



Article 112 in Thailand in 2024: Trends, Challenges, and the Call for Reform

December 2024

Introduction

The transition from a pro-military government to an opposition-led administration under the Pheu Thai Party in 2023 marked a significant political shift. Despite this, Article 112 of Thailand's Penal Code, commonly known as the lèse-majesté law, continues to play a pivotal role in the nation's legal and political framework (Keating, 2024). Originally enacted to protect the monarchy from defamation, its application has significantly evolved, particularly in the wake of repeated military coups, including the 2014 coup led by General Prayuth Chan-ocha (ibid.). These political disruptions, alongside the emergence of a vibrant, youths-led protest movement beginning in 2020 that demanded governmental reform and greater accountability within the monarchy, have amplified the law's use as a mechanism to suppress dissent and neutralise political opposition (ibid.).

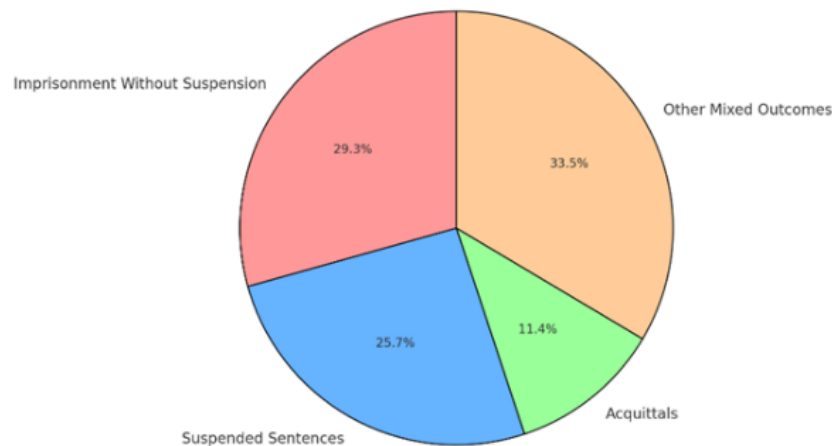
Despite the transition to civilian governance, the enforcement of Article 112 in 2024 has continued to have profound implications, demonstrating its entrenched role in shaping Thailand's sociopolitical landscape. This report, written in December 2024, critically examines the application of Article 112 throughout the year, with a focus on prosecution trends, systemic judicial challenges, the exclusion of Article 112 cases from amnesty frameworks, and the broader implications for society and human rights. By integrating statistical analysis and detailed case studies, it highlights the pressing need for comprehensive legal reform to address the enduring challenges posed by this controversial law.

Key Trends in Article 112 Enforcement in 2024

1. Prosecution Trends and Outcomes

By the end of 2024, a total of 167 cases under Article 112 were concluded, with the following outcomes:

Figure 1: Visualisation: Verdict Breakdown of Article 112 cases in 2024



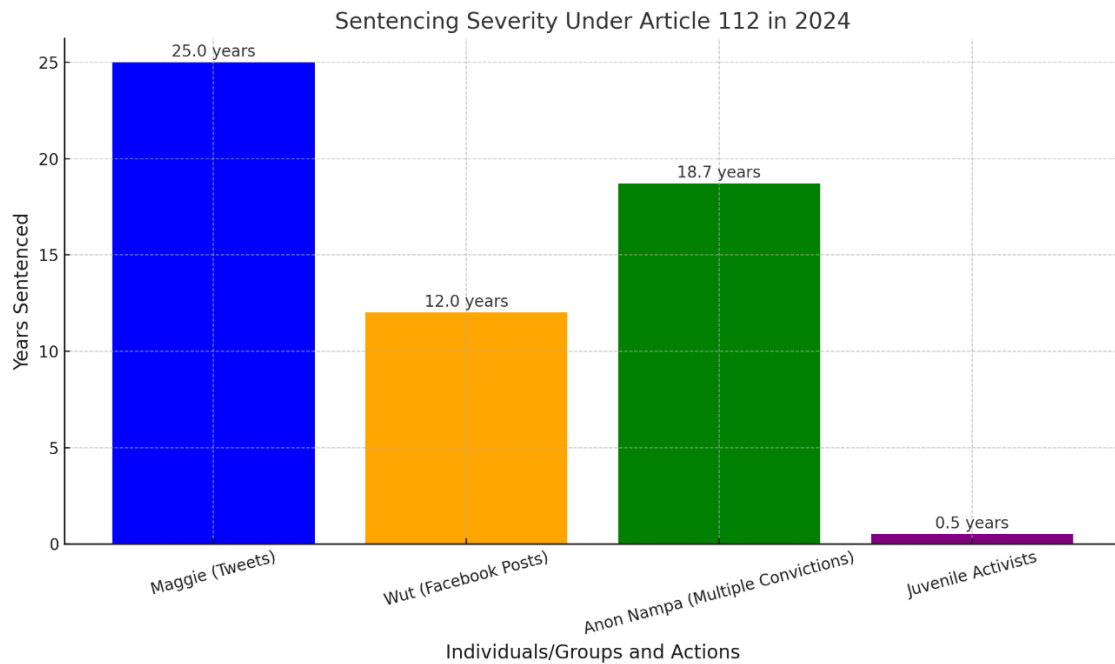
Note: This figure provides a pie chart showing the distribution of verdict outcomes for Article 112 cases in 2024. The data from สถิติคดีมาตรา 112 ที่ศาลมีคำพิพากษา [Statistics of the Article 112 cases with court verdicts.], by Thai Lawyers for Human Rights, 2024b. (<https://tlhr2014.com/archives/46268>). Copyright 2024 by Thai Lawyers for Human Rights.

