

**Protests under threat**

# **THAILAND: Denying the demand for democracy**

November 2022

ARTICLE19



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**Cover photo:** High-school students gathered in front of the Ministry of Education and protesting over Thai education and the authoritarian regime of the Thai Government.  
(Photo: kan Sangtong/Shutterstock.com)

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# Executive summary

Protests play an important part in the civil, political, economic, social, and cultural life of all societies. Protests can inspire positive social change, improve human rights protection, protect civic space, develop an engaged and informed citizenry, and strengthen democracy and participation. They enable people to express grievances, share opinions, expose governance flaws, and demand accountability and remedy from power holders. This is especially important where people's interests are poorly represented or marginalised. Yet governments around the world too often treat protests as an inconvenience to be controlled or a threat to be extinguished.

*Thailand: Denying the demand for democracy* is one of a series of research reports from our #FreeToProtest global campaign, which seeks to protect and advance people's right to protest, in line with ARTICLE 19's [Principles on the protection of human rights in protests](#). This report examines how, since the beginning of 2020, youth-led pro-democracy protests have sprung up across Thailand – only to be met with varying degrees of control and suppression on the part of the Thai authorities, including discriminatory practices. Protesters' demands have variously included democratic and constitutional reform, abolition of the *lèse-majesté* law, and wholesale reform of the monarchy. Comprising interviews, direct observation,

and reviews of news media and other reports, this report focuses on the period from February 2020 to December 2021.

The report finds that the Thai authorities have used the country's Public Assembly Act and Covid-19 state of emergency regulations as pretexts to restrict and repress pro-democracy protests. While the Thai legal framework does not violate the right to protest, the Thai authorities interpret and enforce the law in a way that limits the exercise of this right. They have appeared to crack down particularly harshly on critics of the monarchy, and protesters at the Din Daeng intersection in Bangkok, who tended to be from lower-income backgrounds. Both the state and conservative social forces often portray pro-democracy protesters as threats to the monarchy and the nation. Protests on this issue have faced crackdowns, violence, and arrests, and protest leaders have been repeatedly charged with offences, denied bail, and put under pre-trial detention, and have faced extralegal and extrajudicial harassment, including unofficial surveillance. Protests on other issues and royalist mobilisations in support of the monarchy have been treated more leniently.

## Summary of recommendations

ARTICLE 19 makes the following recommendations to ensure the right to protest is safeguarded in Thailand.

### To the Government of Thailand

- Amend the Public Assembly Act and other laws relating to the exercise of the right to assembly to be compatible with international human rights standards. This should include requiring protest notification only to allow the relevant authorities to facilitate peaceful assembly, not to set conditions on protest activities.
  - Make information on notification procedures publicly available and accessible.
  - Make online notification of a public assembly easily accessible.
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#### On states of emergency:

- Ensure that any derogation of rights during a state of emergency complies with international human rights standards and is proportionate to the situation.
  - Drop all charges against individuals for violation of regulations and orders under the Emergency Decree on Public Administration in Emergency Situations for participating in a protest, and release anyone prosecuted and imprisoned on the same basis.
- 

#### On facilitating the right to protest:

- Facilitate exercise of the right to protest and ensure protesters can exercise their rights safely.
- Cease all undue and unlawful surveillance, intimidation, and harassment of protesters and their family and household members.
- Protect and promote the right to protest of young people and children.

### **On the use of force against protesters:**

- Ensure that those responsible for excessive and disproportionate use of force against protesters are investigated, disciplined, and prosecuted accordingly.
- 

### **On stigma and discrimination:**

- Ensure every political movement enjoys equal rights to protest and express itself.
- Refrain from making public comments about protesters that would stigmatise them or their exercise of the right to protest.

### **To the Thai police and law-enforcement units**

- Immediately end practices of forcefully dispersing peaceful protesters. Any operations to disperse protesters must take place only when strictly necessary and should meet all relevant international standards, including the UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.
- Ensure that law-enforcement officers are trained in crowd-control methods and their obligation to facilitate the right to protest.
- Ensure that law-enforcement officers are clearly identifiable by their uniforms at all times.
- Ensure that the use of force in policing demonstrations occurs only when strictly necessary and is proportionate to the situation faced.
- Ensure that those responsible for excessive and disproportionate use of force against protesters are investigated, disciplined, and prosecuted accordingly.
- Immediately cease the arrest and detention of individuals solely on the basis of their exercise of the right to freedom of assembly.

# 1. Introduction and background

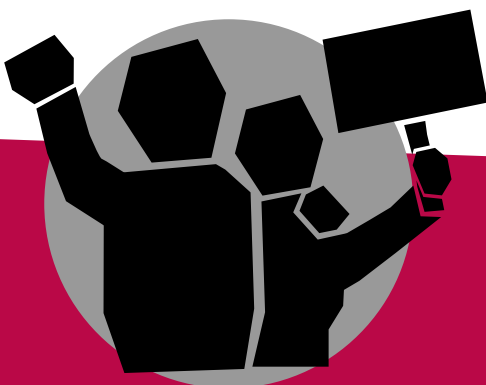
Since the start of 2020, Thailand has witnessed the rise of a pro-democracy movement, characterised by frequent demonstrations led mainly by youth activists throughout the country. These often-large-scale protests have been mainly peaceful, with protesters carrying umbrellas, dove symbols, and the lights of their mobile phones, and have often involved sitting down. The main focus of the country's pro-democracy movement has been democratic and constitutional reform, including reform of the monarchy.

In 2014, the Thai military, led by General Prayuth Chan-o-cha, staged a coup against the country's democratically elected government. In February 2020, less than a year after the first general election following the 2014 coup, the Constitutional Court dissolved the Future Forward Party, a new reformist political party set up just before that election. This was the culmination of a series of more conservative politicians' attempts to disqualify the party's leader (whom the Constitution Court disqualified for holding shares in the media) and disband the party. Allegations included that the party aimed to overthrow the monarchy.

## Origins of the pro-democracy movement

Many Thais saw the Future Forward Party's dissolution as an attempt to stop any of the progressive changes the party advocated. The Constitutional Court's action caused an uproar among Thai youth, many of whom were first-time voters who supported the Future Forward Party and were upset that their political voices had been silenced. In response, youth activists initiated demonstrations across the country.<sup>1</sup> The demonstrators were not only protesting against the dissolution of the Future Forward Party but also advocating for democratic reforms in general.

The Covid-19 pandemic disrupted the movement for a few months, but by mid-2020 the protests had resumed. This iteration of the pro-democracy movement was punctuated by demands to reform the monarchy – the most highly revered institution in Thai society. Expressing critical views of the monarchy is essentially illegal in Thailand and is controlled by a strict *lèse-majesté* law (Section 112 of the Criminal Code). Despite state repression of the protest movement and legal charges brought against many of the movement's leaders, the pro-democracy movement continued to grow.



As the pro-democracy movement grew, a parallel movement of high-school students also developed. These students questioned the education system, abuse of power within schools, and school regulations not in line with human rights, and made demands for justice and democracy. In addition to joining the larger pro-democracy demonstrations, the students organised flash mobs and other creative protests, both online and in person, inside and outside schools. Their activism was met with severe reactions and punishment from some school authorities.

The pro-democracy movement that has evolved since early 2020 is composed of different groups and loose networks with no formal organisational structure. Among the key groups that have organised large protests in Bangkok are the Rassadorn (คณะราษฎร) (the People's Party), which formed in August 2020 as a network of several different pro-democracy groups; the Free Youth, which in February 2021 formed a coalition with other groups under the acronym REDEM (Restarting Democracy); the United Front of Thammasat and Demonstration (led by student activists at Thammasat University); and Thalufah (Piercing the Sky), formed in 2020 mainly by student activists working with communities affected by development projects. The Nak Rien Laew (Bad Students) (นักเรียนเลว) is the largest high-school student group that organises protests in Bangkok. The members and leaders of these groups sometimes overlap, and there is no fixed membership base.

Outside Bangkok, in other provinces, high-school and university students have their own networks and run their own activities. Small protests led by local groups and networks have been organised in almost every province across the country, sometimes with connections to the groups in Bangkok. Many of these groups call themselves the Rassadorn of that particular province, signifying that they agree with the main demands of the Rassadorn in Bangkok. The demands include resignation of the Prime Minister, the rewriting of the Constitution, and reform of the monarchy.

### **Criticism of the Thai monarchy**

Although criticisms of the monarchy have been part of the protest movement since early 2020, only in August 2020 did the movement leaders address the issue of the monarchy explicitly and make demands for its reform. All the groups mentioned have made demands for reforming the monarchy, although each group has taken a slightly different approach. The Rassadorn and the United Front of Thammasat and Demonstration, for instance, have centred their claims on **ten demands for reforming the monarchy** and framed their criticisms as attempts to find a proper place for the monarchy in Thai society. Thalufah has prioritised demands for the Prime Minister – General Prayuth Chan-o-cha, the former Commander-in-Chief of the Royal Thai Armed Forces, who had led the 2014 military coup – to step down and for the release of political detainees; reform of the monarchy has been lower in their priorities. Free Youth/REDEM, on the other hand, has often expressed stronger and more direct criticisms of the monarchy.



When it launched in February 2021, REDEM made a clear statement in support of social democracy and referred to republican rule. In its initial campaign to 'restart the country', REDEM stated it was a leaderless movement.

From August to October 2021, daily confrontations between Thai security forces and small groups of protesters occurred at Din Daeng intersection in Bangkok, near the Prime Minister's residence and the headquarters of the 1st Infantry Regiment, which is one of the Thai royal family's security units. These violent clashes involved protesters who tended to be more from working-class backgrounds than most of the other protest groups and did not identify with any of them. Nor do the Din Daeng

protesters<sup>2</sup> make any specific demands, apart from expressing frustration with how the Thai Government has handled economic issues that have arisen due to Covid-19 – such as closing down restaurants and clubs where many young protesters worked and halting other activities where people earned a daily wage, such as construction – and with its suppression of the pro-democracy movement.

**As the pro-democracy movement grew, a parallel movement of high-school students also developed. These students questioned the education system, abuse of power within schools, and school regulations not in line with human rights, and made demands for justice and democracy.**



Protesters in Bangkok the day before the 14 October 2020 mass demonstration, police crackdown, and arrest of multiple pro-democracy leaders and activists. (Photo: kan Sangtong/Shutterstock.com)

## 2. Legal framework and implementation

This section explains the legal framework in Thailand and the implementation of laws related to the right to assembly, with a focus on the Public Assembly Act and other laws that have been used to set the scope of permitted activities during a demonstration.

The right to peaceful protest is guaranteed in the Thai 2017 Constitution (Section 44). The Public Assembly Act (2015) is the main legal tool used to regulate public assembly. The Act sets the conditions for a public assembly, such as prohibition of public gatherings in certain areas and limitation on the use of sound amplifiers during a demonstration. While Thailand's Public Assembly Act itself does not constitute a violation of the right to protest, the authorities have, at times, used it to limit people's rights. In addition, the Thai state has made extensive use against protesters of the Emergency Decree on Public Administration in Emergency Situations (passed in response to the Covid-19 pandemic) and Sections 112 and 116 (*lèse-majesté* and sedition, respectively) of the Thai Criminal Code.<sup>3</sup>



### Public Assembly Act and protest notification regime

The Public Assembly Act requires the organiser of a public assembly to notify the local police at least 24 hours beforehand. The notification must state the objectives of the assembly and the date, time, and place at which it will take place.<sup>4</sup> It is illegal to organise an assembly without notifying the police in advance.<sup>5</sup>

Some activists have been prosecuted for violating the Public Assembly Act if they have not notified the authorities before the assembly, including activities involving only a few people and activities that do not engage in any confrontation with the authorities. For example, two students, Parit Chiwarak and a friend, were found guilty and each fined 2,000 baht (approx. USD 67) for violating the Public Assembly Act on two separate occasions – in front of Government House and the Royal Thai Armed Forces headquarters – by symbolically demanding the Prime Minister's resignation.<sup>6,7</sup> Apart from the two student activists, only a small number of protesters were present at both events.

The notification requirement has been interpreted widely to include anyone inviting other people to join a demonstration. Article 4 of the Act defines an 'assembly organiser' as anyone who invites or makes appointments to get other people to join an assembly. It has also been interpreted

to include anyone who makes an online announcement about a protest to invite people to join. Thus, for any assembly deemed illegal for any reason, **people who post about the protest are potentially committing a crime.**

For instance, Chonthicha Jangrew<sup>8</sup> of the Democracy Restoration Group, an artists, and activists' coalition, was accused of violating the Public Assembly Act for not notifying the police about a protest event in front of the Bangkok Remand Prison on 19 October 2020, organised to demand the release of political detainees arrested a few days earlier. On that day, Chonthicha shared the poster of the event on her Facebook page and **wrote**: 'Let's go to visit our friends at the Bangkok Remand Prison today.' Chonthicha claimed that she was not the organiser of that event.<sup>9</sup>

In another case in 2020, Prasit Krutharoj, a university student activist in Chiang Mai, was prosecuted in the Chiang Mai District Court for posting an invitation to join an assembly on the Facebook page of the Liberal Assembly of Chiang Mai University for Democracy, of which he is a member. The court determined that since Prasit admitted he had posted the invitation on a group Facebook page, not a personal page, it could be deemed that he intended to organise the assembly.<sup>10</sup> Prasit was found guilty for not notifying the police about the protest in advance and fined 9,000 baht (approx. USD 300).

Prasit **insisted** he was not the organiser of the protest but had simply shared information about a demonstration that some of his friends were organising. Had he been the protest organiser, Prasit claimed, he would have posted the announcement earlier, not just a few hours before the event.<sup>11</sup> Prasit is a well-known activist in Chiang Mai who already had pending charges against him arising from his participation in the 2018 protests demanding an election. He has also been subjected to unofficial surveillance and monitoring, often by plainclothes officials, as he is active in the pro-democracy movement, both in Chiang Mai and at the national level. In his defendant declaration to the court, Prasit emphasised the discriminatory nature of this case against him, because 'there were many other people who posted the same message as the defendant, but the police arbitrarily chose to bring the case against the defendant or the Liberal Assembly of Chiang Mai University for Democracy page only'.

The notification process itself is not simple, and the police sometimes misuse this complexity. All the activists interviewed for this research share the view that the notification process is too cumbersome. They must find the email address of the relevant police station (which is not always readily available) to submit the notice, although some police stations require hard-copy notification instead<sup>12</sup> – which is particularly difficult in rural areas, where the police station may be far away. Seven of the activists interviewed believe it is easier to pay a fine for failure to notify a protest than to notify the police or to be prosecuted for not complying with the police's conditions. All the activists interviewed said their

groups no longer notify the authorities before their protests (see later section on the enforcement of the Public Assembly Act during the state of emergency).

Six out of seven activists interviewed for this research who had notified the police about a demonstration reported that the police had set conditions that the protest needed to comply with, including time limits, conditions on the location of protests and the subjects that protesters can discuss (the police usually ask protesters not to mention the monarchy), and restrictions on the use of sound amplifiers. The Public Assembly Act, however, does not authorise the police to set such conditions. The law allows the police only to ask assembly organisers to adjust their plan if it is deemed to violate Article 7 (prohibition of an assembly within 150 metres of a royal residence or in the area of the Parliament, Government House – location of the offices of the Prime Minister and cabinet ministers – or a court), Article 8 (prohibition of an assembly that may disrupt entry to or an operation of a government office, a public transport depot, a school, a religious venue, or an embassy), or Article 15 (prohibition of the use of sound amplifiers between midnight and 06:00).

