dignity and ensure political stability (Chachavalpongpun, 2023). However, its broad latitude for interpretation has increasingly facilitated the suppression of political discourse and the silencing of dissent against the monarchy or the state apparatus. Such application has elicited strong international criticism, with authoritative bodies like the United Nations characterising this law as antithetical to international norms governing the freedom of opinion and expression (United Nations, 2017).

Upon analysing the political environment after the 2023 elections, a discernible disconnect is evident between Thailand's human rights aspirations and its enforcement of Article 112.

Figure 1: Overview of Thailand Political Prisoners: Prison, Entries, Release, and Remaining Total in 2023



Note: This figure provides a graphical representation of the flux of political prisoners in Thailand over the course of 2023, tracking new entries of imprisonments, release and the cumulative total remaining in detention. The data from สรุปเรื่องผู้ต้องขังการเมือง รอบปี 2566: 67 คนถูกขัง 9 คนลุกประท้วงศาล คดี ม.112 ทำคนเข้าเรื่อนจำมากสุด ขณะมี 37 คนต้องถูกข้ามปี [Summary of political prisoners for the year 2023: 67 people were imprisoned and 9 people protested against the court. The Section 112 case put the most people in prison, while 37 people had to be suspended for the year], by Thai Lawyers for Human Rights, 2023a. (https://tlhr2014.com/archives/62632). Copyright 2023 by Thai Lawyers for Human Rights.

The graph in Figure 1 provides an empirical basis for concerns surrounding the law's impact on civil liberties. Specifically, at the end of 2023, a disproportionate 73% of the 37 detainees were held due to Article 112 prosecutions. This quantitatively underscores the law's prominent role in political detention and raises urgent questions regarding Thailand's aspirations to obtain a seat on the UN Human Rights Council for the 2025–2027 term (Amnesty International Thailand, 2024).

The data above evidence a quantitative increase in the incarceration of political dissidents since their tenure's inception, indicating a dissonance between Thailand's declared human rights commitments on the international stage and its internal governance practices. In other words, the evidence shows that the ascendancy of the Pheu Thai party to governmental power in August 2023 (Regan, 2023) has not precipitated the anticipated advancements in judicial impartiality or human rights protections.

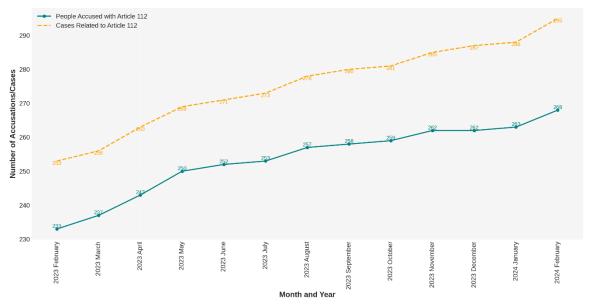
Notably, the present government is under the leadership of the Pheu Thai party, a populist party that decided to coalition with its former military rival's party. This fact elicits questions about the authenticity of the party's pledged reformist agenda, particularly in regard to the promised revision of Article 112 (Regan, 2023). The described arrest patterns – prominent in the immediate aftermath of the elections – coupled with a noticeable stoppage in the release of political prisoners suggest a sustained orthodox approach to governance, one that appears to eschew liberal democratic values.

This report asserts that the Pheu Thai administration's lack of action towards establishing strong protections for Thai citizens' civil liberties continues an enduring legacy of authoritarian governance. This pattern, which was especially evident following the surge of Article 112 cases that began in 2020

during the tenure of a military regime in place since the 2014 coup, indicates that the governmental shift in 2023 has not brought about the expected improvements in the situation surrounding Article 112, the judicial system, or the broader human rights climate.