The data indicates a strict judiciary approach, with imprisonment without suspension constituting nearly one-third of all cases. The high prevalence of mixed outcomes suggests a tendency to stack charges to secure convictions. These trends underscore the need for judicial reforms, particularly clearer sentencing guidelines to address inconsistencies and align practices with international human rights standards.

2. Sentencing Severity

Sentences in 2024 demonstrated a trend of harsh penalties, particularly for high-profile cases involving digital expression:

Figure 2: Visualisation: Sentencing Severity Under Article 112 in 2024.



Note: This figure provides a bar chart showing the sentencing severity for different individuals and groups under Article 112 in 2024. The data for Juvenile activists from สถิติคดีมาตรา 112 ที่ศาลมีคำพิพากษา [Statistics of the Article 112 cases with court verdicts.], Thai Lawyers for Human Rights, 2024a. (<https://tlhr2014.com/archives/68919>). Copyright 2024 by Thai Lawyers for Human Rights. The data for Maggie and Wut from สถิติคดีมาตรา 112 ที่ศาลมีคำพิพากษา [Statistics of the Article 112 cases with court verdicts.], by Thai Lawyers for Human Rights, 2024b. (<https://tlhr2014.com/archives/46268>). Copyright 2024 by Thai Lawyers for Human Rights. The data for Anon Nampa from Thailand: Sixth conviction of pro-democracy activist Anon Nampa under "lèse-majesté" charges, by International Federation for Human Rights, 2024. (<https://www.fidh.org/en/issues/human-rights-defenders/thailand-sixth-conviction-of-pro-democracy-activist-anon-nampa-under>). Copyright 2024 by International Federation for Human Rights 2024.

These patterns highlight disproportionate punishments, particularly for online activities. The severity is often amplified by cumulative sentencing, where each act (e.g., individual tweets or posts) is treated as a separate offense, leading to excessively long prison terms. This punitive approach underscores the judiciary's focus on silencing dissent, especially within digital spaces. The urgent need for reform lies in aligning sentencing practices with principles of proportionality, fairness, and adherence to international human rights standards. Without these reforms, the current practices risk further erosion of democratic freedoms and judicial credibility.

3. Denial of Bail

From January to July 2024, bail was denied in 17 cases, resulting in prolonged pretrial detention (Thai Lawyers for Human Rights, 2024a). This practice is often justified on national security grounds but disproportionately targets political activists, serving as a punitive measure rather than a procedural safeguard.

4. *Digital Prosecutions*

Interestingly, over 40% of cases involved online content (Thai Lawyers for Human Rights, 2024b), highlighting the state's intensified surveillance and the increasing criminalisation of digital dissent. This demonstrates the Thai government's expanding reach in restricting freedom of expression and speech, extending its control beyond physical spaces to the digital realm. It underscores the growing focus of state surveillance on online platforms, targeting expressions of dissent not only in public protests but also in virtual spaces, thereby amplifying the suppression of free speech in an increasingly digital society.

Amnesty: The Debate over Inclusion of Article 112 Cases

A significant political controversy in 2024 centred on whether to include Article 112 cases in amnesty legislation (Thai PBS World's Political Desk, 2024). Under the Pheu Thai-led coalition government, efforts to enact amnesty laws for political cases spanning the past two decades have sparked debates (Ibid.). This section explores the diverse perspectives surrounding including lèse-majesté charges in amnesty frameworks.