Even when protest organisers notify the police beforehand, activists may be charged for not complying with the assembly conditions set.<sup>13</sup> For example, during the ‘Mob Fest’ event in November 2020, each of the organisations that planned the demonstration had to submit their own notifications separately to the authorities.<sup>14</sup> A few hours before the scheduled demonstration, the Royal Thai Police issued

a press statement detailing the conditions each of the organising groups had to follow. These **conditions** included where the protesters could gather and prohibitions on any protesters moving to key government premises, on the use of sound amplifiers after midnight, on impeding traffic if there was an ambulance in the area, and on the use of protest signs that defame people or create a disturbance in the society. Later, Parit Chiwarak, one of the leaders of the demonstration, was charged with violating the Emergency Decree on Public Administration in Emergency Situations, which was in place at the time to control the Covid-19 pandemic. The prosecutor claimed that Parit had not implemented social-distancing or disease-control measures. Parit was also **charged** with sedition and *lèse-majesté* for a speech he gave that day.<sup>15</sup>

It is **common** for the police to ask protesters to refrain from talking about the monarchy during a demonstration.<sup>16</sup> Internet for People’s Law Project (ILaw), a Thai human rights NGO that monitors and documents violations of the right to freedom of expression and political rights, reported that when the Rassadorn group in Udon Thani notified the police that they intended to organise a symbolic activity in protest against Prime Minister General Prayuth Chan-o-cha, the police asked them to sign a document promising that ‘the organisers and the protesters will not refer to the monarchy and will not defame the institution. There will be no flag or sign with those messages.’<sup>17</sup> Similarly, when ‘Pie’ (pseudonym), a university student democracy leader, notified the police about a planned demonstration in November 2020, the police gave approval only on the

condition that the demonstrators did not make too much noise and refrained from doing anything that might obstruct the authorities, as the assembly was planned in close proximity to a royal palace.<sup>18</sup> The police rejected a notification that 'Pie' filed for a different demonstration in the same area in April 2021 due to the rising pandemic wave.

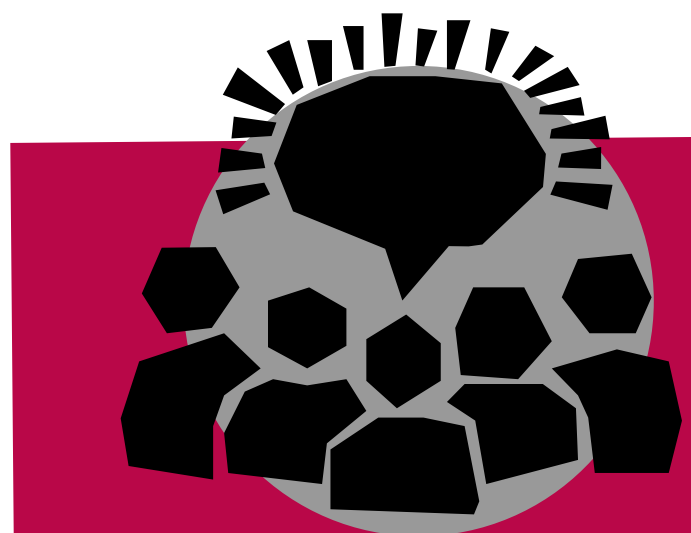
Sometimes notifications before protests are rejected. When Chonthicha Jangrew notified the police about a protest at the Bangkok City Hall, the police rejected the notification, claiming the assembly could not be held at government premises because that would disturb the working of the government. Chonthicha protested against the rejection, insisting that the protest would take place over the weekend so there would be no disturbance of the government's work. She said the police admitted they were aware that their grounds for rejection were not legitimate, but they had to prevent the demonstration from happening.<sup>19</sup>

Where the authorities deem a protest to be unauthorised or unlawful, they are required to instruct the protesters to end or adjust the protest by a designated time (Public Assembly Act, Article 20). In practice, at protests the police do this by reading aloud the conditions of the assembly as decided during the notification process. At times, if the protest organisers had not prenotified the police, or if the protest was held in an area under health controls according to the State of Emergency Decree, the police's announcement would state that

the assembly violates the relevant laws while still allowing the protest to continue.<sup>20</sup> The police often do not make efforts to ensure protesters are informed about these conditions. At smaller protests, for instance, police announcements are often made over a small handheld loudspeaker, audible to only a few people close by.

During a hunger strike that took place in front of the Criminal Court to demand the release of political detainees in May 2021, ARTICLE 19 observed that the police provided only an A4 sheet of paper giving details of the Public Assembly Act and the conditions set for the demonstration. The police had pasted this on the court's wall, next to where a small discussion meeting was planned as part of the protest.

The police are required to announce the grounds for an assembly being declared illegal and any conditions, as part of the legal process they must follow before they can use force to disperse protesters. Only after protesters have refused to follow the police's instructions may the police request a civil court order to end the assembly and use force if necessary (Public Assembly Act, Article 21).



## The use of other laws to regulate public assembly

In addition to the Public Assembly Act, the Thai authorities use seemingly unrelated laws to restrict the right to protest.<sup>21</sup> These laws include the Public Cleanliness and Order Act,<sup>22</sup> the Controlling of Public Advertisement by Sound Amplifier Act,<sup>23</sup> and the Road Traffic Act.<sup>24</sup> To use a sound amplifier during a protest, activists must request permission from the relevant district office and obtain endorsement from the local police. The experiences of some activists who have been prosecuted under these laws illustrate how the right to protest is further restricted in Thailand.

On 24 June 2020, for example, a group of activists organised a re-enactment of the 1932 Revolution on its 88th anniversary. Seven activists who participated in the re-enactment were later prosecuted for violations of the Public Cleanliness and Order Act, the Road Traffic Act, and Article 385 of the Criminal Code for obstructing a public way. One of the seven, Arnon Nampa, who was the key speaker during the event, was also charged with the illegal use of a sound system.<sup>25</sup> The activists were fined 1,000 baht each (approx. USD 30).

The charges filed against these activists appear to have been largely pretextual. The **event** took place mainly on a pavement (sidewalk) and in one lane of a large avenue, with fewer than 100 participants in total. Moreover, the **event** concluded at around

06:00, so there was hardly any road traffic to obstruct. The 1932 Revolution had marked Thailand's transition from an absolute monarchy to a constitutional monarchy system. The rise of the youth-led pro-democracy movement in 2020 and its critical views of the role of the monarchy, especially views held by the Rassadorn group, led to revived interest in the controversial 1932 Revolution. In 2020, Thai Lawyers for Human Rights **documented** at least 21 events commemorating the 1932 Revolution in 15 provinces, all of which experienced threats and intimidation from the authorities, while four had to be cancelled due to pressure from the authorities.<sup>26</sup>

In another incident in Chiang Mai a group of activists and artists, who had installed and displayed rolls of paper printed to resemble *lèse-majesté* summons documents on trees around the city, were charged under the Public Cleanliness and Order Act and face up to a 5,000 baht (approx. USD 166) fine per person.<sup>27</sup>

Although penalties imposed under these laws are relatively light, these charges are one of the tactics the police use to harass protesters and make participating in demonstrations more problematic.<sup>28</sup> Prosecuted protesters must appear at the local police station to be informed of the charges and pay a fine, although generally fines are paid with donations from like-minded people.

## Rights derogations and violations during the state of emergency

The Thai pro-democracy protests that have evolved since 2020 started around the same time as the Covid-19 pandemic, and have therefore been concurrent with restrictions in relation to public health measures. In March 2020, the Thai Government declared a nationwide state of emergency under the Emergency Decree on Public Administration in Emergency Situations in the name of protecting public health during the pandemic. The state of emergency lasted until the end of January 2022. Article 3 of the Public Assembly Act states that, during a state of emergency, regulations relating to the state of emergency supersede the Public Assembly Act.

Derogation from certain human rights obligations, including freedom of expression and peaceful assembly, are permitted under international law in situations of national emergency when a state formally notifies the UN of its intention to restrict those rights.<sup>29</sup> However, derogations must conform to strict tests of necessity and proportionality. Restrictions on rights must be applied only for those purposes for which they were prescribed, and must directly relate to the specific need on which they are predicated.<sup>30</sup>

Under Thailand's state of emergency, still in effect at the time of writing, any public gathering of more than five people was (and is) prohibited. The regulations issued under the State of Emergency Decree detailing

prohibited practices during the Covid-19 pandemic made it illegal 'to assemble, to carry out activities, or to gather at any place that is crowded, or to commit any act which may cause unrest in areas determined by the chief officer responsible for addressing the emergency situation on matters relating to security'.<sup>31</sup> The only exception was from 1 August to 24 December 2020, when the number of Covid-19 cases was low; Regulation No. 13 permitted public assembly starting from 1 August 2020 on the condition that health measures were put in place to prevent infection. Regulation No. 15 issued on 25 December 2020 prohibited public assembly again due to the resumed rise of Covid-19 cases. In the intervening period, however, there was enforcement of the announcement of a State of Serious Emergency in the Bangkok area during 15–22 October 2020, which prohibited any protests in Bangkok (see below).

These regulations became the key legal tool used to prosecute protesters. Thai Lawyers for Human Rights (TLHR) has documented that, from May 2020 to November 2021, at least 1,367 protesters were charged with violating the State of Emergency Decree (the number had risen to 1,808 by April 2022).<sup>32</sup> This was the charge most frequently brought against protesters during the period. TLHR also **observed** that most of the charges for violating the Decree were prosecuted; out of 553 cases (as of October 2021), the Public Prosecutor took forward all but four.

Anti-government protesters at the Democracy Monument, Bangkok, 16 August 2020. (Photo: Goldenhearty/Shutterstock.com)



Even though the State of Emergency Decree purportedly superseded the Public Assembly Act, many activists have been charged with violating both. As TLHR **reported**, there have been at least 36 cases where the accused were charged with violation of both the Decree and the Act. Two of the activists interviewed for this research have been prosecuted under both the Decree and the Act for one protest each attended or organised.

The Disease Control Act and other regulations issued under the State of Emergency Decree have also been used to further restrict the right to protest and to punish protesters. For example, Chalita Bundhuwong, an academic who gave a speech at a protest in May 2021; 'Nát' (pseudonym), a singer who sang at the same event; and four other people involved in that protest were charged with violating the Decree and the Disease Control Act because they were not wearing a face mask during their speech or performance.<sup>33</sup>

Beyond the declaration of a state of emergency in response to the pandemic, a state of emergency was also declared in Bangkok in response to protests that the government claimed represented a threat to national security and public safety. In the early hours of 15 October 2020, the Prime Minister declared a State of Serious Emergency in the Bangkok Area. This announcement came in response to an incident on the evening of 14 October, in which a group of protesters shouted at a car in which the Queen of Thailand was travelling.<sup>34</sup> This paved the way for the first crackdown on pro-democracy protests since they had started in early 2020. Before that incident, there had been no reported violence on the part of the protesters or clashes between protesters and the authorities – only the **arrest**, on 13 October, of four protest leaders who were preparing for this protest near the Democracy Monument.

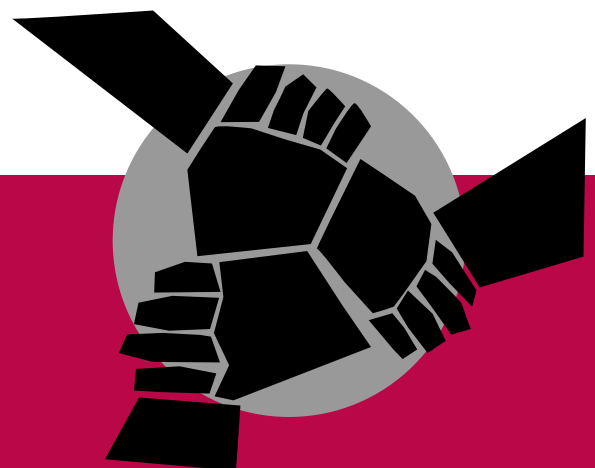


The State of Serious Emergency in the Bangkok Area was announced under Section 11 of the Emergency Decree on Public Administration in Emergency Situations. It provided the State with pervasive powers to override human rights safeguards and empowered the State to:

- arrest and detain anybody suspected of causing or instigating the state of emergency situation;
- summon any person to testify or provide evidence;
- confiscate communication equipment and other supplies suspected of being used by protesters;
- search or demolish any building or barricades;
- prohibit anyone from doing anything as necessary to maintain national or public security; and
- close traffic when necessary.<sup>35</sup>

When protesters made plans to demonstrate in Patumwan, the central business area of Bangkok, on 16 and 18 October, the State issued orders to close the roads, skytrain stations, and public canal piers near the proposed protest area on those days.<sup>36</sup> The state of emergency in Bangkok was originally to last until 13 November 2020 but was revoked on 22 October 2020.<sup>37</sup>

There was also an order issued under the State of Serious Emergency in the Bangkok area to control the media's reporting on protests. The order established a special committee to investigate the alleged dissemination of 'inappropriate information and information that affects the national security' and to submit the information to relevant state authorities so they could ban those media found to be acting inappropriately.<sup>38</sup> Immediately after the order was announced, the Minister of Digital Economy and Society informed the media that he had assigned the Deputy Permanent Secretary the task of filing charges against 300,000 social media users and news outlets. In practice, however, the Commander-in-Chief to Enforce the State of Emergency ordered the National Broadcasting and Telecommunications Commission and the Ministry of Digital Economy and Society to suspend broadcasting by only four online news agencies –Voice TV, Prachatai.com, The Reporters, and The Standard – all of which had regularly live-streamed the protests and were seen as supporters of the pro-democracy movement. The order also **suspended** Free Youth's social media channel. Although Free Youth had only recently formed, they had already expressed strong criticisms of the monarchy.



# 3. Violence towards protesters and crackdowns on protests

Although crackdowns on protesters and the arrest and judicial harassment of activists are nothing new for Prime Minister General Prayuth Chan-o-cha's regime, the Thai state's response to the protests since 2020 has been marked by an increasing use of violence and severe restrictions on the right to protest.<sup>39</sup> The escalating use of violence corresponds with the pro-democracy movement's growing criticisms of the monarchy and demands for the monarchy's reform.

## Crackdowns and use of 'less-lethal' weapons

After the United Front of Thammasat and Demonstration **announced** its ten demands for monarchical reform in August 2020, the state's suppression of the protest movement intensified.<sup>40</sup> The evening of 14 October and the early hours of 15 October 2020 marked a turning point. Before then, some protest leaders and others who had participated in the protests had faced legal charges, but there had been no overall crackdown on the pro-democracy movement.

On 14 October 2020, the pro-democracy groups marched to protest in front of Government House. The streets near the area were lined with people in yellow shirts, the symbolic colour of royalism in Thailand, who were waiting to greet the King and Queen's motorcade during a ceremony in memory of the late King Bhumibol. ARTICLE 19 observed that among the yellow shirts were men with military-style haircuts, some of whom had radio transmitters of the kind that only law-enforcement officers can legally use. There were small skirmishes between the protesters and the royalists

before the march, but later the procession of protesters took another road in an effort to avoid the royal motorcade.

Nevertheless, a group of protesters met the car carrying the Queen and Prince Dhipangkorn (the royal heir presumptive) by chance; there had been no public announcement of the royal family's route. Unaware of who was in the car, some protesters shouted at it. The government and the royalists quickly **condemned** the pro-democracy protesters as intending to harm the Queen and the Prince. Three protesters were later charged under Section 110 of the Penal Code for causing harm to the Queen, potentially resulting in 12 to 20 years' imprisonment. The three were later released on bail.

