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THAILAND

DEFAMATION CHARGES USED TO SILENCE DISSENT

Police have charged prominent activists **Parit ‘Penguin’ Chiwarak, Sirawit ‘Ja New’ Seritiwat**, and **Phayaw Akkahad** with defamation by publication under Article 328 of the Thai Criminal Code which carries a maximum sentence of two years in jail.

The Election Commission accused the three of making defamatory speeches during a public campaign to impeach the commissioners around Victory Monument in Bangkok on 31 March 2019. In their statements, the three had requested that the Commission discloses the full results, from all polling stations, following reports of irregularities during the country’s general elections on 24 March. Summoned to Phayathai Police Station on 30 April, they have denied all charges. They have been summoned to attend the police station again on 4 June to hear the development of their case. The case appears to be politically motivated and is part of the crackdown on individuals who criticize the constitutionally independent body.

This case is the fourth prosecution initiated by the Commission since the elections. Amnesty International believes that raising criminal complaints against these individuals is a bid to silence public criticism amid public calls for transparency about the election results.

Please send a fax, phone call, email or letter to the head of police services.

- * Share your dismay that charges of criminal defamation by publication have been filed against prominent activists Parit ‘Penguin’ Chiwarak, Sirawith ‘Ja New’ Seritiwat and Phayaw Akkahad just for peacefully exercising their right to freedom of expression.
- * Urge his office to act swiftly to uphold and protect the right to freedom of expression.
- * Insist that he immediately and unconditionally drop all charges against Parit, Sirawith and Phayaw, as they appear to be motivated solely by political interests.
- * Call on Thailand to end the harassment of critics of the Election Commission and take measures to guarantee their right to freedom of expression.

Write to

Pol Gen Chakthip Chaijinda

Royal Thai Police

Rama I Road, Pathumwan

Bangkok 10330, Thailand

Fax: 011 66 2251 4739

Tel: 011 66 2205 2724

Email: webmaster@royalthaipolice.go.th

Salutation: Dear Commissioner-General

If possible, please also write to the Director General at the office of the Attorney General, urging that no prosecution order is issued on this case.

Prof Khemchai Chutiwongse
Office of the Attorney General
51 Ratchadaphisek Road, Chatuchak
Bangkok 10900, Thailand
Tel: 011 66 2515 4000
E-mail: ag@ago.go.th
Salutation: Dear Director General

If possible, please also write to the Election Commission Chairman, urging that the criminal complaint against these activists is dropped.

Ittiporn Boonprakong
Chairman of the Election Commission
Election Commission of Thailand
Government Building Complex
Chaengwattana, Laksi
Bangkok 10210, Thailand
Tel: 011 66 2141 8888
Salutation: Dear Chairman

Please copy

His Excellency Maris Sangiampongsa
Ambassador, The Royal Thai Embassy
180 Island Park Drive
Ottawa, Ontario K1Y 0A2
Fax: 613 722 6624
Phone: 613 722 4444 or 613 863 3506
Email: contact@thaiembassy.ca

Additional information

Following a general election on 24 March 2019 – the first to take place since military authorities took power in a coup in May 2014 - students, activists, academics and online users have continued to call for the Election Commission of Thailand (ECT) to announce official election results. There has also been public criticism of the Commission's lack of transparency with the formula used to calculate vote counts for party-list candidates.

The Election Commission has also accused a further seven individuals of criminal defamation following an online public campaign which has collected more than 850,000 signatures to impeach the commissioners. Three of the seven had been temporarily detained. At least 20 individuals are facing legal action for peacefully expressing their opinions in relation to the elections.

A member of the Resistant Citizen group, Sirawith Seritiwat has been a staunch critic of military rule and has consistently called for protection of rights during “My Dear Election” stunt, Post-It protest, and a series of protests with We Want to Vote group, among many others. In January 2016, Sirawith was abducted, interrogated and detained in military custody where he faced beating and mistreatment. In a slew of cases the authorities filed against him, Sirawith has faced charges of sedition, criminal defamation, contempt of court, violation of a ban on political gathering and public disorder.



Sirawith Seritiwat via Twitter



Parit Chiwarak via Twitter

Student activist and President of the Student Union of Thailand, Parit Chiwarak has been a prominent campaigner for student activism, freedom of expression and peaceful assembly. He has organized public events and gatherings to call for elections and raise public awareness of the human rights situation under military rule. As a result, he has been charged with criminal defamation as well as violations of the ban placed on political gathering. In response to the Election Commission’s lawsuit, Parit claimed that he would file a misconduct complaint against the commissioners.

Phayaw Akkahad is the mother of a volunteer nurse, Kamonkate Akkahad, who was among six individuals killed by the military at Pathum Wanaram temple during the 2010 political protests. The protests were put down with force and resulted in at least 92 deaths and more than 1,500 injured. Phayaw has continually sought truth and justice for her daughter’s death. On the anniversary of her daughter’s death in 2018, Phayaw and other individuals who lost their loved ones during the violence staged a play to call for justice.

On the verge of the fifth anniversary of the army’s declaration of martial law and subsequent military coup on 22 May 2014, military authorities have continued to restrict freedom of expression arbitrarily and sweepingly. In the name of protecting national security and public order, authorities have largely cracked down on individuals perceived as critics or dissenters of their political project with charges of computer-related offences, criminal defamation and sedition.



Phayaw Akkahad via Twitter