Government and Legislative Stances

- **Exclusion of Article 112 Cases:** The Ruam Thai Sang Chart Party, Democrat Party, and Bhumjaithai Party strongly opposed including Article 112 cases in amnesty proposals, citing the monarchy's importance and concerns over national security (iLaw, 2024). On October 24, 2024, the House of Representatives voted against recommendations to include these cases, reflecting the majority's reluctance to address the matter comprehensively (Thai PBS World's Political Desk, 2024).
- **Internal Divisions within Pheu Thai:** While many within the Pheu Thai Party recognise the controversial use of Article 112 to suppress dissent, political pressures and the sensitive nature of the monarchy have stalled efforts to propose their draft bill, leaving the issue unresolved (iLaw, 2024).

Public Opinions and Activist Perspectives

Proponents for inclusion argue that many Article 112 cases stem from politically motivated charges rather than genuine criminal intent:

- **Human Rights Advocates:** Figures like Veera Somkwamkid and Dr. Munin Pongsapan emphasise the misuse of Article 112 as a political tool and highlight the need for justice reform to address systemic inequities (iLaw, 2024).
- **Youth Movements:** Activists like Netiporn "Bung" Sanesangkhom and other youth leaders have pointed out that most cases since 2020 targeted young protesters, making amnesty essential for national reconciliation (Ibid.).

Conversely, opponents stress the need to uphold the monarchy's sanctity and avoid deepening political divides:

- **Conservative Voices:** Politicians like Deputy Prime Minister Phumtham Wechayachai and opposition leader Natthapol Teepsuwan assert that excluding Article 112 cases ensures the stability of Thailand's democratic framework, arguing that its inclusion could provoke further discord (iLaw, 2024).

Alternative Proposals

Considering polarised views, several alternative mechanisms have been suggested:

- Conditional Amnesty: Proposals include granting amnesty to Article 112 offenders on a case-by-case basis, excluding repeat offenders or malicious cases (iLaw, 2024).
- Royal Pardons: Legal experts advocate for seeking royal pardons as a more culturally and politically acceptable solution (Ibid.).
- Independent Review Panels: Establishing independent committees to evaluate each case's merit and provide recommendations for clemency (Ibid.).

Implications of Exclusion

The exclusion of Article 112 cases from amnesty frameworks has far-reaching implications, including the risk of perpetuating political divides, undermining reconciliation efforts, and deepening rifts between progressive and conservative factions. Youth activists have warned that unresolved grievances may hinder democratisation and foster disillusionment, particularly among younger generations (iLaw, 2024), many of whom have been accused of political activism, including participation in demonstrations since 2020.

Moreover, this exclusion raises critical concerns about the Thai justice system's adherence to international human rights standards, particularly regarding freedom of speech and expression. A balanced approach that upholds the integrity of the monarchy while fostering national unity is essential for achieving sustainable political reconciliation, particularly within Thailand's increasingly polarised socio-political landscape.

Case Studies

Anon Nampa: A Symbol of Repression

Anon Nampa, a prominent human rights lawyer and pro-democracy activist, has become emblematic of Article 112's repressive use. By 2024, Anon had been convicted six times under the law, accumulating sentences exceeding 18 years and eight months in prison (International Federation for Human Rights, 2024). His convictions stem from peaceful speeches advocating for monarchy reforms, including his remarks at a Harry Potter-themed protest on August 3, 2020 (Reuters, 2020). Despite these peaceful actions, Anon has faced ongoing judicial harassment, including eight additional charges still pending trial (International Federation for Human Rights, 2024). His imprisonment highlights the judiciary's prioritisation of monarchy protection over free expression.

The Bangkok Criminal Court's most recent decision on December 19, 2024, found Anon guilty under Article 112 ("lèse-majesté") and Article 116 ("sedition"), sentencing him to two years and eight months in prison (International Federation for Human Rights, 2024). This verdict adds to the growing evidence of Thailand's judicial system being used to suppress dissent and punish activists advocating for human rights and democracy. International bodies, such as the United Nations Working Group on Arbitrary Detention, have deemed Anon's imprisonment "arbitrary," calling for his immediate release and reparations (World Organisation Against Torture, 2024). Yet, he remains detained at Bangkok Remand Prison, facing transfers to facilities like Klong Prem Central Prison, designated for long-term sentences (International Federation for Human Rights, 2024).

Anon's situation demonstrates systemic issues in Thailand's legal framework, including the denial of bail, the harsh application of cumulative sentencing, and the lack of judicial independence. His story highlights the urgent need for reform to address these challenges and safeguard fundamental rights, serving as a poignant reminder of the broader problem of judicial practices that stifle dissent and erode democratic freedoms in Thailand.