The demonstration continued throughout the night, which some protesters spent in front of Government House. In the early hours of 15 October 2020, the Prime Minister declared the State of Serious Emergency in the Bangkok Area to be effective from 04:00 that day. This announcement grounded its legitimacy on the protesters' alleged use of violence and potential threats to national security:

It appears that many groups of people have invited, instigated, and carried out public gatherings in Bangkok that do not comply with public assembly-related laws. They also use various methods and channels to create chaos and unrest among the people. There are actions that affect the royal procession. There is reason to believe that there has been an act of violence that affects the security of the State, safety of life, or property of a State or person. This is not a peaceful assembly that is guaranteed under the Constitution of the Kingdom of Thailand. It also directly affects the effectiveness of the Covid-19 epidemic control measures ... [and] the economic security of our fragile country. Therefore, it is imperative that urgent measures be taken to resolve such cases effectively and in good time in order to ensure compliance with the laws and to maintain order and the public interest.<sup>41</sup>

After the State of Serious Emergency in the Bangkok Area was put into effect, the police entered the protest site and **arrested** at least 20 protesters in the early morning of 15 October. Among others, Arnon Nampa and Parit Chiwarak – two protest leaders who had been among the first few to make critical comments about the monarchy – were arrested and taken from the site before dawn. Panusaya Sithijirawattanakul, another leader of the protest who had also publicly demanded monarchical reform, was arrested at a hotel not far from the protest area at around 07:00, allegedly for delivering a speech critical of the monarchy during a demonstration on 10 August 2020.

Prasit Krutharoj, a student activist from Chiang Mai who had travelled to join the protest in Bangkok, was also arrested early the same morning in front of a hotel after he had left the protest. Prasit's arrest warrant had been issued in Chiang Mai for a political speech he had given during a protest there. He recalled:

**“It was after 3 am I took taxi along with two friends to go back to the hotel to take a bath. When we arrived at the Royal Rattanakosin hotel, almost 20 plainclothes police officers were waiting for me in front of the hotel. The two cars they used are also unmarked, with no police logo as usual. Luckily, since one of my friends who were with me at the time was a reporter, this incident was recorded and reported from the beginning. I was taken to the Border Patrol Police. .. We got there around 4 am, and they started setting up table and computers to document the arrest around 9 am. They did not tell me where I have to go next but I could guess that it would be in Chiang Mai because the warrant is from Chiang Mai.”**

Prasit and Arnon were arrested on charges relating to their roles in a protest in Chiang Mai earlier that month. Both were charged with *lèse-majesté* as a result of their speeches during the protest. The next day, the two were transported by helicopter

to Chiang Mai province, instead of by van or bus as in normal practice. They were detained there for about two weeks before they were released on bail.<sup>42</sup>

The crackdown on 15 October 2020 marked the beginning of the use of force by state actors to suppress the pro-democracy protests. The following day, a large crowd of youth activists demonstrated in the central business area of Bangkok against the crackdown and arrests. The state used water cannons, chemical-infused water, and tear gas to disperse the protesters.<sup>43</sup> Two protesters and one media reporter interviewed for this research, who were at the protest during the crackdown, indicated that they could hardly hear what the authorities announced before the use of water cannons. On the other hand, 'Pingpong' (pseudonym), a novice Buddhist monk who was on the front line of the protest that day, said he heard the police warning, which ordered the protesters to disperse within ten minutes before the use of the water cannon.<sup>44</sup> Only a thousand or so protesters were able to disperse in the time specified by the police.

Prior to this protest, the Thai law-enforcement agencies had not commonly used tear gas or water cannons to disperse protests. In the past, these methods had been used only rarely during specific violent crackdowns on major protests, such as the Red Shirt protest of April and May 2010 and the People's Democratic Reform Committee protests in December 2013 and May 2014.

**After the first use of tear gas and water cannons on 16 October 2020, they became a common tool that law-enforcement officers used to disperse protests.<sup>45</sup> On some occasions, the Thai police have used water cannons and tear gas soon after – or even before – protesters have started to gather in large groups, or before they have started marching.**



Riot police firing rubber bullets, water cannon, and tear gas at pro-democracy protesters outside Government House in Bangkok, 18 July 2021. (Photo: Chaiwat Subprasom/Shutterstock.com)



A pro-democracy protester has his face rinsed as police use tear gas and water cannon against demonstrators, Bangkok, 7 August 2021. (Photo: Adirach Toumlamoon/Shutterstock.com)

On 8 November 2020, water cannons were used at the beginning of a protest that aimed to march towards the Grand Palace (the official ceremonial residence of the Thai monarchy, and the most famous landmark in Bangkok). The Deputy Speaker of the Royal Thai Police claimed this was a necessary ‘tactical move’ to notify protesters that there was a boundary they should not cross. He also **argued** that the use of force was justified because the protest organisers had not notified the authorities of the march, as required by the Public Assembly Act. The demonstration was disrupted temporarily, and was later allowed to continue up to a barricade approximately 500 metres from the perimeter of the Grand Palace.

Similarly, on 17 November 2020, when protesters demonstrated at the Parliament House to show their support for a proposed constitutional amendment under deliberation in the legislature that day, tear gas and water cannons were used to demarcate the borders of the area the police permitted the protesters to enter.

**Of 28 Bangkok-based activists and protesters interviewed for this research, 21 had experienced the use of water cannons and tear gas during protests. All of them reported that the police did not properly notify the protesters before using these ‘less-lethal’ weapons. At times the announcement was made using small loudspeakers that only those very close to the police line could hear, or protesters’ voices drowned it out. The protesters claimed that warnings about the imminent use of tear gas were usually delivered only a few minutes before it was used. From reviewing several livestreams of the confrontations from October 2020 to August 2021, ARTICLE 19 observed that the police sound system used to announce the deployment of less-lethal weapons was audible to protesters in the front line only and not to the protesters behind them.**

## Growing police use of rubber bullets and tear gas to control protests



Less-lethal weapons have been used more frequently against protests since early 2021, especially during REDEM-led protests, which often target locations with links to the monarchy. The authorities **used** rubber bullets for the first time on 28 February 2021 at the end of a REDEM-led protest. Twenty-three protesters were arrested that day, including four youths aged under 18. Five of the six protests REDEM organised from February to August 2021 ended with a violent crackdown.<sup>46</sup>

At least six journalists were shot by rubber bullets while reporting about REDEM protests. On 20 March 2021, three journalists were shot by rubber bullets – **one in her head**, another in his thigh, and the third in his back while running away from approaching police.<sup>47</sup> The police **stated** that they aimed rubber bullets at the lower part of the body and that the first journalist may have ducked after hearing the police warning and therefore got shot in the head. Sarayuth Tangprasert, the journalist who was shot in the back, reported that he was shot by two rubber bullets, and one luckily hit his backpack. He had been wearing an armband and helmet clearly marked 'Press'.<sup>48</sup>

During a clash on 18 July 2021, six other journalists, who had all clearly identified themselves as reporters, got hit by rubber bullets. As Prachatai.com reported, two of the journalists **said** they had not heard the police warning before they had fired rubber bullets. The shots at clearly identified journalists, and the injuries caused, indicate that the police were using rubber bullets not only to address imminent threat or violent protesters.

As seen on a number of livestreams of the events on 7 August 2021, when a group of protesters confronted the police's Crowd Control Unit at Din Daeng intersection, it was clear that the Crowd Control Unit did not hold back in its use of less-lethal weapons on the protesters. As can be heard on the livestream video, the commanding officer of the Crowd Control Unit authorised police to 'use rubber bullets to shoot at the lower part of the body if a protester tries to break in. If [the protesters] retreat, [the police] can stop shooting.'<sup>49</sup> Meanwhile, some of the protesters held long sticks, and others threw Molotov cocktails at the police line.



Anti-government protesters fashion their own shields to protect themselves from the rubber bullets used by riot police, Din Daeng, Bangkok, 7 August 2021. (Photo: Teera Noisakran/Shutterstock.com)

The orders from the commanding officer on that day, despite repeatedly reciting the principle of 'proportionality' and affirming that there would be no crackdown on protesters, allowed the police to use rubber bullets to stop protesters from getting closer to the police line. This occurred despite the area not being prohibited under the Public Assembly Act; in fact, it was a road leading to the Prime Minister's residence in a military base designated as a royal compound. The Deputy Speaker of the Royal Thai Police claimed at a press conference that day that the use of rubber bullets was to 'restrain when a threat is approaching. First, this provides self-protection; and second, it helps prevent the unrest from expanding to other areas.'<sup>50</sup> He also insisted that the use of rubber bullets was in response to violence initiated by protesters who had thrown Molotov cocktails at the police.

After REDEM stopped organising demonstrations in August 2021, another group of protesters emerged and engaged in almost daily clashes with the police at Din Daeng intersection in Bangkok until November 2021. The Crowd Control Unit commonly used tear gas and rubber bullets to disperse the protesters in this area. There was also a report that a teenage protester riding a motorcycle past the Din Daeng Police Station was shot in the neck with live ammunition, allegedly by the police from in front of the police station.<sup>51</sup> The police **denied** the use of live ammunition against protesters on that day (16 August). The 14-year-old protester **died** in late October after spending two months in a coma.

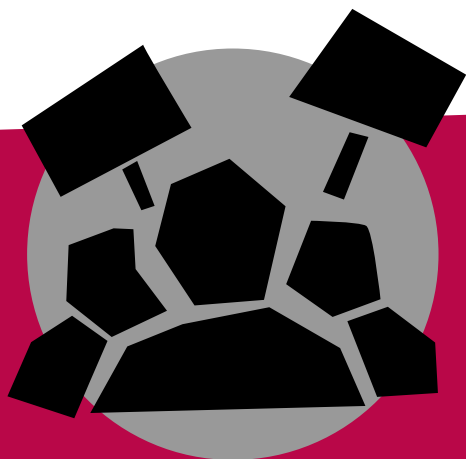
At the end of October 2021, TLHR reported there had been 753 arrests since August (with some people arrested more than once). More than 80 per cent of these cases related to the violent clashes in the Din Daeng area. Not all of these cases were

prosecuted; the police released some people after arrest without pressing charges. Those arrested included passers-by and journalists reporting on the situation. **At least 226 people were injured.**

The security forces deployed during protests come from different units, as is sometimes identifiable from their uniforms. During protests in Bangkok, Metropolitan Police officers announce the conditions of the public assembly to the protesters and negotiate with them on details relating to protest management. The Crowd Control Unit is the force deployed during confrontations with protesters. As described on the [website](#) of the Protection and Crowds Control Division, the Crowd Control Unit is mandated to 'prevent and control riots and acts that may disturb public order'. In practice, however, the security forces that confront protesters also come from the Border Patrol Police and other units. This was the case during a confrontation on 7 August 2021 near Din Daeng intersection, where the commander at the scene gave an explicit order to the Border Patrol Police to shoot rubber bullets and tear gas at the protesters.<sup>52</sup> Whether these supporting units are trained in crowd control is unknown.

While most of the security forces deployed during protests wear uniforms, sometimes they are in plain clothes, which causes confusion among protesters. At two protest events at least, the use of plainclothes officers was prominent. On 14 October 2020, many security officers were wearing yellow shirts, like the royalists who went to welcome the King's convoy that day.<sup>53</sup> During the demonstration that night, ARTICLE 19 saw men in yellow shirts form a barricade and attempt to set up a perimeter fence around the area in which the protesters were allowed to stay. The commander of the yellow-shirted men wore military attire.

Panadda Sirimatsakool ('Tong'), a 22-year-old Thai student and pro-democracy protester, who has been arrested and imprisoned for her involvement in protests in Bangkok. Her sign reads: 'Threat to National Security'. (Photo: Nontawat Numbenchapol)







Roadblock on 10 December 2020 during a protest against the use of Thailand's *lèse-majesté* law. Security forces used the containers to block the road to a palace and Government House. (Photo: Bencharat Sae Chua)

Similarly, during the protest on 8 November 2020, ARTICLE 19 saw men in yellow shirts backing up the Crowd Control officers when protesters were approaching. The army officer present later gave an interview to the media confirming that plainclothes army forces had been deployed behind the police line on 8 November. He **claimed** this had been necessary to prevent any potential damage because the protesters had been determined to go to the Grand Palace and other symbolic places in the area.

Although plainclothes officers are noticeable by their military-style haircuts or their position during protests, it is not possible to determine whether they are police officers or soldiers. Having security officers not in uniform causes issues during confrontations between the authorities and protesters, particularly in relation to identifying them if they are responsible for any violence during the demonstration. During the protest on 28 February 2021 at the 1st Infantry Regiment compound, several media channels **reported** sighting plainclothes officers wearing white protective caps inside the military compound, as well as among the protesters. There was therefore some doubt about whether plainclothes officers were acting as provocateurs.

## Discriminatory treatment of critics of the monarchy

Protesters who are more critical of the Thai monarchy have experienced more restrictions on their exercise of the right to protest and greater violence at the hands of the security forces than other protesters.<sup>54</sup> Starting in late 2020, law-enforcement officers have used blockades to restrict protests near the area in Bangkok where the Grand Palace and other sites important for the monarchy are located.

In more than 20 protests that ARTICLE 19 attended in Bangkok from November 2020 to November 2021, we observed that the authorities used blockades made from barbed wire, public buses, cargo containers, and oil barrels to stop protesters from getting close to such places.<sup>55</sup> These sites included the Grand Palace and



Roadblock on 19 September 2021 during the protest commemorating Thailand's 19 September 2006 coup d'état. Behind the containers is the Grand Palace. (Photo: Bencharat Sae Chua)

other palaces, the 1st Infantry Regiment compound (the regiment is the Royal Family's security guard and was transferred to be under the Royal Office in 2019), and the Office of the Royal Property Bureau.<sup>56</sup>

Cargo containers were also used at a **protest** REDEM organised in front of the Swiss Embassy in the central business area of Bangkok. Such tactics not only limit the right to protest but also disturb the general public, which may ultimately turn them against the protesters.



(Top) Roadblock on 19 September 2021 during the protest commemorating Thailand's 19 September 2006 coup d'état. Behind the containers is the Grand Palace. (Photo: Bencharat Sae Chua)

(Bottom) Men in yellow shirts lined up under the orders of a military figure during the Bangkok protest on 14 October 2020. (Photo: Bencharat Sae Chua)

Protests led by REDEM, which has the strongest stand against the monarchy of all the pro-democracy groups, often face severe crackdowns by law-enforcement officers using tear gas and water cannons. By contrast, other pro-democracy groups that demand the Prime Minister step down or political detainees be released, and do not emphasise reform of the monarchy, are mostly spared from violent crackdowns.

The violence that occurred on 28 February and 7 August 2021, and the almost daily clashes between protesters and police at Din Daeng intersection from August to October 2021, illustrate the authorities' sensitivity around criticism of the monarchy. The target of REDEM's protest on 28 February was Prime Minister General Prayuth Chan-o-cha's residence, close to the intersection. This was the first time a protest was organised there.<sup>57</sup> It is natural that a protest targeting General Prayuth would plan to be there, but the 1st Infantry Regiment compound, where the Prime Minister's residence is located, has a convoluted legal status. In July 2019, the area was degazetted from being a public area.<sup>58</sup> In September 2019, the 1st Infantry Regiment was transferred to be under the Royal Office, with the main responsibility of providing security services to the Royal Family.<sup>59</sup>

During the 28 February 2021 protest, ARTICLE 19 observed that an official inside the 1st Infantry Regiment compound announced via a loudspeaker that the area is a royal residence.<sup>60</sup> Article 7 of the Public Assembly Act prohibits any public assembly within 150 metres of a royal residence. The Act's reference to the monarchy indicates that the area cannot be accessed at will and should be treated with utmost respect.