4. Analysis of Article 112's Application

Figure 2: Monthly Trend of People Accused and Cases Related to Article 112 (2023-2024)



Note: This figure provides a monthly Trend of People Accused and Cases Related to Article 112 from February 2023 to February 2024, data collected since the start of the Thailand demonstration on July 18, 2020. The data for February 2023 are from กุมภาพันธ์ 2566: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอดรวม 1,895 คน ใน 1,180 คดี [February 2023: The total number of individuals facing political prosecution is 1,895 in 1,180 cases.], by Thai Lawyers for Human Rights, 2023b. (https://tlhr2014.com/archives/54029). Copyright 2023 by Thai Lawyers for Human Rights. The data for March 2023 are from มีนาคม 2566: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอดรวม 1,898 คน ใน 1,187 คดี [March 2023: The total number of individuals facing political prosecution is 1,898 in 1,187 cases.], by Thai Lawyers for Human Rights, 2023c. (https://tlhr2014.com/archives/55037). Copyright 2023 by Thai Lawyers for Human Rights The data for April 2023 are from เมษายน 2566: จำนวนผัญกดำเนินคดีทางการเมืองยอดรวม 1,902 คน ใน 1,203 คดี [April 2023: The total number of individuals facing political prosecution is 1,902 in 1,203 cases.], by Thai Lawyers for Human Rights, 2023d. (https://tlhr2014.com/archives/55753). Copyright 2023 by Thai Lawyers for Human Rights. The data for May 2023 are from พฤษภาคม 2566: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอดรวม 1,914 คน ใน 1,218 คดี [May 2023: The total number of individuals facing political prosecution is 1,945 in 1,218 cases.], by Thai Lawyers for Human Rights, 2023e. (https://tlhr2014.com/archives/56520). Copyright 2023 by Thai Lawyers for Human Rights. The data for June 2023 are from มิถุนายน 2566: จำนวนผู้ถูกจำเนินคดีทางการเมืองยอดรวม 1,916 คน ใน 1,226 คดี [June 2023: The total number of individuals facing political prosecution is 1,916 in 1,226cases.], by Thai Lawyers for Human Rights, 2023f. (https://tlhr2014.com/archives/57174). Copyright 2023 by Thai Lawyers for Human Rights. The data for July 2023 are from กรกฎาคม 2566: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอดรวม 1,918 คน ใน 1,230 คดี [July 2023: The total number of individuals facing political prosecution is 1,918 in 1,230 cases.], by Thai Lawyers for Human Rights, 2023g. (https://tlhr2014.com/archives/58047). Copyright 2023 by Thai Lawyers for Human Rights. The data for August 2023 are from สิงหาคม 2566: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอดรวม 1,925 คน ใน 1,241 คดี [August 2023: The total number of individuals facing political prosecution is 1,925 in 1,241 cases.], by Thai Lawyers for Human Rights, 2023h. (https://tlhr2014.com/archives/59179). Copyright 2023 by Thai Lawyers for Human Rights. The data for September 2023 are from กันยายน 2566: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอตรวม 1,928 คน ใน 1,249 คดี [September 2023: The total number of individuals facing political prosecution is 1,928 in 1,248 cases.], by Thai Lawyers for Human Rights, 2023i. (https://tlhr2014.com/archives/60280). Copyright 2023 by Thai Lawyers for Human Rights. The data for October 2023 are from ตุลาคม 2566: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอดรวม 1,930 คน ใน 1,253 คดี [October 2023: The total number of individuals facing political prosecution is 1,930 in 1,253 cases.], by Thai Lawyers for Human Rights, 2023j. (https://tlhr2014.com/archives/61163). Copyright 2023 by Thai Lawyers for Human Rights. The data for November 2023 are from พฤศจิกายน 2566: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอดรวม 1,935 คน ใน 1,262 คดี [November 2023: The total number of individuals facing political prosecution is 1,936 in 1,262 cases.], by Thai Lawyers for Human Rights, 2023k. (https://tlhr2014.com/archives/61998). Copyright 2023 by Thai Lawyers for Human Rights. The data for December 2023 are from ธันวาคม 2566: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอตรวม 1,938 คน ใน 1,264 คดี [December 2023: The total number of individuals facing political prosecution is 1,938 in 1,364 cases.], by Thai Lawyers for Human Rights, 2023l.

(https://tlhr2014.com/archives/62942). Copyright 2023 by Thai Lawyers for Human Rights. The data for January 2024 are from มกราคม 2567: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอดรวม 1,947 คน ใน 1,268 คดี [January 2024: The total number of individuals facing political prosecution is 1,947 in 1,268 cases.], by Thai Lawyers for Human Rights, 2024a. (https://tlhr2014.com/archives/64518). Copyright 2024 by Thai Lawyers for Human Rights. The data for February 2024 are from กุมภาพันธ์ 2567: จำนวนผู้ถูกดำเนินคดีทางการเมืองยอดรวม 1,951 คน ใน 1,279 คดี [February 2024: The total number of individuals facing political prosecution is 1,951 in 1,279 cases.], by Thai Lawyers for Human Rights, 2024b. (https://tlhr2014.com/archives/65195). Copyright 2024 by Thai Lawyers for Human Rights.