Netiporn "Bung" Sanesangkhom: A Catalyst for Reform

Netiporn "Bung" Sanesangkhom, a 28-year-old pro-democracy activist, became a symbol of resistance against Thailand's judicial practices and the misuse of Article 112. Bung's activism included conducting public opinion polls on royal motorcade road closures, which led to charges under Article 112 (Regan & Olarn, 2024). Despite the peaceful nature of her actions, she faced prolonged pretrial detention and judicial harassment (Amnesty, 2024).

Bung's tragic death on May 14, 2024, after a 110-day hunger strike in protest of her detention, brought international attention to the human cost of Thailand's draconian legal measures. She had previously endured similar conditions during a 65-day hunger strike in 2022 (Regan & Olarn, 2024). Her prolonged detention without bail and her refusal to accept the conditions of her incarceration demonstrate the systemic issues plaguing Thailand's judicial system, including the denial of fair trials and excessive use of pretrial detention.

Amnesty International and other human rights organisations have highlighted Bung's death as a "wake-up call" for the Thai government, urging reforms to safeguard the rights to freedom of expression and peaceful assembly (Amnesty, 2024). United Nations experts have reiterated the necessity of adhering to international human rights obligations, emphasising the Thai state's heightened responsibility to protect the lives of detainees (Ibid.).

Bung's passing has galvanised public and international advocacy, sparking calls for the release of arbitrarily detained activists and systemic reforms to prevent further loss of life. Her story remains a poignant reminder of the urgent need for a fair and transparent legal system in Thailand that prioritises human rights over political suppression.

Systemic Issues in Thailand's Justice System

1. Harsh Pretrial Detention

Prolonged pretrial detention without bail inflicts severe psychological and physical harm on detainees, often subjecting them to inhumane conditions such as overcrowding, inadequate medical care, and isolation from family and legal counsel (Open Society Foundations, 2011). These practices violate international human rights standards, including the presumption of innocence and the right to fair treatment (United Nations, 2024). Political detainees charged under Article 112 frequently face disproportionate denial of bail, often justified with vague claims of national security (112WATCH).

In Thailand, the average pretrial detention period for political detainees under Article 112 exceeds 6 months, with some cases lasting over a year (Thai Lawyers for Human Rights, 2024). In contrast, international human rights frameworks, such as the International Covenant on Civil and Political Rights (ICCPR), emphasise that pretrial detention should only be used as a last resort and must be reasonable and proportionate to the circumstances (UN General

Assembly, 1966). While no fixed maximum duration is universally mandated, prolonged pretrial detention is widely criticised as inconsistent with the principle of the presumption of innocence (ibid.).

This misuse of pretrial detention functions as a punitive measure rather than a procedural safeguard, exacerbating detainees' trauma and further eroding public trust in the judiciary. To restore democratic integrity and align with international human rights obligations, urgent reforms are essential to ensure that pretrial detention is not arbitrarily or excessively imposed.

2. *Compounded Sentencing*

The application of compounded sentencing under Article 112 leads to excessively long prison terms for minor or repetitive actions deemed defamatory to the monarchy. Each alleged offence, such as individual social media posts, is treated as a separate crime, resulting in cumulative sentences that are grossly disproportionate to the nature of the actions (Thai Lawyers for Human Rights, 2024b). For instance, Maggie's 25-year prison sentence for 18 tweets illustrates the judiciary's use of compounded charges to impose severe penalties. This practice violates the principles of proportionality and highlights the urgent need for judicial reforms to establish fair and standardised sentencing practices, ensuring justice is neither arbitrary nor excessive.

3. *Judicial Bias*

The Thai judiciary consistently aligns with conservative political forces, particularly in cases involving Article 112. This bias is evident in the low acquittal rates, harsh sentencing patterns, and frequent rejection of bail requests for Article 112 defendants (Thai Lawyers for Human Rights, 2024b). By prioritising the protection of the monarchy over impartial justice, the judiciary perpetuates systemic unfairness, further eroding public trust in legal institutions. The lack of transparency in judicial proceedings compounds these concerns, especially in politically sensitive cases such as the dissolution of the Move Forward Party, which garnered the support of 14 million voters in the most recent election (Leelapatana, 2024). Such actions demonstrate the judiciary's role in undermining democratic outcomes, disenfranchising millions of citizens, and serving entrenched political interests. These practices hinder democratic progress, deepen societal divisions, and erode confidence in both the judiciary and the broader democratic system. Addressing these critical issues requires immediate reforms to ensure judicial independence, accountability, and adherence to the principles of justice and equality.