Other protests that do not demand monarchical reform or target places relevant to the monarchy, and protests that do not link their cause directly to the pro-democracy movement, tend not to face violent suppression. For example, in August and September 2021, at the height of the Covid-19 pandemic, a new mode of protest – led by former democracy leader Nattawut Saikua – emerged: ‘car mobs’. A car mob is a parade of cars that joins a protest, enabling people to participate from the safety of their vehicle. Each participant might put a protest placard on their car or turn on their headlights and use their horn to show they are part of the protest. The car mobs called for the resignation of the Prime Minister for his failure to address Covid-19 problems and deliver proper vaccination. The protesters **insisted** on avoiding ‘sensitive’ locations (areas related to the monarchy) and were always able to finish their long drive along Bangkok and suburban streets without confrontation with the authorities.

ARTICLE 19 observed three car-mob events. At none of these was there a heavy presence of the Crowd Control Unit or other security forces, except at some government premises along the route. However, after the end of each such event, some groups of protesters gathered at Din Daeng intersection, where there were clashes with police.

Similarly, the Stand–Stop–Detention (ยืน หยุด ชั่ง) protests, in which demonstrators stood silently for either 112 minutes or 1.12 hours in front of the Supreme Court to protest against the court’s decisions to detain political activists under Section 112 of the Criminal Code (*lèse-majesté*), did not face police violence. These protesters were able to organise the activity daily for about one and a half months from March to May 2021, and again for more than three months from August 2021 to January 2022, without facing a crackdown by the police.<sup>61</sup> The activity was cancelled or moved to a nearby area on only a few occasions, on the request of the police – usually on days when a royal ceremony was occurring nearby.



Thai protesters gathered in downtown Bangkok, calling for Article 112 (the *lèse-majesté* provision) to be abolished and protest leaders to be released from jail, 12 December 2021. (Photo: Pitthara Kaewkor/ Shutterstock.com)

Similar trends could be seen in similar protests organised in other areas of Bangkok and other provinces. Baramee Chairat, one of the main organisers of the Stand–Stop–Detention protests in the capital, believes the activity has been free from repression because it does not include proceeding to other places.<sup>62</sup> Nor does it include any political speech. Moreover, most of these events were attended by small groups of people, mostly fewer than 30.

While the Stand–Stop–Detention protests did not draw a violent response, some of the main organisers and participants – as well as relatives of the political detainees, who joined the protests on some days – came to **face charges** for violating the Covid-19 control measures put in place under the State of Emergency Decree. One of the protesters ARTICLE 19 interviewed for this report was charged for participating in the protests even though she was not an organiser but simply joined the activity almost every day. She also did not deliver any speech during the activity. She had, however, been charged previously for her participation in pro-democracy demonstrations in 2018 and 2019, and is therefore known to security officers.

In another example, protesters who camped near Government House were treated harshly, presumably because of their demands about the monarchy. From

February to March 2021, the Thalufah group organised a 17-day, 247-kilometre march from Nakorn Ratchasima province in northern Thailand to Bangkok. The campaign made four demands: constitutional amendments, monarchy reform, revocation of the *lèse-majesté* law, and the release of political detainees. At the end of their long march, Thalufah set up a demonstration camp next to Government House from 13 to 28 March. The police raided the camp at dawn on 28 March and reportedly gave only three minutes' notice before they began making arrests. This did not provide enough time for the protesters, most of whom were still sleeping, to comply, and 68 were arrested.<sup>63</sup>

Earlier, in December 2020, a different group of protesters had camped in the same area as Thalufah but the authorities did not crack down on them. This was a group of members of fishing communities who were demonstrating in opposition to proposals to build the Chana Industrial Complex in their vicinity (Songkhla province, southern Thailand). The protesting fishers were allowed to camp near Government House for four days without any crackdown. Although the authorities installed a cargo container in the area to prevent the protesters from getting too close to Government House, several senior state



Men in yellow shirts deployed as back-up behind the line of Crowd Control police during the Bangkok protest on 8 November 2020. (Photo: Bencharat Sae Chua)

figures, including the Deputy Minister of Agriculture and the Deputy Commander of the Metropolitan Police, went to meet and negotiate with them. The protesters agreed to end the demonstration after the authorities had promised to suspend the industrial complex project.<sup>64</sup>

From 7 to 16 March – a week before Thalufah camped at Government House in 2021 – a group of protesters against the forced eviction of Karen Indigenous hill-dwelling communities from Kaeng Krachan National Park also camped near Government House. The Deputy Minister of Agriculture met with the protesters, and the government agreed to set up committees to take care of the issue, after which the protesters ended the protest and went home. In addition, on the same day as the Thalufah camp crackdown, about 4 km away there was an event to

promote skating, which more than 300 people – including celebrities and politicians – attended. There was **no prosecution** of the participants at this event on grounds of violation of the State of Emergency Decree, which the authorities used as grounds for the arrest of Thalufah group members a week later.

The punitive – and, at times, violent – crackdown against Thalufah and other protesters critical of the monarchy, and the willingness of the authorities to negotiate with other demonstrators advocating less ‘sensitive’ or overtly political causes, signifies a pattern of discrimination on the part of the authorities, depending on protesters’ opinions towards the monarchy.<sup>65</sup>

# 4. Arrest and prosecution



The Thai authorities appear to have used legal prosecution strategically against key protest leaders.<sup>66</sup> According to the Metropolitan Police Bureau, from July 2020 to October 2021 it initiated 728 cases related to protests in the Bangkok area, comprising 341 cases in which it had completed the investigation and submitted the case to the Attorney General to proceed with prosecution, and 387 cases still under investigation. In total, throughout the country, from 18 July 2020 to 31 December 2021, TLHR has documented 3,337 legal charges brought against 1,751 individuals in 985 cases. Among those charged are 272 activists and protesters under the age of 18.

Thai activists have set up the Rassadorn Prasong (People's Will Fund) (กองทุนราษฎรประสงค์) to receive donations to provide financial support to those charged in political demonstration and freedom of expression cases. Chalita Bundhuwong, an academic who is one of the key people taking care of the fund, has estimated that during 2020–21 the fund spent around 39 to 40 million baht (approx. USD 1.2 million) as bail money.<sup>67</sup>

## Addition of further charges

In addition to the denial of bail (see Section 5), another tactic used by the police and judiciary against key protest leaders is the addition of further charges, sometimes from old cases or just before a leader is due for release from detention, to ensure the person concerned spends longer in prison. For example, in October 2020, on the day that Parit Chiwarak, Panupong Jadnok, and Panusaya Sithijirawattanakul were released from prison on bail, police from another station filed a request to detain the three on additional charges committed in their area.

Arnon Nampa was arrested in Bangkok during a protest on 15 October 2020 on charges brought by Chiang Mai police for a speech he had given a month earlier. He was transported by helicopter from Bangkok to Chiang Mai. After Arnon was released on bail from Chiang Mai prison on 27 October, police from Chana Songkram Police Station in Bangkok went to Chiang Mai to arrest him for a speech he had delivered at a protest on 19 September. Arnon was then transported back to Bangkok in a van. The extra efforts by the Chiang Mai and Chana Songkram police to travel to distant provinces to arrest Arnon, including the arrangement of special transportation, indicate that the police did not treat these cases as ordinary violations



Tens of thousands of people gathered in central Bangkok, Thailand, on 25 October 2020, criticising the monarchy and calling on the Government to address social problems. (Photo: kan Sangtong/Shutterstock.com)

**387**  
cases still  
under  
investigation

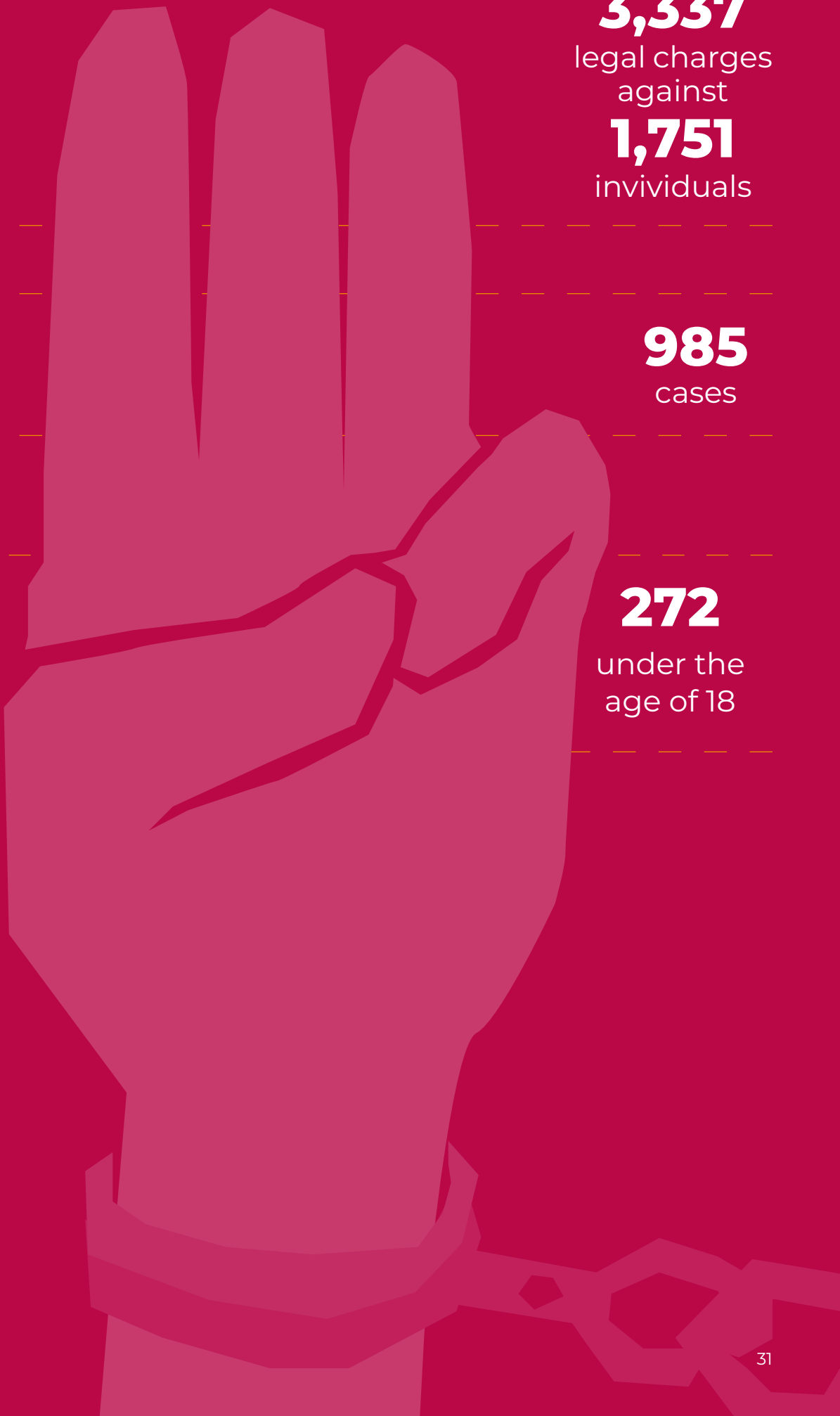
**3,337**  
legal charges  
against  
**1,751**  
individuals

**728**  
cases  
initiated

**985**  
cases

**341**  
cases  
submitted for  
prosecution

**272**  
under the  
age of 18



of the law. The court in Bangkok rejected Arnon's bail request, claiming he might 'cause more unrest in the country'. Arnon was eventually granted bail and released.

More recently, on 10 August 2021, when Arnon turned himself in on charges he faced after a protest on 3 August, police from a different police station arrived and **filed additional charges** against him for a speech he had given on 24 June. He was finally **released on bail** at the end of February 2022 after almost seven months under pre-trial detention. In addition to the bail money, the court set multiple conditions, including that Arnon cannot engage in any activity that may damage the reputation of the monarchy and courts, disrupt court proceedings, incite people on social media to join gatherings, or attend assemblies that cause unrest. He was also prohibited from leaving his residence during the night unless necessary, has to wear an ankle monitoring device, and cannot leave the country.

In a similar case, on 27 October 2021, Benja Apan – another student activist, who was detained at the Central Female Correction Center in Bangkok on *lèse-majesté* charges – received a visit by police from Nakorn Ratchasima province in north-eastern Thailand. The Nakorn Ratchasima police **notified** Benja of an additional charge she faced for allegedly violating the State of Emergency Decree during a protest in Nakorn Ratchasima.

There have also been cases of the police filing charges against the wrong person. For example, when Shivanjali Vitthaya-Serivaddhana and his friends were charged under the Public Cleanliness and Order Act for installing rolls of paper printed to look like *lèse-majesté* summons documents on

street trees in Chiang Mai, one of the people the police filed the charge against had not participated in the event.<sup>68</sup>

## Legal charges as a form of intimidation

These legal charges have had a chilling effect on protesters.<sup>69</sup> People who face pending charges must spend a great deal of time and resources interacting with the criminal justice system. Some of the cases are filed in provinces far from the protester's residence, meaning they sometimes have to travel great distances for legal proceedings. In addition, protesters facing charges are prevented from taking certain jobs, because some work positions require that the applicant has never been charged with or convicted of an offence. They are also prevented from travelling abroad. When a protester who was charged on several counts for joining the Rassadorn protests in 2020 tried to renew her passport in 2021, she was informed that police from three stations, who had pressed charges against her for violation of the State of Emergency Decree, had asked the Ministry of Foreign Affairs to cancel her passport.<sup>70</sup> Prasit Krutharaj, another protester, had planned to visit his father in Hong Kong and could not because of the legal charges against him.<sup>71</sup>

Several of the protesters interviewed for this report said they had reduced their activism for a while as a result of their legal trouble. Prasit Krutharaj, for example, said he had been discouraged from activism after being detained for about a week. As a gay man, he found his time in prison difficult because he was not sure how the other inmates would treat him. He did not take the lead in





Pro-democracy protesters march in Bangkok, Thailand, 26 October 2020. (Photo: kan Sangtong/Shutterstock.com)

political activities for some time following this. He said:

**“Honestly, it was quite traumatic. Over a month, although I was still joining the protests, I had to take a break from being a speaker on stage. I felt like I was not the same person. I knew that if I went up on stage, I would not be able to organise my thoughts and deliver them in the way that I used to do. However, I have tried to pull myself together.”<sup>72</sup>**

Panadda Sirimassakul, an activist with Thalufah, has suffered from severe depression since her 19-day detention in August 2021. Instead of prison, the authorities detained her at the Women’s Correctional Institution for Drug Addicts, although she is not an addict. Since she was the only female political detainee there, and due to Covid-19 quarantine measures

in place at the time, she was in isolation for the whole period. She could meet only with lawyers and had no other visitors. Panadda told of her experience during detention:

**“I am quite a positive thinking person. I am always full of positive energy. But there [in prison], I was quite depressed. I lost all the happiness. It made me depressed; I saw myself committing suicide. I saw myself tying [a] towel around my neck, stepping up [on] a rubbish bin, and kicking the bin away. My brain was dysfunctional. I did not want to have that kind of idea and I was so scared. But it was beyond my control. I could not take it any more and wanted to meet a psychologist.”<sup>73</sup>**

It took Panadda months of healing support after imprisonment before she could resume a normal life. Nevertheless, she eventually resumed her political activities because she ‘[didn’t] want anyone to experience what I experienced’.

Panadda was finally released on bail, as are most protesters. At the end of January 2022, TLHR **reported** that at least 18 people, including one youth, were in detention for their participation in political protests in 2020–21. The number represented a reduction from TLHR’s **previous report** on 8 December 2021, when at least 26 protesters were in detention. As of 4 March 2022, **all detained protesters had been released on bail.**

## Pre-emptive arrests

Outside of arrests during protests, the Thai authorities have also pre-emptively arrested members of target groups, movement leaders, and suppliers of equipment for the protests before protests have occurred.<sup>74</sup> The police also intercept and impound vehicles they think are intended to be used during a protest.