Figure 2 demonstrates that the enforcement dynamics of Article 112 from 2023 through the early months of 2024 were accompanied by continued challenges in Thailand's judicial and human rights landscape. The data trajectory reveals increased accusations and legal actions under Article 112. Accordingly, this law was persistently applied for political governance, contradicting Thailand's international human rights pledges and its bid for a UN Human Rights Council seat. Moreover, it shows that the Pheu Thai party's alliance with military factions has not led to the party's anticipated reforms, suggesting continued resistance to change. The data thus reflect a governance unwilling to align its practices with democratic principles, eliciting concerns about the country's commitment to upholding civil liberties.

5. The Struggle for Justice Under Article 112

Prelude to 2024 Incident: Even before the February 2024 incident, Tantawan "Tawan" Tuatulanon – a 22-year-old student and vanguard of Thailand's pro-democracy movements – had already faced numerous arrests. Her notable hunger strike in January 2023 alongside fellow activist Orawan "Bam" Phuphong marked a pivotal moment in their fight against the unjust detention of those accused under Article 112 (Thai PBS World's Political Desk, 2024). By abstaining from food and water for 52 days in the name of political prisoners, they sparked a significant public response, leading to the bail release of numerous activists and amelioration of conditions for those under house arrest (Thai PBS World's Political Desk, 2024). During this period, Tawan and Bam demonstrated relentless dedication to reform and justice within Thai society.

Case Summary for Tantawan "Tawan" Tuatulanon and Natthanon "Frank" Chaimahabut

Figure 3: Tantawan "Tawan" Tuatulanon and Natthanon "Frank" Chaimahabut's event summary.

Date	Event	Details			
Feb 4, 2024	Initial Incident	 Tawan and Frank's car was stopped for a royal motorcade. Tawan argued with an officer, leading to allegations of honking at and obstructing the motorcade and posting dashcam footage online. 			
Feb 11, 2024	Clarification	Tawan clarified on Facebook that she did not intentionally block the motorcade, claiming she was unaware of its occurrence.			
Feb 13, 2024	Arrest and Bail Denial	They were arrested on charges including sedition. Despite their health conditions, bail was denied, and they were ordered to remain in custody for 12 more days.			
Feb 14, 2024	Hunger Strike Begins	 The activists began a dry hunger strike, demanding: judicial reform, the release of political prisoners, and oppose Thailand's bid for a UN Human Rights Council seat. 			
Feb 22, 2024	Health Deterioration	 Tawan's health deteriorated, leading to her transfer to Thammasat University Hospital. Frank was kept at the Corrections Hospital, both refusing medical intervention. 			
Feb 24, 2024	Bail Request Submitted	Tawan's father submitted a bail request for both activists.			
Feb 25, 2024	Bail Denied Again	 Bail was again denied as their detention order neared expiry, despite assurances from Tawan's father that she would abstain from activism if released. 			
Feb 26, 2024	Petition to Chief Justice	A petition was filed with the Chief Justice of the Criminal Court to reconsider their custody, emphasising their presumed innocence and the court's accountability for their health.			
Mar 4, 2024	Critical Health Conditions	 On day 20 of their hunger strike, both activists are in critical condition. Tawan's hospital transfer indicates her grave state. Frank, with a weakened pulse and severe weight loss, remains in the Corrections Hospital. They refuse water and medical treatment. 			
Ongoing	Core Demands	 Their 3 core demands are: the reform of the judicial system, the cessation of jailing individuals for political dissent and opposing Thailand's UN Human Rights Council membership due to the country's human rights situation. 			