Implications for Human Rights and Society

1. *Suppression of Free Expression*

The vague and broadly interpreted language of Article 112 enables authorities to target a wide range of expressions, from public speeches to social media posts, that could be construed as critical of the monarchy. This broad application has created an environment of fear, discouraging citizens from engaging in open dialogue or criticising government policies. The pervasive surveillance of digital platforms has amplified this chilling effect, forcing individuals and organisations to self-censor to avoid potential prosecution (Penney, 2017).

Such suppression of free expression undermines the democratic principles of accountability, transparency, and citizen participation.

2. Disproportionate Targeting of Activists

Activists and political reformists are disproportionately targeted under Article 112, with many facing compounded charges and prolonged detention. This selective enforcement has transformed the law into a tool for silencing dissent and discrediting pro-democracy movements. High-profile cases, such as those of Anon Nampa and Netiporn "Bung" Sanesangkhom, demonstrate the devastating personal costs of standing against the status quo. The unequal application of justice not only violates international human rights standards but also exacerbates social and political tensions. In which, it fosters fear, stifles free expression, and deepens societal divisions, eroding trust in the legal system and suppressing pro-democracy voices.

3. Youth Suppression

The prosecution of minors under Article 112 highlights a troubling trend of targeting youth-led activism. Symbolic acts, such as wearing provocative clothing or holding satirical signs, have been criminalised, discouraging young people from participating in political discourse (Thai Lawyers for Human Rights, 2024b). This suppression contravenes international treaties such as the Convention on the Rights of the Child, which Thailand has ratified and undermines the role of youth as critical agents of democratic reform (Human Rights Watch, 2023).

4. Denial of Fair Trials

Defendants charged under Article 112 frequently encounter legal proceedings that lack transparency and fairness. The denial of bail, compounded sentencing, and judicial bias are common features of these cases, further eroding trust in the justice system (Thai Lawyers for Human Rights, 2024b). The lack of due process and the limited ability of defendants to challenge evidence or verdicts underscore the systemic weaknesses in Thailand's judiciary, raising urgent calls for reform.

5. Impact on Political Refugees

The misuse of Article 112 has forced many activists to flee Thailand, seeking refuge in countries with stronger protections for political asylum. The exodus of activists weakens domestic pro-democracy movements and tarnishes Thailand's international reputation as a rights-respecting nation (Thai Lawyers for Human Rights, 2024c). Furthermore, the ongoing persecution of exiled activists underscores the incompatibility of Article 112 with international human rights norms (Thai Lawyers for Human Rights, 2024c), highlighting the need for global advocacy and diplomatic pressure to encourage reform.

Conclusion

The enforcement of Article 112 in 2024 underscores its deeply entrenched role as a tool for political repression and a formidable obstacle to democratic progress in Thailand. Harsh sentencing, widespread denial of bail, and the criminalisation of digital dissent have amplified its chilling effect on free expression and civic engagement. High-profile cases, such

as those of Anon Nampa and Netiporn "Bung" Sanesangkhom, serve as stark reminders of the profound personal and societal costs of the law, including the erosion of human rights and the suppression of youth-led reform movements. The debate over including Article 112 cases in amnesty frameworks has further exposed the deep divisions within Thai society and its government. While some view amnesty as a crucial step toward national reconciliation, others fear it could compromise the monarchy's sanctity and intensify political tensions. This polarisation highlights the broader systemic challenges facing Thailand's legal and political structures, where entrenched interests resist reforms that could foster justice and unity.

To move toward genuine democratisation, comprehensive reform of Article 112 is imperative. Such reforms must align with international human rights standards, ensure judicial transparency, and establish safeguards to prevent misuse. Additionally, transitional measures like conditional amnesty, royal pardons, or independent review panels could help address the immediate grievances while bridging societal divides and restoring public trust in democratic institutions. Without reform, the continued enforcement of Article 112 risks perpetuating cycles of political polarisation and disillusionment, particularly among younger generations who are demanding greater freedoms and accountability. These unresolved grievances threaten to undermine Thailand's democratic foundations, fostering deeper societal rifts and jeopardising the nation's future stability.

As this article is published under 112 Watch, it highlights the critical role of organisations like ours in documenting abuses, raising public awareness, and advocating for justice. At 112 Watch, we remain steadfast in amplifying the voices of those silenced by this law, fostering dialogue about the urgent need for reform, and pushing for a future where human rights, freedom of expression, and democratic values are fully upheld in Thailand. Together, we can work toward a more just, inclusive, and democratic society.

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

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submitted, but only 6 detainees were granted bail.]
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