On 24 November 2020, for example, one day before a planned protest led by the Rassadorn group in Bangkok, Piyarat Chongthep – the leader of WeVolunteer (WEVO), which provides support and volunteer security guards for the pro-democracy movement – was brought into custody for alleged sedition under Section 116 of the Penal Code and for allegedly violating the Computer Crimes Act. The pretext was a speech Piyarat had delivered during a protest in Ubon Ratchathani in August 2020. The police requested detention, but the court **dismissed** the request the day after the 25 November protest.

On 6 March 2021, 18 WEVO members were arrested at a department store, where they were eating a meal around the same time as a REDEM demonstration was taking place at the Criminal Court a few kilometres away. More than 20 armed officers attacked the WEVO members. The police **reported** that they had found and confiscated a bulletproof vest, and claimed that those arrested were ‘members of the group that gather to create unrest and harm to the police during demonstrations’.

Plainclothes officers once stopped ‘Film’ (pseudonym), a WEVO member, and searched his van when he was on his way to a protest. The officers attempted to impound the van because they claimed it was used to carry illegal items. The police found an effigy in the vehicle that was to be used at the protest. ‘Film’ believes the police let him go because he livestreamed the incident on Facebook.<sup>75</sup> That same day, an apartment in which WEVO stored equipment and supplies was also **searched**, and the owner of the building was temporarily detained. In a **similar incident** on 16 August 2021, more than ten plainclothes and uniformed officials tried to raid a house where activists from Thalufah were staying with a warrant that permitted the police only to search a car used during previous protests. Thalufah was planning a protest that evening.

## Arbitrary and improper arrest and detention

Significantly, the announcements and orders made during the state of emergency laid down legal grounds for arbitrary arrest and detention. During the enforcement of the State of Serious Emergency in the Bangkok Area in October 2020, two announcements issued allowed the arrest and detention of any suspects or supporters or promoters of protests at military or police compounds outside Bangkok, and the authorities permitted only lawyers to visit detainees.<sup>76</sup>

A few days later, a further official announcement included measures out of compliance with human rights principles. For example, the announcement allowed detention for seven days before a person

had to be brought to court, which could be extended every seven days for a maximum of 30 days. The Penal Code permits police detention for only up to 48 hours. In addition, under the state of emergency measures, individuals could be summoned to report to the authorities at night if the charge were deemed serious.<sup>77</sup> Any vehicle that the police suspected was intended to be used during a protest, including vehicles adapted for use as a stage, sound system, or electric generator, or as mobile toilets, or to transport goods or products for protesters, could be prevented from entering a controlled area.<sup>78</sup>

Even after the revocation of the State of Serious Emergency in the Bangkok Area on 22 October 2020, the Thai authorities continued to detain arrested protesters outside the relevant police stations in violation of the Criminal Procedure Code. Articles 83 and 84 of the code require that an arrested person must be brought promptly to the local police station to complete the required procedures. The Thai Government repeatedly used the Border Patrol Police Region 1 compound in Patumthani province, a suburb of Bangkok, and the headquarters of the Police Bureau of Narcotics as temporary detention centres for protesters. As TLHR [documented](#), 21 protesters were detained at the Border Patrol Police Region 1 compound one day before the announcement of the State of Serious Emergency in the Bangkok Area on 15 October 2020; 56 protesters were detained there during the state of emergency; and at least 256 protesters were detained either there or at the Police Bureau of Narcotics headquarters from 22 October 2020 to 3 August 2021, beyond the period under the State of Serious Emergency. Protesters detained at either place were usually

brought to appear in court within one or two days before they were released on bail, if granted.

While the use of these ad hoc detention facilities may not have constituted a violation of human rights, it made access to the detainees more difficult, because it was not always clear where arrested protesters would be taken.<sup>79</sup> Youths arrested during Talugaz protests were sometimes brought to the Police Bureau of Narcotics and at other times to the police station local to where the protest took place. Khoomklao Songsomboon, a TLHR lawyer, noted that this practice made it difficult for lawyers and the youths' parents to know their whereabouts promptly. As a result, some youths confessed to charges before speaking with a lawyer or their parents, and in other instances the police did not follow juvenile justice procedures.<sup>80</sup>

Outside of the state of emergency, the detention of protesters in this manner is illegal and arbitrary. The Border Patrol Police Region 1 compound has no public transportation access, and apart from lawyers, only lecturers of arrested students or politicians who proposed to post bail for the protesters were allowed inside the compound to visit the detainees.<sup>81,82</sup> Panadda Sirimassakul of the Thalufah group, who was arrested on the morning of 28 March 2021 when the police raided Thalufah's protest camp, was taken to the Border Patrol Police compound. She reported that, although she

was treated well during the detention, her mobile phone was confiscated and she was not allowed to contact a lawyer or family members. There is no detention facility at the Border Patrol Police Region 1 compound, and protesters of both genders have had to spend the night together in a meeting hall.<sup>83</sup>

Three protesters interviewed by ARTICLE 19 were among 32 who had been arrested on the same evening and taken to the Police

Bureau of Narcotics headquarters. There is a detention facility there, normally used to detain people charged in drug-related cases. The protesters spent one night in detention cells, separated by gender, before they were brought to court the next day. They were charged with violation of the state of emergency, the Disease Control Act, the Road Traffic Act, and the Controlling Public Advertisement by Sound Amplifier Act, and were released on bail.



Children in Bangkok express their rights and opinions through temporary public street art. (Photo: jirabu/Shutterstock.com)

# 5. *Lèse-majesté*, pre-trial detention, and denial of bail

## Criticism of the Thai monarchy

Criticism of the monarchy is a criminal offence in Thailand. Because the monarchy is officially considered the core institution of the country, defenders of the status quo frame any criticism of the King, as the personification of the monarchy, as a threat to the nation as a whole.

In 2018, the Thai authorities explicitly declared that they would prefer to no longer prosecute anyone with *lèse-majesté* charges (charges of insulting the monarchy) under Section 112 of the Criminal Code, one of the world's strictest *lèse-majesté* provisions. In 2020, however, coincident with the rise of the pro-democracy movement, after two years of non-enforcement the Thai Government began to once again charge protesters under the *lèse-majesté* provision.<sup>84</sup> Several key leaders of the pro-democracy movement have been repeatedly arrested and detained for this offence; **recent figures** covering July 2020 to April 2022 show there have been: 204 charges against 190 protesters.

The authorities have also used Section 112 to suppress political dissidents who have spoken critically of the government without explicitly commenting on the monarchy or calling for its reform. On 20 January 2020, for

instance, the Digital Economy and Society Ministry filed charges under Section 112 after Thanathorn Juangroongruangkit, the former leader of the now-dissolved Future Forward Party, criticised the role of Siam Bioscience in producing the AstraZeneca Covid-19 vaccine in Thailand. Siam Bioscience is **nearly wholly owned** by the King.

In a separate incident, on 29 November 2020, Pimsiri Petchnamrob, an ARTICLE 19 consultant and a veteran Thai human rights defender, gave a speech in which she spoke about the incompatibility of Thailand's *lèse-majesté* provision with international law. In that speech, Pimsiri quoted directly from a statement by then-UN Special Rapporteur on freedom of expression, David Kaye, which asserted that *lèse-majesté* laws have no place in democratic countries. Pimsiri was charged under Section 112 of the Criminal Code. The papers filed by the public prosecutor **indicate** that Pimsiri's commentary on the history of the *lèse-majesté* provision and her quotation of David Kaye form the basis of the case against her.

In both of these cases, the Thai authorities targeted critics of the government and supporters of the pro-democracy movement using Section 112 as a pretext for criminal charges.<sup>85</sup>

## Pre-trial detention and denial of bail

Under international law and international standards, including on the right to liberty and the presumption of innocence until guilt is proven, there is a general presumption that people charged with criminal offences should not be detained pending trial. There are **strictly limited justifiable reasons** for pre-trial detention, for example where there is a high likelihood that the individual would commit a serious offence or pose a threat to public order if released.

As discussed in Section 4, the police release most of the accused and defendants in protest-related cases on bail. However, the Criminal Court often denies the right to bail in cases of key protest leaders under *lèse-majesté* charges. This is another example of the discrimination that protesters who demand reforms of the monarchy face.<sup>86</sup>

Panusaya Sithijirawattanakul and Parit Chiwarak, both students at Thammasarat University, and Arnon Nampa, a human rights lawyer, are three leaders of the movement who were among the first to make public speeches critical of the monarchy during protests.<sup>87</sup> At the time of writing, the three activists each faced numerous counts of *lèse-majesté*, sedition, and violations of the Public Assembly Act and state of emergency, among other charges. Parit and Arnon were arrested in February 2021 and Panusaya in March 2021 for *lèse-majesté* after they had given speeches at a protest on 19 September 2020. The three were repeatedly denied bail and held in pre-trial detention.

Four other activists were also arrested and detained on the same charges. It was only after news about a Covid-19 outbreak at the prison they were held in became known to the public in mid-2021 that Panusaya, Parit, and Arnon were granted bail. Panusaya had been detained for 59 days, Parit for 91 days, and Arnon for 113 days. During his time in detention, Parit was denied more than nine bail requests and went on a 57-day hunger strike to protest about his lack of due process. The three were detained pretrial again in August 2021 on different charges.

In total, Parit Chiwarak faces 23 different *lèse-majesté* charges relating to speeches he has given at 23 separate protest events. The prosecutor has – at the time of writing – indicted him in seven of these cases (from seven protests), and the court has issued a detention warrant in three other cases that have not been indicted yet. Parit was under pretrial detention from 9 August 2021 until he was released on bail on 24 February 2022. Arnon faces 14 *lèse-majesté* charges, with 6 already indicted, and 4 detention warrants from cases that have not been indicted. Arnon was in pre-trial detention from 11 August 2021 to his release on bail on 22 February 2022. All these *lèse-majesté* cases are in addition to a multitude of other charges against Panusaya, Parit, and Arnon under other laws related to public assembly as discussed earlier in this report.<sup>88</sup>

The Criminal Court has attempted to justify denial of the right to bail on the grounds that the defendants will likely ‘commit the same wrongdoings’ again if released. For example, in one of the denials of bail for Parit, the court **reasoned** that he ‘may cause

damage or disturbance with widespread impacts ... [He] gave a speech with the wordings that would defame the Monarchy, which is highly revered and worshipped ... [A future speech would] affect the hearts of royalist Thais with no respect for the laws. Their acts induce the people to violate the law of the land.' In denying bail to Panusaya on 22 November 2021, the Court cited that she had posted on social media an encouragement to people to protest and had invited people to wear black on 28 July, the King's birthday. The court **determined** that these acts defamed the monarchy and that Panusaya would likely continue to commit such acts if released.

On 30 November 2021, Panusaya was temporarily released on bail so she could attend an exam at her university. She was ordered to be back in prison by 12 January 2022, with her temporary release later extended to 16 June 2022. The court set the condition that, during Panusaya's temporary release, she could not join any activities that would defame the monarchy or any protest that would cause social disturbance. She could not leave her home except in an emergency, to study, or for a court matter. She also had to wear an ankle monitor. The court also **assigned** one of her lecturers at Thammasart University to be her 'caretaker' during the bail period. As ARTICLE 19 has learned from Chalita Bundhuwong, an academic at Kasetsart University who had helped bail out another student activist, the 'caretaker' has to meet with the bailed activist every month and send a photograph of them together to the court as proof that the activist has not fled.

Most of the detention of pro-democracy activists has been before or during their trials, mainly pre-trial.<sup>89</sup> There has been only one case to date of imprisonment after conviction on protest-related charges.<sup>90</sup> This sole conviction was a case of contempt of court in which Benja Apan and 'Nát' (pseudonym) were convicted in November 2021, sentenced to six and four months' imprisonment respectively. The pair had protested in front of the Criminal Court on 29 April 2021 to demand the release of political detainees. The Court of First Instance provisionally released 'Nát' during the appeal process after he put up 50,000 baht (approx. USD 600) as a guarantee. Benja, however – who, at the time of the court's decision, had already been in pre-trial detention and denied bail since early October 2021 on a separate *lèse-majesté* charge – was not released. She was finally released on bail on 12 January 2022 with similar conditions to those imposed on Panusaya but with 100,000 baht (approx. USD 1,200) bail.

The use of ankle monitors, a recent initiative of the Court of Justice, is supposed to be in lieu of bail money. However, both Panusaya and Benja are required to wear ankle monitors in addition to the aforementioned bail conditions, and in Benja's case a sizeable payment of bail money was also required.<sup>91</sup>

While key protesters are still granted the right to bail in some cases, the repeated denial of bail and the extra bail conditions put on some political activists, especially those facing *lèse-majesté* charges, point to discriminatory practices against them.<sup>92</sup> In addition, pre-trial detention

and denial of bail would also likely affect the rights of the accused related to the administration of justice. Denial of bail and continued detention, especially during the enforcement of Covid-19 prevention measures in the prisons, mean that defendants have limited opportunity to discuss and prepare their cases with their lawyers. As TLHR lawyers recounted, during the height of the pandemic, lawyers could not visit detainees in prison in person; they could only meet with them online, for 20 to 30 minutes each time, usually via LINE software and sometimes with a bad internet connection at the prison's end.<sup>93</sup> As a result, the protesters did not have sufficient time with their lawyers to prepare their cases.

**The Criminal Court often denies the right to bail in cases of key protest leaders under *lèse-majesté* charges. This is another example of the discrimination that protesters who demand reforms of the monarchy face.**

Anti-government protesters march to the Criminal Court of Thailand to demand to release of their leader, arrested and charged under Article 112, the *lèse-majesté* law, Bangkok, 6 March 2021. ( Photo: Brickinfo Media/Shutterstock.com)





## 6. Harassment of activists and protest leaders: surveillance and 'visits'

In addition to the violence and legal prosecution that protesters face, there are reports of harassment of protesters before and after protests. As iLaw has [documented](#), at least 79 protest leaders were harassed through extrajudicial methods during the period following one of the largest demonstrations, which took place on 18 July 2020. Police, soldiers, and other government officials paid visits to protesters and protest leaders at their residences to intimidate them.<sup>94</sup> [Most were high-school and university students.](#)

Fifteen out of 20 activists interviewed for this research reported that they had been visited by police or military, mainly in plain clothes, at their home or university. The visits, usually at the home registered in the national residential database, often included warnings that they should not engage in further political activities. The authorities approached these 15 activists, either in person or via a phone call, asking for their whereabouts or hinting that they knew it already. Four activists reported being followed at least once by a car as they left a demonstration.

One protest leader recently heard from a security guard at her building that police have visited the building frequently during the past year to check whether she still lives there. The police have also



High-school students gathered in front of the Ministry of Education. (Photo: kan Sangtong/Shutterstock.com)

regularly visited her mother, who lives in another suburb.<sup>95</sup> Another protester reported that she is regularly visited at home by security officers. She has been to many pro-democracy protests but has never given a speech during a protest. However, she was arrested and prosecuted in 2018 during protests demanding elections and is therefore known to the local authorities. While she does not feel threatened by these visits, they make her uncomfortable because they damage her reputation among family and neighbours.

'Nát', a singer who has performed at many pro-democracy protests but has never made a political speech, also says that he is regularly followed by plainclothes officers, some of whom have [told him](#) directly that they are officers.

## Intensification during royal visits

Pre-protest surveillance and harassment intensify in the period before a royal visit, in particular the King's visit, or a visit of the Prime Minister to an area. This harassment includes visits to activists' homes, phone calls to check whether anyone will organise or join a protest, and physical surveillance.

