

URGENT ACTION

GRAVE CONCERN OVER THAI COMPUTER CRIMES ACT

Thailand's National Legislative Assembly is considering amendments to the rights-restricting Computer Crimes Act (2007). Current proposed changes preserve the Act's powers to violate the right to freedom of expression and the right to privacy including by enabling indiscriminate online surveillance and censorship.

For the past decade, authorities in Thailand have used the Computer Crimes Act (CCA), a law passed in 2007 and other repressive legislation to criminalize and censor online speech and to restrict the peaceful exercise of the right to freedom of expression. The Thai government is currently considering amendments to the CCA.

As of 7 October, the proposed amendments fail to address key problems with the CCA or ensure that the legislation complies with Thailand's obligations under international law to safeguard the right to freedom of expression and the right to privacy. For example, the proposed amendments still allow for the prosecution and imprisonment of computer users who peacefully express their opinions online as well as internet service providers hosting sites where such opinions are posted. The proposed amendments would also preserve the authorities' power to conduct invasive surveillance of internet traffic – in some cases without prior judicial authorisation – and to suppress electronic content deemed to threaten a variety of vaguely defined state interests.

The law has already been considered by the Thai Cabinet and is now before Thailand's National Legislative Assembly (NLA), which is due to complete its review by the end of October 2016. It is imperative that the NLA use this opportunity to bring the CCA into line with Thailand's obligations under international human rights law, particularly in relation to the right to freedom of expression and the right to privacy.

Please write immediately in Thai, English or your own language urging Thai authorities to:

- Amend the Computer Crimes Act to bring it into line with Thailand's obligations under international human rights law, and that it does not allow for violations of the rights of computer users and internet service providers, including the right to freedom of expression and the right to privacy;
- Immediately and unconditionally release anyone imprisoned under the CCA on account of their peaceful exercise of the rights to freedom of expression and expunge any convictions on such grounds.

PLEASE SEND APPEALS BEFORE 18 NOVEMBER 2016 TO:

Pol. Gen. Chatchawan Suksomjit

President, Select Committee to Consider
the Draft Computer Crime Act
National Legislative Assembly
Secretariat Office, 499 U-Thong Nai
Road, Dusit, Bangkok 10300
Thailand

Tel: + 66 2 244 1500

Fax: + 66 2 244 1779

Salutation: Dear President

Songporn Komolsuradej

Permanent Secretary
Ministry of Digital Economy and Society
120 Moo.3 Flr. 6-9, B Building,
Government Complex, Chaeng Wattana
Road, Thung Song Hong, Lak Si
Bangkok 10210
Thailand

Tel: + 66 2 141 6747

Fax: + 66 2 143 8019

Salutation: Dear Permanent Secretary

And copies to:

Gen. Paiboon Koomchaya, Minister
Ministry of Justice
120 Moo 3, A Building, Government
Complex, Chaeng Wattana Road, Thung
Song Hong, Lak Si
Bangkok 10210
Thailand

Tel: + 66 2141 6424

Fax: + 66 2143 9880

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Over the past decade, Thailand has been gripped by political turmoil and instability. During this time, successive governments have sought to control online speech in order to stifle opposing political views, prevent the criticism of authorities, defend the monarchy, and protect vaguely-defined national security interests. In doing so, authorities have used the CCA and other repressive laws – including provisions in the criminal code penalizing sedition, defamation, and criticism of the monarchy – in a manner that violates the rights to privacy and freedom of expression.

Since taking power in a May 2014 coup, Thailand's military government has intensively targeted online speech as part of a broader crackdown on the freedom of expression, association and assembly. Scores of individuals – including politicians, musicians, poets, bloggers and editors – have been imprisoned for peaceful online speech. Many of these individuals have been subjected to unfair trials in military courts, and some have been convicted and sentenced to decades of imprisonment.

Authorities have used the CCA and other repressive laws to arrest, prosecute and imprison individuals for a broad range of online speech that is protected by the right to freedom of expression. Social media posts critical of the government, satire of military figures, photographs demonstrating support for certain political movements, and criticism of the monarchy, among other forms of online speech, have been the basis for numerous arrests and trials. Some prosecutions border on the absurd: a woman has been charged for a one-word response (in English, "I see") to a comment deemed to be critical of the monarchy and a man has been charged for posting a comment regarding the king's dog. Individuals reporting human rights violations by Thai authorities have also been prosecuted. Three human rights defenders—including the current and former chairpersons of Amnesty International Thailand – are currently facing charges under the CCA and criminal code for reporting on acts of torture by Thai soldiers.

Official monitoring of social media is pervasive, and the Thai government has blocked access to thousands of websites and social media profiles. Authorities regularly seek the cooperation of internet service providers and social media operators to remove a broad range of content they consider "harmful to peace and order." In 2015, the military government announced plans to establish a single internet gateway to filter all Internet traffic entering and leaving Thailand "as a tool to control access to inappropriate sites and the influx of information from abroad."

As a state party to the International Covenant on Civil and Political Rights, Thailand is obliged to respect, protect and fulfil the rights to privacy and freedom of expression, including the right to seek, receive and impart information. Restrictions on these rights are only permissible if they are imposed for the purpose of protecting certain public interests – including national security, public safety, public order, and the protection of public health or morals – or the rights and freedoms of others, and are demonstrably necessary for such purpose.

Name: n/a

Gender m/f: n/a

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