Note: This table provides a timeline of Tantawan "Tawan" Tuatulanon and Natthanon "Frank" Chaimahabut situations from February 4th until the present day, March 5th, 2023. The information from Motorcade protest duo arrested, by Post Reports, 2024. (https://www.bangkokpost.com/thailand/general/2741356/motorcade-protest-duo-arrested). Copyright 2024 by Bangkok Post. The information from Hunger striking activists denied bai, by Prachatai, 2024. (https://prachataienglish.com/node/10840). Copyright 2024 by Prachatai English. The information from Update การอดอาหารและน้ำประท้างของ #แฟรงค์ ณัฐนนท์ เพื่อ 3 ข้อเรียกร้องพร้อมกับ #ตะวัน เข้าสู่วันที่ 20 (4 มี.ค.) [Update on #Frank Natthanon's hunger and water protest against 3 demands along with #Tawan entering the 20th (March 4)], by Thai Lawyers for Human Rights, 2024c. (https://twitter.com/TLHR2014/status/1764570859501703272). Copyright 2024

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Pattern of Protest Under Article 112 in 2023

Interestingly, given the context of people accused of Article 112 and the forms of protest/strike to gain justice in 2023, it is essential to underline that there is a larger pattern in 2023 with the numerous cases where people accused under Article 112 have had to protest in prison to demand their fundamental right to bail.

Figure 3: Individuals charged with Article 112 and their forms of protest for the right to bail in 2023.

Name	Forms of Protest	Start Date	End Date	Total Days
Tawan Tantawan	Hunger Strike	18 Jan 2023	11 Mar 2023	52
Bam Orawan	Hunger Strike	18 Jan 2023	11 Mar 2023	52
Tack Sittichok	Hunger Strike	17 Jan 2023	10 Feb 2023	24
Tack Sittichok	Wake Protest	8 Feb 2023	10 Feb 2023	2
Get Sophon	Wake Protest	7 Feb 2023	20 Feb 2023	13
Tom Jatupol	Wake Protest	7 Feb 2023	10 Feb 2023	3
Bank Natthapol	Wake Protest	7 Feb 2023	10 Feb 2023	3
Nam Warunee	Hunger Strike	21 Aug 2023	6 Oct 2023	46
Weha	Hunger Strike	23 Aug 2023	10 Oct 2023	48
Phum Hualamphong	Hunger Strike	15 Nov 2023	20 Nov 2023	5

Note: This figure provides a list of individuals charged with Article 112 and their forms of protest to gain their right to bail in 2023. The data from สรุปเรื่องผู้ต้องขังการเมือง รอบปี 2566: 67 คนถูกขัง 9 คนลุกประท้วงศาล คดี ม.112 ทำคนเข้าเรื่อนจำมากสุด ขณะมี 37 คนต้องถูกข้ามปี [Summary of political prisoners for the year 2023: 67 people were imprisoned and 9 people protested against the court. The Section 112 case put the most people in prison, while 37 people had to be suspended for the year], by Thai Lawyers for Human Rights, 2023a. (https://tlhr2014.com/archives/62632). Copyright 2023 by Thai Lawyers for Human Rights.

Overall, this summary highlights the severe measures activists are compelled to take in their quest for justice. It serves as a crucial call for urgent legal and systemic reformations to ensure the protection of human rights in Thailand.

6. Impact Assessment

The enforcement of Article 112 in Thailand has had and continues to hold profound implications on individual freedoms and the broader societal fabric. It has extended its reach to activists, journalists, minors, and political parties. This comprehensive analysis aims to highlight the multifaceted impact of this law, underscoring its role as a tool for political suppression, its stifling effect on freedom of expression, and its broader implications for democratic governance and human rights in Thailand.

6.1 Political and Legislative Suppression

The application of Article 112 against political parties is particularly alarming, as demonstrated by the Thailand constitutional court's ruling against the Move Forward party, which sought to amend the

lèse-majesté law in 2024 (Ratcliffe, 2024). This decision restricted the democratic process by silencing elected representatives who sought to address controversial issues such as monarchy reform, thus limiting the scope of political debate and undermining the principle of parliamentary immunity. Such actions both stifle the electorate's voice and hinder the legislature's ability to function independently and effectively, exemplifying the detrimental impact of using legal mechanisms to suppress political dissent and reform initiatives.