When the King went to visit Chiang Mai province in 2020 and 2021, the authorities **visited or surveilled** activists and university lecturers who supported the pro-democracy movements. In October 2020, when the King visited Ubon Ratchathani province for a Buddhist ceremony, TLHR **reports** that the police visited the homes of several activists in the province, including a local activist interviewed for this report.<sup>96</sup> Later, in December 2020, before the King's planned visit to Chiang Mai province to award graduation certificates at several universities there, TLHR **reports** at least 30 cases of the authorities visiting or making phone calls to pro-democracy activists or university lecturers in the province to warn them not to engage in political activities during the visit.

During Princess Sirindhorn's trip to graduation ceremonies at Khon Kaen University and Ubon Ratchathani University in the north-eastern region in December 2020, members of local pro-democracy groups reported similar visits from the authorities.<sup>97</sup> Police visits to activists before a royal person's travel to the area were also reported in other provinces throughout 2021.<sup>98</sup> In March 2021, Shivanjali Vitthaya-Serivaddhana, also known as Ramil, recalled that the police visited him and

his university friends on campus the night before the King's visit. The next day, a group of administrators and lecturers from the Faculty of Fine Arts at Chiang Mai University tried to confiscate some art pieces made by the students, some of which were art installations that student activists had used in political demonstrations.<sup>99</sup>

## Surveillance techniques

Apart from these visits, the Thai authorities employ other techniques. Sriprai Nonsee, a trade unionist and participant in the pro-democracy movement, reported that she found a GPS tracking device in her car in early 2020.<sup>100</sup> Piyarat Chongthep, a WEVO leader, posted on Facebook that a GPS tracking device had been found under his car while he was getting it serviced.<sup>101</sup>

In August 2021, during a no-confidence debate in the Thai Parliament, politicians in the Move Forward Party (the leading opposition party) presented a leaked 'watchlist' of 183 politicians and political activists issued by the Immigration Bureau.<sup>102</sup> This list included 8 of the 20 activists interviewed for this research. The Move Forward Party also presented a leaked list, allegedly prepared by the army, of provincial activists whom the local authorities were monitoring, and claimed that there is similar list for every province.<sup>103</sup> This latter list included Kwankhao Tangprasert, a high-school student activist in Khon Kaen province, interviewed during this research. There are also reports of local authorities referencing a watchlist when they have visited protest activists in some provinces.<sup>104</sup>

Some of the intimidation has been anonymous. 'Pie', a university student democracy leader, reported that an anonymous letter was sent to her father at a house her father rents (i.e. not a house registered in his name). The letter included a threat that she might be arrested for her political involvement.<sup>105</sup> Chumaporn Taengkliang, a member of the Free Feminists, reported that some of their group members, especially those in high school, have received similar letters. The letters are printed in the same format with a similar message, stating that the children are destroying the country when instead they should protect the monarchy.<sup>106</sup> These letters

were sent to the addresses of the activists' parents, information that would be known only to Thai officials.

In some cases, these efforts at intimidation have led activists to cancel protests. For example, a planned car mob in Pitsanulok province on 7 August 2021 was cancelled because the authorities unofficially summoned and warned the organisers a few days before the protest was due to take place.<sup>107</sup> A protester in the Thonburi area of Bangkok **reported** that the police forced him delete his post about an upcoming car mob in the area.

**15 out of 20 activists interviewed for this research reported that they had been visited by police or military, mainly in plain clothes, at their home or university. The visits, usually at the home registered in the national residential database, often included warnings that they should not engage in further political activities.**



# 7. Mischaracterisation of protesters and use of stigmatising language

Protest in general is not stigmatised in Thailand. But the criticism of the monarchy that many within the pro-democracy movement espouse influences both public perception of the movement and the state's response to it. Public perception and state narratives about pro-democracy protesters have led to violations of the right to protest, as they also appear to have informed the crackdowns on protests, violence used, and counter-demonstrations.<sup>108</sup>

## Unfounded allegations of violence

After the escalation of confrontations since August 2020 and the use of rubber bullets against protesters from February 2021 onwards, Thai officials have increasingly referenced violent elements within the protests and have often made generalisations about the protests as a whole being violent.

In 2020, for example, General Apirat Kongsompong, the former Commander-in-Chief of the Royal Thai Army, made a statement about 'nation-haters', referring to the rising youth voices against the monarchy.<sup>109</sup> The Public Prosecutor's indictment of Parit Chiwarak for his speech during the 'MobFest' rally of November 2020 reflected the same view.<sup>110</sup> Parit was prosecuted for giving a speech that, according to the Public Prosecutor,

'distorted [information] to frame King Rama X ... [in] an act of sedition, agitation, and encouragement of people to be frantic and rebellious'. The indictment alleged that people who listened to Parit might begin to doubt the constitutional monarchy system and be incited to engage in 'assembly, protest, force or coercion to pressure the government and the Parliament, and force or coerce the King to be under the people. This would cause unrest in the Kingdom and people will lose their faith or respect which is a crime against the King'.<sup>111</sup>

On 10 November 2021, the Constitutional Court issued a ruling that legitimated such a view against the demands of the pro-democracy movement. The court ruled that the United Front of Thammasat and Demonstration's '10 Point Proposal' on how to reform the monarchy was unconstitutional. The ruling was made after a citizen made a petition to the Constitutional Court alleging that the proposal constituted advocacy of the overthrow of democracy with the King as Head of State. The Constitutional Court ruled that the speech and demands of three movement leaders – human rights lawyer Arnon Nampha, Ramkhamhaeng

University student Panupong Jadnok, and Thammasat University student Panusaya Sithijirawattanakul – were:

**“the exercise of rights and freedoms to overthrow rule by democracy with the king as head of state according to Article 49, paragraph one, of the Constitution. The Constitutional Court orders [the three movement leaders], including related organisations and networks, to cease the aforementioned actions in the future as well, according to Article 49, paragraph two, of the Constitution.”<sup>112</sup>**

In short, the authorities consider demands to reform the monarchy, which have been central for most participants in the pro-democracy movement since 2020, as advocating for the overthrow of the Thai state. As such, under Article 113 of the Criminal Code on acts of treason, the three movement leaders could face the death penalty or life imprisonment. At the time of the Constitutional Court’s ruling, Panusaya, Arnon, and Panupong were already in prison on *lèse-majesté* charges arising from public statements they had made.

Moreover, in a series of press conferences held between February and September 2021, the Metropolitan Police – the main police unit in charge of dealing with the protesters in Bangkok – made frequent reference to violence committed by the protesters, especially after clashes with Talugaz became routine in August 2021. The police insisted they had prior records of the protesters using guns and explosives, and that the protesters were prepared to use these weapons and had destroyed public property and injured police officers.<sup>113</sup> Therefore, **according to the police**, the protests could not be considered peaceful assembly, and police intervention was necessary to maintain public order.

In early May 2021, the police **announced** that, due to violence and concerns about the pandemic, the police’s policy might need to change ‘to block the protesters from the beginning when they started to gather at the appointed place’.

## **Negative and inflammatory rhetoric**

The effects of negative and inflammatory rhetoric about the protests targeting the symbols of the monarchy were also evident in the State’s crackdown on the REDEM/ Free Youth protest on 7 August 2021, which intended to march to the Grand Palace. A few days before the planned protest, conservative groups and politicians made a series of **public statements** that the protest was unacceptable because ‘marching towards the Grand Palace is an act of insult and inappropriate transgression. Most Thais will not allow that to happen.’ Some royalist groups **threatened** that, if the protesters encroached upon the Grand Palace, they

‘would not be able to sit still and let them do that’ and would be on standby to ‘exercise the rights of the citizen to protect the key institution of the nation in a decisive manner’.

The Deputy Police Commander **announced** that the police had readied around 5,700 officers to take care of the 7 August 2021 protest, which the police considered potentially violent. On that day, the authorities used cargo containers as a barricade to block the road to the Grand Palace and started to use tear gas against protesters even before the group could fully gather.<sup>114</sup> As discussed in Section 3, the day ended with a violent crackdown by the Metropolitan Police and the Crowd Control Unit.

The Criminal Court has likewise issued statements and passed measures that create the impression that the protesters are troublemakers who disturb public order.<sup>115</sup> There have been a number of protests outside the Criminal Court to demand justice for activists who have been arrested or detained. In May 2021, REDEM led a protest in front of the Criminal Court to demand the release of political detainees. Some protesters threw paint at the court signboard and fence. There were also clashes with the police at the court site. In response, the Criminal Court issued a regulation on the Maintenance of Order in the Criminal Court Compound, which prohibits noise or disturbance both inside the courtrooms and in the court compound. The regulation also prohibits any photography, livestreaming,

or the use of any sound-speaker system in the vicinity of the court.<sup>116</sup> The regulation has been read out over the court’s speaker system inside some courtrooms when political activists are being tried.

The Office of the Court of Justice **denounced** the protesters, claiming their actions ‘are not legitimate expression of opinion under democracy’ but attempts to use violence to influence the court’s decisions.

## High-school intimidation

Public perception towards the movement’s criticisms of the monarchy is also reflected in how school administrations have responded to high-school students’ protests.

As mentioned, during the early phase of high-school student protests in 2020, many school administrations made clear that they did not support the students’ political activities. Bodin Decha school in Nonthaburi, a suburb of Bangkok, issued a public statement that the school ‘does not have a policy on nor promote any activity that intent [sic] to break with the democratic rule with the King as the head of the state or create social unrest. To maintain democratic society within a public school, [the school] does not allow to use government premises to do political activities.’<sup>117</sup>

By August 2020, only a few months after the start of the youth protests, iLaw had **documented** at least 34 cases of schools’ intimidation of student protests. TLHR initiated a survey enabling students to submit cases of intimidation they faced, and received and documented more than 103 cases within three days, including both complaints received through the survey and

cases from their news monitoring. These cases included school authorities punishing and harassing students who engaged in protest activities, and schools allowing police officers to monitor and photograph student activities inside the school.<sup>118</sup> Kwankhao Tangprasert, a student activist from Khon Kaen province, also reported that some of his teachers spoke badly about his group, saying that the student activists do not love the country and offend the monarchy.<sup>119</sup>

## Royalist counter-demonstrations and other attacks

Since the middle of 2020, royalist groups have mobilised to show support for the monarchy. While some of these groups organise stand-alone demonstrations, at least five demonstrations have taken place to confront the pro-democracy movement. There have been clashes between the two groups at some protests. As discussed earlier, royalists organised a counter-protest during the pro-democracy protest on 14–15 October 2020. ARTICLE 19 observed on 14 October 2020 that the authorities made no attempt to keep the two groups apart. The deployment of security officers dressed in yellow shirts made it difficult to separate law-enforcement officers from civilian royalists.

On 21 October, the royalists called for a demonstration to ‘show the power of love for the Nation, Religion and the King’ at Ramkhamhaeng University in response to the protest the Ramkhamhaeng Network for Democracy had announced that morning. As iLaw reported from the protest site, there were only ten police officers deployed in the area, despite the potential for confrontation. In that same area in December 2013, royalist supporters had launched a violent attack

against United Front of Democracy against Dictatorship protesters that had resulted in five deaths.<sup>120</sup> In 2020, royalists in yellow shirts led **physical attacks on protesters**, which the police did not stop.<sup>121</sup> One student was injured during the attacks, and the pro-democracy protesters filed a report at the local police station demanding action against their attackers. Two weeks later, the police **summoned** the attackers, who denied any wrongdoing. There are no further updates on the case thus far, despite clear video footage of the violence.

Another violent clash between the two groups happened on 17 November 2020 at Parliament House. On that day, two groups of royalists notified the authorities about their planned rally, while the Rassadorn did not. The Rassadorn did, however, make a public announcement about their planned protest. The Metropolitan Police issued a special order to prohibit demonstrations within 50 metres of Parliament House and set up a barricade there. The police **claimed** that, because Rassadorn protesters tried to push through the barricade to get closer to the Parliament, the police had to use tear gas against them. One Rassadorn protester present, ‘Dan’ (pseudonym), commented that the police’s use of tear gas was heavy that day, in comparison to at least three other incidents at which he had experienced tear gas. He claimed:

**“I am not sure how many times the police announced the use of tear gas in advance. I heard the warning only the first time and then it [tear gas] continued to come. I had no idea which direction it came from nor where the police were.”<sup>122</sup>**

The authorities appear to have made fewer efforts on 17 November 2020 to prevent clashes between the royalists and the Rassadorn. A Rassadorn protester who took part in the protest that day noted the authorities' efforts to demarcate the area each group of protesters could occupy. However, despite the heavy deployment of police in the area, and prior notification about the demonstrations, the police did not control the confrontations. As **recounted** by some journalists who were present, the opposing groups threw bottles, iron and wooden sticks, and Molotov cocktails at each other. In total, 55 people were injured in the clashes, including two police officers. Five protesters, from both the royalist and the pro-democracy sides, and one police officer **were shot**.

Later, the police **confirmed** there were two victims of gunshots but could not identify which direction the bullets had come from. While the police insisted they would proceed with criminal cases against anyone who broke the law, whether or not the authorities had been properly notified beforehand, they **pressed legal charges** only against Rassadorn protesters.<sup>123</sup>

Other people interviewed for this research reported similar experiences of police inaction to prevent confrontations with counter-protesters. 'Jingjai Jaijing' (pseudonym), an activist with the Free Feminists, recalled a protest in Songkhla where a royalist group had approached the protesters and played right-wing music very loudly. According to 'Jingjai', the pro-democracy protesters informed the police. While the police promised to take action, they did nothing and refused to allow the protesters to raise their complaint with a higher-ranked officer.<sup>124</sup>

Conservatives and royalists have made efforts to name, bully, and even file charges against pro-democracy protesters. Two of the academics interviewed for this research who have helped bail out pro-democracy activists reported being the subject of cyber-attacks or receiving anonymous threatening letters.<sup>125</sup> In April 2021, the Secretary of the Ministry of Higher Education wrote a letter to two universities where some lecturers had posted bail for student activists, requesting the universities to take disciplinary action against the lecturers. The **letter** claimed the lecturers were supporting students who 'behave in a way insulting the monarchy'. Nevertheless, there is no report of action taken by the universities.

Some royalists have pressed *lèse-majesté* charges against protesters.<sup>126</sup> A royalist group called Thailand Help Centre for Cyberbullying Victims, which states on its **Facebook** page that it provides 'legal advice to victims of social bullying', was formed for precisely this purpose. This group invites people to report social media posts that they deem defamatory of the monarchy. Naengnoi Assawakittikorn and Noppadon Prompasit, two of its key founders, have explained in an **interview** how the group's members around the country collect data about alleged violators of *lèse-majesté* and strategically file charges at police stations far away from where the person lives to cause such people more trouble in having to travel to report to the police.

This group and other royalists also made a Google map that showed the location of more than 500 social media users they believed had violated Section 112 of the Penal Code; Google later **removed** the map page. Within one month of the group's formation, TLHR **received reports** of 62 people falling victim to such royalist attacks.



## 8. Conclusion and recommendations

The experience of the 2020–21 Thai pro-democracy movement shows serious restrictions on, and violations of, the right to protest in Thailand. The pro-democracy movement has faced violence, legal prosecution, judicial harassment, and other forms of intimidation against protesters and leaders. Those demanding democracy and voicing critical views against the monarchy have experienced particular constraints on their right to protest. The Thai state's response to the protests shows how groups voicing anti-monarchical or pro-monarchical-reform opinions are discriminated against in their exercise of freedom of expression and the right to peaceful assembly.

The Thai authorities' responses to the 2020–21 pro-democracy movement have violated the right to protest before, during, and after protests. Pre-protest violations have included conditions and notice requirements under the Public Assembly Act leading to restriction on the ability to protest. While the right to peaceful assembly is guaranteed in the Thai Constitution, the authorities have interpreted and used the Public Assembly Act and other laws to restrict the right to protest.

