



International Secretariat



## FOR IMMEDIATE RELEASE

19 September 2012 – Bangkok

### **Free Somyot Now**

Human rights and labour organizations today urge that magazine editor and human rights defender **Somyot Prueksakasemsuk** be immediately released from 17-month pre-trial detention. If convicted, he faces up to 30 years in prison under Article 112 of the Criminal Code (the *lèse-majesté* law) for the publication of two articles deemed insulting to the monarchy. The group further called on the Thai authorities to uphold international standards of freedom of expression, and to stop using Article 112 and arbitrary detention to criminalize or restrict free speech.

The outcome of Somyot's trial is a litmus test of Thailand's commitment to protect the rights to freedom of opinion and expression, the group said

Somyot has been held in prison since his arrest in April 2011, five days after he launched a petition campaign to collect 10,000 signatures required for a parliamentary review of *lèse-majesté* law. Lengthy pre-trial detention of Somyot clearly violates Thailand's obligations to refrain from arbitrary detention.

On 18 September, the Thai Criminal Court cancelled a court hearing in his case scheduled for 19 September, prolonging his pre-trial detention indefinitely. The Criminal Court did not provide reasons for the cancellation or a new date for the hearing.

#### *Background*

Authorities have turned down Somyot's eleven requests for release on bail. In denying him provisional release, the court has not provided adequate justifications, as required by Section 40(7) the Constitution and Section 107 of the Criminal Procedure Code, which restrict pre-trial detention to exceptional circumstances, and by the International Covenant on Civil Political Rights (ICCPR), which Thailand has ratified.

During the past two years, Thai courts have repeatedly denied bail to alleged *lèse-majesté* offenders. The UN Human Rights Committee, which oversees compliance of States with the ICCPR, has reminded States that pre-trial detention may, in itself, be a violation of the rights to liberty and presumption of innocence.

Thailand's *lèse-majesté* law prohibits any word or act, which "defames, insults, or threatens the King, the Queen, the Heir-apparent, or the Regent". The law overrides the Thai constitution and places the country in contravention of its international legal obligations to uphold international standards of freedom of expression. Thai civil society groups, families of those prosecuted under the *lèse-majesté* law, and United Nations human rights experts have

repeatedly called for a public debate on reform of the *lèse-majesté* law. When Thailand's human rights record was examined in October 2011 during the Universal Periodic Review of the UN Human Rights Council, its member states addressed more than a dozen recommendations to amend or repeal both the *lèse-majesté* law and the 2007 Computer Crimes Act that criminalizes online defamation under the same provision. Four of the alleged *lèse-majesté* offenders, including Somyot, have pending requests to the Constitutional Court to rule on the constitutionality of Article 112. On 19 September, Somyot was expected to learn if the Constitutional Court had ruled on whether Thailand's *lèse-majesté* law complies with guarantees of freedom of expression and the press in the 2007 Constitution.

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression "reiterate[d] the call to all States to decriminalize defamation" in his report (A/HRC/17/27) to the UN Human Right Council in May 2011. The UN Declaration on Human Rights Defenders guarantees the right "[t]o submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights." Thailand has increasingly criminalized writers and editors of publications that carry articles deemed offensive to the monarchy.

For more information, please contact:

**Arthur Manet**

Press Officer  
International Federation for Human Rights  
(FIDH)  
+ 33 1 43 55 25 18

**Isabelle Scherer**

Coordinator  
World Organisation Against Torture (OMCT) +  
41 22 809 49 39

**Brittis Edman**

Southeast Asia Programme Director  
Civil Rights Defender  
+46 8545 27751

**Mary McGuire**

Senior Communications Officer  
Freedom House  
+1.202.747.7035

**Ineke Zeldenrust**

International Coordinator  
Clean Clothes Campaign  
+31-6-51280210

**Olof Blomqvist**

Press Officer Asia/Pacific, Media Programme  
Amnesty International – International Secretariat  
at  
Tel: + 44 (0) 20 7413 5871  
Mobile: +44 (0) 790 4391 956