6.2 Media and Freedom of Expression

Journalists and media professionals who report on Article 112 cases or critique the law increasingly find themselves in the crosshairs of that very law, facing legal actions that jeopardise their personal freedom and impede the broader public's right to information. A notable instance of journalistic suppression occurred on February 12, 2024, when journalist Nutthapol Meksobhon and photojournalist Nattaphon "Yha" Phanphongsanon were detained for reporting on an event from March 2023. They covered a graffiti incident involving anti-royal defamation law symbols sprayed on Bangkok's Temple of the Emerald wall within the Grand Palace complex, highlighting the ongoing tension between freedom of expression and the state's efforts to control the narrative (Civicus, 2024). This pattern against journalistic freedom diminishes the public's access to various perspectives and critical analyses – each essential for a well-informed and active society. The law's intimidating effect on media freedom serves as a poignant reminder of Thailand's fragile state of press freedom, illustrating a scenario where legal tools are utilised to stifle dissent and manipulate public discourse.

6.3 Impact on Minors

The case of 15-year-old student activist Thanalop "Yok" Phalanchai, who was accused under Article 112 of allegedly insulting the monarchy during a rally in October 2022 in front of Bangkok City Hall, epitomises the harsh application of Thailand's lèse-majesté laws to minors. Due to her advocacy for the release of political detainees and abolishment of royal defamation prosecutions, Thanalop presently faces pretrial detention at the Justice Ministry's Ban Pranee Juvenile Vocational Training Center for Girls in Nakhon Pathom province. Her potential 15-year imprisonment under this law's provisions demonstrates a severe ethical and legal challenge, emphasising the law's indiscriminate application and its conflict with international child rights and protection standards. The criminalisation of minors under such statutes not only subjects them to the daunting criminal justice system but also imposes lifelong stigma, jeopardising their future integration with society and opportunities for community or employment. This approach starkly deviates from the ethos of international conventions like the Convention on the Rights of the Child, which Thailand has ratified, advocating for the dignified and worth-promoting treatment of children (Human Rights Watch, 2023).

Collectively, these examples of the law's application paint a troubling picture of the societal impact of Article 112. They reveal a pattern of suppression that undermines the pillars of democracy, human rights, and freedom of speech, where the law's broad and indiscriminate application affects the targeted individuals and instils a culture of fear and self-censorship across various sectors of society. Considering this evidence, a re-evaluation and reform of Article 112 is necessary, as its current implementation threatens any effort to uphold the principles of justice, human dignity, and democratic governance in Thailand. This assessment underscores the urgent need to align the law with international human rights standards and ensure the protection of fundamental freedoms for all individuals, regardless of age or political affiliation.

7. Summary

The report highlights the critical work of 112Watch in challenging the application of Thailand's lèse-majesté law, Article 112. It underscores the importance of advocacy efforts in bringing international attention to the law's implications for human rights. From 2023 to the present, 112Watch has played a pivotal role in monitoring the enforcement of Article 112, providing legal support to those affected, and promoting a systemic transformation within Thailand's legal framework. The organisation's efforts, particularly in showcasing the stories of Tantawan "Tawan" Tuatulanon and Natthanon "Frank" Chaimahabud, illuminate the urgent need for reform. These cases, among others, demonstrate the

law's broad and often repressive application, which not only stifles free expression but also contradicts international human rights standards.

The presented data and narratives reveal a concerning trend in the persistent use of Article 112 against political dissenters, activists, journalists, and even minors, highlighting the law's role in political suppression and its stifling effect on the freedom of expression. Despite changes in government, there appears to be a significant gap between Thailand's human rights aspirations and its domestic enforcement practices, particularly concerning Article 112.

8. Call to Action

The report demonstrates the critical need for the robust support of 112Watch's mission and a broader international push for the amendment of Article 112 to align with global human rights standards. The need for reforms that are grounded in a commitment to safeguarding freedom of expression and fair trial rights warrants a unified international effort to catalyse change. Global stakeholders, including human rights entities, governments, and civil societies, must solidify their support for transforming Article 112.

Collective action is the cornerstone for realising substantial change. As such, it is paramount to support advocacy organisations like 112Watch to amplify the conversation around Article 112's consequences and push for the liberation of unjustly detained individuals. Indeed, legal support and global advocacy are essential to challenging the current application of the law and fostering reforms that honour human rights and democratic values.

The struggle against the injustices of this law persists, and immediate and comprehensive legal reforms are urgently needed. This appeal for action thus summarises the prevailing situation while calling for unified action to ensure Thailand's legal framework embodies respect for human dignity, freedom, and adherence to international human rights norms.

This report is complied by Nana Tashiro, on behalf of 112WATCH.

March 2024

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