Instead of ensuring notice to the authorities so that they can facilitate protests, the notification regime has been used to set conditions for planned demonstrations and to prosecute protesters if they fail to notify or

comply with the conditions. The authorities have also used other laws to prosecute protesters if they are deemed to have disturbed public order, such as by using a sound amplifier in public, putting protest equipment on the street, or disrupting road traffic. In the numerous cases documented in this report, the Thai state has failed to facilitate and ensure the exercise of the right to peaceful assembly.

**Using sound amplifiers and disrupting traffic are standard tactics for protest. In fact, those who march and demonstrate rely on such disruptive tactics in order to make themselves heard, especially when authorities wilfully ignore people's voice and their demands. IHRL requires authorities to demonstrate a degree of tolerance to disruptions caused by protest.**

During the period of research in 2020–21, the authorities' use of force to disperse or crack down on protesters was frequently disproportionate. In many cases where the authorities used less-lethal weapons, there were insufficient measures to ensure protesters were well warned before the weapons were deployed.

Violent crackdowns have tended to intensify as criticism of the monarchy grew, while the state has claimed such measures as necessary to control the Covid-19 pandemic and to protect national security and the monarchy. There is clear evidence of an arbitrary and discriminatory application of laws against the pro-democracy protesters. Any demonstrations that showed support for the regime or the monarchy during 2020–21 were largely left untouched or faced minimal legal charges. Protests on unrelated issues were also more tolerated. In addition, the state has not provided sufficient protection to the pro-democracy protesters from the counter-assemblies of the royalists, as evidenced in clashes between the two groups at some protest events and the *lèse-majesté* cases that royalist groups have initiated against pro-democracy protesters.

After protests, legal prosecutions of key protest leaders have been used to harass the protesters and increase the cost of participation in a protest, resulting in violations of the right to a fair trial as well as of the right to protest. In particular, pro-democracy protest leaders have been repeatedly denied bail and placed under pre-trial detention. In conjunction with Covid-19 preventive measures limiting lawyers' prison visits, this has meant that detained protesters have not been sufficiently able to prepare their defence. Activists have also been put under surveillance

and faced harassment, mostly through extralegal and extrajudicial methods.

The right to protest has been further restricted by the state of public emergency measures in place during the Covid-19 pandemic. Freedom of movement may be derogated during a state of emergency, and right to peaceful assembly may be restricted in the interest of public order and national security (International Covenant on Civil and Political Rights, Article 21). However, derogations of these rights must conform to strict tests of proportionality, which Thailand's actions did not meet.

The targeted restrictions of planned protests; the double charging of protesters under both state of emergency regulations and the Public Assembly Act; and the prosecution of protest organisers, but not organisers of other kinds of public assembly, during a period of low Covid-19 infection levels – all these factors indicate discrimination against groups holding critical views of the monarchy.

'Mob Guard' volunteers seeking to protect protesters demanding democracy in Thailand. (Photo: socrates471/Shutterstock.com)



## Recommendations

To ensure that the right to protest is respected and protected in Thailand, ARTICLE 19 makes the following recommendations.

### To the Government of Thailand

#### On the legal framework and implementation:

- Amend the Public Assembly Act and other laws relating to the exercise of the right to assembly to be compatible with international human rights standards.
- Abolish mandatory pre-assembly notification. The notification process should serve only to allow the relevant authorities to facilitate a peaceful assembly. Ensure that relevant authorities do not use the notification regime to set conditions on protest activities beyond the scope of law or conditions that impede protesters' ability to demonstrate; and ensure that the authorities do not use failure to notify the intention to assemble as justification for designating participation in a protest unlawful.
- Make information on notification procedures publicly available and accessible.
- Make online notification of a public assembly easily accessible. Train and equip relevant government agencies to manage the online notification efficiently.

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#### On states of emergency:

- Ensure that any derogation of rights during a state of emergency complies with international human rights standards and is proportionate to the situation.
- Immediately drop all charges against individuals arrested and charged for violation of regulations and orders under the Emergency Decree on Public Administration in Emergency Situations for participating in a protest, and immediately release anyone prosecuted and imprisoned on the same basis.

### **On facilitating the right to protest:**

- Facilitate exercise of the right to protest and ensure protesters can exercise their rights safely, including arranging for secure locations for protests and protecting the safety of protesters from third-party actors.
  - Cease all undue and unlawful surveillance, intimidation, and harassment of protesters and their family and household members.
  - Protect and promote the right to protest of youth and children. School authorities must stop all disciplinary action against youth engaging in protest both inside and outside of schools.
  - Officially and publicly condemn disproportionate and excessive use of force, arbitrary detention, judicial harassment, and other serious human rights violations; make clear that these are prohibited and will not be tolerated under any circumstances.
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### **On the use of force against protesters:**

- Ensure police and other security services policing protests or performing other law-enforcement duties do not use excessive force and comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. All state authorities and agencies should issue clear orders to such forces that any use of force must be strictly necessary and proportionate to a real and imminent threat, and that use of unnecessary or excessive force will be punished.
- Ensure that any allegations of excessive use of force by security or law-enforcement agents in the course of protests are promptly, thoroughly, and impartially investigated, that the results of these investigations are made public without delay, and that suspected perpetrators are promptly brought to justice in fair trials.
- Ensure that any arrests made solely on the basis of the exercise of the right to freedom of assembly cease immediately. Immediately release anyone currently in detention on this basis.

## **On stigma and discrimination:**

- Ensure that every political movement enjoys equal rights to protest and express itself.
- Refrain from making public comments about protesters that would stigmatise protesters or their exercise of the right to protest, or could inhibit their right to protest or put them in danger, such as portraying protests or protesters as a threat to the nation.

## **To the Thai police and law-enforcement units**

- Any operations to disperse protesters must only take place when strictly necessary, such as when protesters pose the threat of imminent harm to others, and should follow all relevant international standards, including the UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.
- Ensure that all law-enforcement officers tasked with policing demonstrations are fully trained in crowd-control methods, de-escalation of violence, and their obligation to facilitate the right to protest.
- Ensure that all law-enforcement officers involved in the policing of demonstrations are clearly identifiable by their uniforms at all times.
- Ensure that those responsible for excessive and disproportionate use of force against protesters are investigated, disciplined, and prosecuted accordingly, including in criminal proceedings where appropriate.
- Immediately cease making arrests and detaining individuals solely on the basis of their exercise of the right to freedom of assembly. Immediately release anyone currently detained on this basis.
- Ensure that no one is deprived of their liberty except in accordance with legally established procedures and in accordance with international law.
- Immediately end the harassment and intimidation of protest leaders, organisers, activists, and participants, and of human rights defenders.

## **To the Thai judiciary**

- Take immediate steps to end criminal proceedings against protest leaders, organisers, activists, and participants, and human rights defenders.
- Ensure that victims of police abuse have access to mechanisms of justice and to redress.

# Annexe: Research methodology

The research for this report has focused primarily on the right to protest of Thailand's pro-democracy movement, which has evolved since early 2020. The context of the analysis is the growing criticisms of the Thai monarchy and how the right to protest has been particularly restricted for protests that criticise the monarchy.

ARTICLE 19 conducted research for the report from August to December 2021, as well as observing protests during 2020 and 2021. The research included a review of reports about the protests from news media, NGOs, citizen journalists, and livestreams from protest sites covering the period February 2020 to December 2021. Most of the documentary research used Thai-language reports, which provide the most detailed accounts of the pro-democracy movement.

ARTICLE 19 conducted interviews with 20 pro-democracy protesters and activists from different groups who organised protests in Bangkok, Chiang Mai, Khon Kaen, Songkhla, and Ubon Ratchathani; and with 14 protesters who joined the protests in Bangkok. The interviews

with protest-organising activists each lasted approximately one hour and were conducted online. Interviews with protesters took place online and at the protest sites in Bangkok. Each of the 14 protesters interviewed had joined at least five protests since early 2020.

We have given all protesters and activists pseudonyms to protect their identities, except where they have given ARTICLE 19 explicit consent to use their names.

To gain additional insight into the situation, ARTICLE 19 interviewed five experts: two representatives of human rights NGOs, a media figure, a human rights lawyer, and an academic who had provided support to protesters.

ARTICLE 19 also attended and observed approximately 30 pro-democracy protests in Bangkok and Nakorn Pathom in 2020 and 2021. Counter-movements were present during at least three of these protests, which provided the opportunity to observe how the authorities treated different groups of protesters. ARTICLE 19 also attended several of the activists' bail hearings at the Criminal Court.

# References

<sup>1</sup> Most of these early protests took place within university compounds because universities are exempted from enforcement of the Public Assembly Act.

<sup>2</sup> Others have nicknamed them the Talugaz group, in reference to the tear gas used against them.

<sup>3</sup> The misuse of public order legislation is not restricted to Thailand alone. See, for example, ARTICLE 19's research in Kenya and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>4</sup> Public Assembly Act, Art. 10.

<sup>5</sup> Public Assembly Act, Art. 14.

<sup>6</sup> On 2 February 2020, the two students and several others went to Government House to demand that the Prime Minister step down. They tied some 'cursing' objects to the Government House gate as part of a symbolic act: *Post Today*, [ศาลสั่งปรับ 2 พัน "เพนกวิน-บอล" ฝ่าฝืน พ.ร.บ.ชุมนุมสาธารณะ](#), 21 August 2020.

<sup>7</sup> On 20 February 2020, the two students and another friend sang a protest song in front of the Royal Thai Armed Forces headquarters and performed a symbolic act to 'teach' history to the army's Commander-in-Chief: *Voice TV*, [ศาลปรับ 'เพนกวิน ทรัพย์สิน'-'บอล ธนวัฒน์' นักกิจกรรมทางการเมือง เป็นเงิน 2,000 บาท คดีเปิดเพลง 'ประเทศกูมี' หน้ากองทัพบก ค้าน ผบ.ทพ.ที่เคยแนะนำให้เปิดเพลง 'หนักแผ่นดิน'](#), 28 October 2019.

<sup>8</sup> We have given all protesters and activists pseudonyms (in inverted commas) to protect their identities, except where they have given ARTICLE 19 explicit consent to use their names.

<sup>9</sup> Chonthicha Jangrew, interviewed 4 September 2021.

<sup>10</sup> Thai Lawyers for Human Rights (TLHR) reported about this and other related cases in TLHR, [ศาลปรับ 9 พันบาท คดี "เจมส์ ประสิทธิ์ ชุมนุมไม่ถอยไม่ทน ซีแคโพสต์ชวนก็เข้าข่ายผู้จัด](#), 5 November 2020.

<sup>11</sup> Prasit Krutharoj, interviewed 23 September 2021.

<sup>12</sup> Chonthicha Jangrew, interviewed 4 September 2021.

<sup>13</sup> Harassment, intimidation, arrests, and detention of protesters are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>14</sup> 'Mob Fest' is a form of protest initiated in 2020 as a festival-like protest, usually including arts and creative activities.

<sup>15</sup> Parit has been subject to more than 40 charges in the last two years relating to 16 protest events and some Facebook posts.

<sup>16</sup> Perceptions of differential treatment by the state are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>17</sup> See iLaw's Facebook report on 24 October 2020.

<sup>18</sup> 'Pie', interviewed 3 October 2021.

<sup>19</sup> Chonthicha Jangrew, interviewed 4 September 2021.

<sup>20</sup> A compilation of such practices can be found in iLaw, [วิเคราะห์คำประกาศตำรวจ อ้างพ.ร.ก.ฉุกเฉินฯ เพื่อคุมโรค แต่สั่งห้ามชุมนุมเพื่อ 'คุมมีอบ'](#), 2021; see also *Prachatai*, [ม็อบเฟส-ผู้หญิงปลดแอก-นักเรียนเลว ชุมนุมอนุสาวรีย์ประชาธิปไตย เข้ายึดรัฐธรรมนูญ](#), 14 November 2020; *Matichon*, [ตำรวจอ่านประกาศ กิจกรรม 'เปิดท้ายวันศุกร์ ลูกไล่เผด็จการ' ผิดกฎหมาย เสียงแพร่โควิด](#), 2 July 2021; *Matichon*, [ตำรวจอ่านประกาศ ผู้ชุมนุมส่งเสียงไล่ ลั่น 'กาฬี' คือสิทธิประชาชน](#), 3 August 2021.

<sup>21</sup> The misuse of public order legislation is not restricted to Thailand alone. See, for example, ARTICLE 19's research in Kenya and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>22</sup> This law can be used against protesters who put protest posters on public property.

<sup>23</sup> This law can be used against protesters for using loudspeakers in a public area.

<sup>24</sup> This law can be used against protesters for protesting on roads and thereby blocking traffic.

<sup>25</sup> Arnon's name is sometimes written as 'Anon'.

<sup>26</sup> Harassment, intimidation, arrests, and detention of protesters are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>27</sup> Shivanjali Vitthaya-Serivaddhana, interviewed 21 September 2021. Art. 12 of the Public Cleanliness and Order Act prohibits any act that would create marks or involve drawing on trees in a public area.

<sup>28</sup> Prosecution of protesters is not restricted to Thailand alone. See, for example, ARTICLE 19's research in Kenya and Poland, to be published across 2022 (details available on [our website](#)).

<sup>29</sup> Thailand **formally notified the UN** of its intention to derogate from certain rights under the state of emergency on 5 June 2020.

<sup>30</sup> Art. 4, [International Covenant on Civil and Political Rights; General Comment 34 on Art. 19 of the ICCPR](#). See also Human Rights Committee, [Statement on derogations from the Covenant in connection with the COVID-19 pandemic](#).

<sup>31</sup> Regulation issued under Sect. 9 of the Emergency Decree on Public Administration in Emergency Situations BE 2548 (2005) (No. 1), 25 March 2020 (ข้อกำหนด ออกตามความในมาตรา 9 แห่งพระราชกำหนดการบริหารราชการในสถานการณ์ฉุกเฉิน พ.ศ. 2548 (ฉบับที่ 13)). Subsequent regulations issued under the extension of the declaration of state of emergency all contain a similar clause, except Regulation No. 13.

<sup>32</sup> TLHR, [พฤษภาคม 64: ยอดผู้ถูกดำเนินคดีการเมืองรวม 1,684 คน ในจำนวน 957 คดี](#), 4 December 2021; and see TLHR, [Human rights situation report April 2022](#).

<sup>33</sup> Interviews with Chalita Bundhuwong and 'Nát', 9 and 23 October 2021 respectively.

<sup>34</sup> See also Section 3 on protest crackdowns.

<sup>35</sup> Announcement in Pursuance to Art. 11 of the Emergency Decree on Public Administration in Emergency Situations BE 2548 (ประกาศ ตามมาตรา 11 แห่งพระราชกำหนดการบริหารราชการในสถานการณ์ฉุกเฉิน พ.ศ. 2548).

<sup>36</sup> Order of the Head Responsible to Solve the State of Serious Emergency, No. 2/2563 (2020), on prohibition of the use of transportation routes, buildings, or premises (คำสั่งหัวหน้าผู้รับผิดชอบในการแก้ไขสถานการณ์

ฉุกเฉินที่มีความร้ายแรง ที่ 2/2563 เรื่อง ห้ามการใช้เส้นทางคมนาคม อาคาร หรือสถานที่), 16 October 2020; Order of the Head Responsible to Solve the State of Serious Emergency, No. 9/2563 (2020), on prohibition of the use of transportation routes, buildings, or premises (คำสั่งหัวหน้าผู้รับผิดชอบในการแก้ไขสถานการณ์ฉุกเฉินที่มีความร้ายแรง ที่ 9/2563 เรื่อง ห้ามการใช้เส้นทางคมนาคม อาคาร หรือสถานที่), 18 October 2020; Order of the Head Responsible to Solve the State of Serious Emergency, No. 10/2563 (2020), on prohibition of the use of transportation routes, buildings, or premises (คำสั่งหัวหน้าผู้รับผิดชอบในการแก้ไขสถานการณ์ฉุกเฉินที่มีความร้ายแรง ที่ 10/2563 เรื่อง ห้ามการใช้เส้นทางคมนาคม อาคาร หรือสถานที่), 18 October 2020.

<sup>37</sup> Announcement of the State of Serious Emergency in the Bangkok Area (No. 2) (ประกาศสถานการณ์ฉุกเฉินที่มีความร้ายแรงในเขตท้องที่กรุงเทพมหานคร (ฉบับที่ 2)), 16 October 2020; Announcement to Revoke the State of Serious Emergency in the Bangkok Area, and Relevant Announcements, Regulations, and Orders (ประกาศ เรื่อง ยกเลิกประกาศสถานการณ์ฉุกเฉินที่มีความร้ายแรงในเขตท้องที่กรุงเทพมหานคร ประกาศ ข้อกำหนด และคำสั่งที่เกี่ยวข้อง), 22 October 2020.

<sup>38</sup> Order of the Head Responsible to Solve the State of Serious Emergency (No. 13/2020) on the Appointment of Media and Information Administration during the State of Serious Emergency Committee (คำสั่งหัวหน้าผู้รับผิดชอบในการแก้ไขสถานการณ์ฉุกเฉินที่มีความร้ายแรง ที่ 13/2563 เรื่อง แต่งตั้งคณะกรรมการบริหารจัดการสื่อและข้อมูลข่าวสารในสถานการณ์ฉุกเฉินที่มีความร้ายแรง), 18 October 2020. General Comment 34 of the ICCPR specifies that such restrictions cannot be placed on the media: 'para 39. States parties should ensure that legislative and administrative frameworks for the regulation of the mass media are consistent with the provisions of paragraph 3 ... It is incompatible with article 19 to refuse to permit the publication of newspapers and other print media other than in the specific circumstances of the application of paragraph 3. Such circumstances may never include a ban on a particular publication unless specific content, that is not severable, can be legitimately prohibited under paragraph 3.'

<sup>39</sup> During protests calling for elections in 2018 and 2019, 130 protesters and protest leaders faced legal charges, mainly for the violation of the Public Assembly Act, sedition, and violation of the coup leader's order. Many protest leaders faced multiple charges from different protest events. Their trials were still underway in 2021. See TLHR, [เช็คคดีคนอยากเลือกตั้งก่อนเปิดสภา: เขาและเธอ อยู่ตรงไหนในกระบวนการยุติธรรม](#), 20 May 2019.



<sup>40</sup> Excessive use of force against protesters is not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, and Tunisia, to be published across 2022 (details available on [our website](#)). For the UN's definition of 'less-lethal weapons', see Office of the UN High Commissioner for Human Rights, *Guidance on Less-Lethal Weapons in Law Enforcement*, 2020, p. 46.

<sup>41</sup> Announcement of the State of Serious Emergency in the Bangkok Area, 15 October 2020.

<sup>42</sup> Prasit Krutharaj, interviewed 23 September 2021.

<sup>43</sup> See a timeline of the events on 16 October 2020 at *BBC News Thai*, [เกาะติดเหตุสลายการชุมนุม 'คณะราษฎร' ที่แยกปทุมวัน](#), 17 October 2020.

<sup>44</sup> 'Pingpong', interviewed 23 September 2021.

<sup>45</sup> See detailed report on the use of tear gas by the Thai police against protesters on 16 October, 8 November, and 17 November 2020, and 28 February 2021, in Amnesty International, [Thailand: 'My face burned as if on fire': Unlawful use of force by Thailand's police during public assemblies](#), 2021.

<sup>46</sup> 28 February at the 1st Infantry Regiment: see report by [Thai Rath Online](#); 20 March at Sanam Luang near the Grand Palace; 2 May at the Criminal Court: see report by [Thai Rath Online](#); 18 July at Government House: see report by [Friends Talk](#); 7 August at the 1st Infantry Regiment: see report by [Friends Talk](#). The 6 March 2021 protest at the Criminal Court did not end with a crackdown. Some activists from WEVO were, however, arrested at a nearby area before the protest.

<sup>47</sup> Sarayuth Tangprasert, *Prachatai* journalist, interviewed 23 November 2021.

<sup>48</sup> Sarayuth Tangprasert, *Prachatai* journalist, interviewed 23 November 2021.

<sup>49</sup> 'ถ้าเขาเข้ามาในแนว อนุญาตให้ใช้กระสุนยางได้นะครับ ถ้าเขาถอยก็หยุดยิง ใช้ลูกฟอรั่มตอบโต้ ใช้กระสุนยางได้ เล็งเป้าแล้วยิงให้ยิงต่างๆที่ลำตัวเข้าไว้', recorded by the researcher from a livestream of the protest on 7 August 2021. See also <https://www.youtube.com/watch?v=jmrF6Ute5Ys>; [https://www.youtube.com/watch?v=ujakQGj5u\\_8](https://www.youtube.com/watch?v=ujakQGj5u_8); <https://www.youtube.com/watch?v=JexTzHfw-VU>; and a detailed report on *BBC News Thai*, [ชุมนุม 7 ส.ค. : 'เยาวชนปลดแอก' ยุติการชุมนุม หลัง ดร. ยิ่งแก้สหน้าตา-กระสุนยางใส่ 2 ชม](#), 7 August 2021.

<sup>50</sup> พ.ต.อ.กฤษณะ พัฒนเจริญ รองโฆษกสำนักงานตำรวจแห่งชาติ's interview on *Thai PBS* livestreaming, 7 August 2021, <https://www.youtube.com/watch?v=jmrF6Ute5Ys>. โดยหลักเวลายิงกระสุนยางหรือใช้อุปกรณ์อะไรก็แล้วแต่เพื่อเป็นการระงับ คงเป็นไปตามสถานการณ์ มีภัยคุกคามมาทางใดก็ต้องใช้เพื่อระงับยับยั้ง อย่างน้อยเป็นการป้องกันตนเอง สองเป็นการป้องกันไม่ให้เกิดความวุ่นวายในวงกว้างขึ้นไป

<sup>51</sup> See [report by PPTV HD 36](#) at 12.18 minutes.

<sup>52</sup> Observation from several livestreams that day.

<sup>53</sup> Personal observation during the protest, 14 October 2020.

<sup>54</sup> Perceptions of differential treatment by the state are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>55</sup> *BBC News Thai*, [ชุมนุม 8 พ.ย.: กลุ่มราษฎรตั้งตู้ไปรษณีย์จำลองใกล้พระบรมมหาราชวัง ส่ง 'ราษฎรสาส์น' ถึงรัชกาลที่ 10](#), 8 November 2020. Police used a bus to block the road during a demonstration on 8 November 2020, near the Grand Palace, that included symbolic activities to 'send letters to the King'.

<sup>56</sup> For example, on 25 November 2020; see *Springnews*, [ประกาศผู้คอนเทนเนอร์ รอบสำนักงานทรัพย์สินฯ](#), 25 November 2020.

<sup>57</sup> Earlier, on 29 November 2020, the Rassadorn was planning to organise a protest there but changed to another military compound, also related to the Royal Family's security guard, at the last minute as part of an effort to trick the authorities.

<sup>58</sup> Act to Revoke the Status of Public Property of the Land Used for Public Interest, especially the Treasury Land, in Thanon Nakorn Chaisri Sub-district, Dusit District, and Samsen Nai Sub-district, Phayatai District, Bangkok, 2019 (พระราชกฤษฎีกากถอนสภาพการเป็นสาธารณสมบัติของแผ่นดินที่ใช้เพื่อประโยชน์ของแผ่นดิน โดยเฉพาะของที่ราชพัสดุ ในท้องที่แขวงถนนนครไชยศรี เขตดุสิต และแขวงสามเสน ใน เขตพญาไท กรุงเทพมหานคร พ.ศ. 2562).

<sup>59</sup> Act to Transfer Human Resources and Partial Budget of the Thai Army, Ministry of Defence, to Belong to the Royal Guard Unit under the Royal Office, 2019 (พระราชกำหนดโอนอัตรากำลังพลและงบประมาณบางส่วน ของกองทัพบก กองทัพอากาศ กระทรวงกลาโหม ไปเป็นของหน่วยบัญชาการถวายความปลอดภัยรักษาพระองค์ ซึ่งเป็นส่วนราชการในพระองค์ พ.ศ. 2562).

- <sup>60</sup> See also *Voice Online*, **วิวัฒนาการ ‘มินเนียน’ บ่อมปรากการหน้าค่าย ‘ราบ 1 - ราม 11’**, 5 March 2021. ‘Minion’ is used to refer to plainclothes law-enforcement officers; their yellow shirts (a symbol of royalism in Thailand) and cropped haircuts (required for law-enforcement officers) are perceived as resembling the ‘minions’ from the US movie *Despicable Me*.
- <sup>61</sup> The activity continued daily at least until mid-December 2021.
- <sup>62</sup> Baramee Chairat, interviewed 15 November 2021.
- <sup>63</sup> Panadda Sirimassakul, interviewed 4 October 2021.
- <sup>64</sup> *Thai Post*, **มือบจะหน้าทำเนียบฯยอมถอย! ‘ธรรมนัส’เคลียร์เองสิ่งชะลอโครงการ**, 14 December 2020. Nevertheless, when the Chana community staged another protest in December 2021, they were dispersed by the police the night they started camping in front of Government House; 37 protesters were arrested and charged with violations of the State of Emergency Decree. See footage of the arrest in the **video taken by ‘Somchai’ (pseudonym)**, one of the movement’s leaders, at 13.00 minutes.
- <sup>65</sup> Perceptions of differential treatment by the state are not restricted to Thailand alone. See, for example, ARTICLE 19’s research in Kenya, Poland, and Tunisia, to be published across 2022 (details available on **our website**).
- <sup>66</sup> Prosecution of protesters is not restricted to Thailand alone. See, for example, ARTICLE 19’s research in Kenya and Poland, to be published across 2022 (details available on **our website**).
- <sup>67</sup> Chalita Bundhuwong, interviewed 31 January 2022.
- <sup>68</sup> ‘Bail’ (pseudonym), interviewed 21 September 2021.
- <sup>69</sup> The chilling effect of restrictions is not restricted to Thailand alone. See, for example, ARTICLE 19’s research in Brazil, Kenya, and Poland, to be published across 2022 (details available on **our website**).
- <sup>70</sup> Suwanna Tallek, interviewed 29 December 2021.
- <sup>71</sup> Prasit Krutharoj, interviewed 23 September 2021.
- <sup>72</sup> Prasit Krutharoj, interviewed 23 September 2021.
- <sup>73</sup> Panadda Sirimassakul, interviewed 4 October 2021.
- <sup>74</sup> Harassment, intimidation, arrests, and detention of protesters are not restricted to Thailand alone. See, for example, ARTICLE 19’s research in Brazil, Kenya, Poland, and Tunisia, to be published across 2022 (details available on **our website**).
- <sup>75</sup> ‘Film’, interviewed 16 September 2021.
- <sup>76</sup> Announcement of the Head Responsible to Solve the State of Serious Emergency, No. 1/2563 (2020), on detention area (ประกาศหัวหน้าผู้รับผิดชอบในการแก้ไขสถานการณ์ฉุกเฉินที่มีความร้ายแรง ที่ 1/2563 เรื่อง กำหนดสถานที่ควบคุม), 15 October 2020; and Announcement of the Head Responsible to Solve the State of Serious Emergency, No. 6/2563 (2020), on additional detention area (ประกาศหัวหน้าผู้รับผิดชอบในการแก้ไขสถานการณ์ฉุกเฉินที่มีความร้ายแรง ที่ 6/2563 เรื่อง กำหนดสถานที่ควบคุมเพิ่มเติม), 17 October 2020.
- <sup>77</sup> คำสั่งหัวหน้าผู้รับผิดชอบในการแก้ไขสถานการณ์ฉุกเฉินที่มีความร้ายแรง ที่ 15/2563 เรื่อง การปฏิบัติในการร้องขอจับกุมและควบคุมตัวบุคคล การออกคำสั่งเรียกบุคคลหรือส่งมอบเอกสารหลักฐาน และการออกคำสั่งตรวจค้นของพนักงานเจ้าหน้าที่ ตามมาตรา 11 แห่งพระราชกำหนดการบริหารราชการในสถานการณ์ฉุกเฉิน พ.ศ. 2548, 19 October 2020.
- <sup>78</sup> ประกาศหัวหน้าผู้รับผิดชอบในการแก้ไขสถานการณ์ฉุกเฉินที่มีความร้ายแรง ที่ 2/2563 เรื่อง ห้ามนำยานพาหนะบางประเภทและสิ่งของเข้าพื้นที่ควบคุม, 15 October 2020.
- <sup>79</sup> Art. 17 of the International Convention for the Protection of All Persons from Enforced Disappearance requires the State to ‘Guarantee that any person deprived of liberty shall be held solely in *officially recognized and supervised places* of deprivation of liberty’ (emphasis added). The ad hoc detention centres could be argued to be in ‘officially recognised and supervised places’ as they are designated by the announcement issued under the State of Public Emergency Act. Harassment, intimidation, arrests, and detention of protesters are not restricted to Thailand alone. See, for example, ARTICLE 19’s research in Brazil, Kenya, Poland, and Tunisia, to be published across 2022 (details available on **our website**).
- <sup>80</sup> Khoomklao Songsomboon, interviewed 14 December 2021.
- <sup>81</sup> On 15 October 2021, after a crackdown on a demonstration that day, ARTICLE 19 went to the Border Patrol Police Region 1 to ascertain the whereabouts of the protesters. There were fully armed officers blocking the entrance to the compound while media representatives waited outside. The researcher was not allowed inside.

<sup>82</sup> Interview with a Thammasart University lecturer who had frequently posted bail for his students.

<sup>83</sup> Panadda Sirimassakul, interviewed 4 October 2021. See [this photo](#), taken by a politician who was allowed to visit the arrested protesters here.

<sup>84</sup> See also ARTICLE 19, [Breaking the silence: Thailand's renewed use of lèse-majesté charges](#), March 2021.

<sup>85</sup> Perceptions of differential treatment by the state are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>86</sup> Ibid.

<sup>87</sup> A description of their roles in criticising the monarchy among the Thai public can be found in Hathairat Phaholtap and David Streckfuss, [‘The ten demands that shook Thailand’](#), *New Mandala*, September 2020; Laignee Barron, [“I think our goal is worthy for everyone in Thailand”: Meet the lawyer trying to reform the Thai monarchy](#), *Time*, September 2020.

<sup>88</sup> Compiled from TLHR, [สถิติผู้ถูกดำเนินคดีมาตรา 112 “หมิ่นประมาทกษัตริย์” ปี 2563-65](#), 16 December 2020, updated 30 January 2022; and TLHR, [สถิติผู้ถูกคุมขังทางการเมืองในระหว่างต่อสู้คดี](#), 11 December 2020, updated 30 January 2022.

<sup>89</sup> Harassment, intimidation, arrests, and detention of protesters are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>90</sup> Other protest-related convictions came with fines or suspended sentences, not imprisonment.

<sup>91</sup> Chalita Bundhuwong, interviewed 15 December 2021.

<sup>92</sup> Perceptions of differential treatment by the state are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>93</sup> See e.g. reports of the lawyer's online meetings with

political activists at *Prachatai*, [นายเผยเยี่ยมลูกความเรือนจำรังสิตแสนวิบาก คอยกลางแจ้ง เนตซ่า สายแลนไม่พอ แคมติดโควิดทั้งทนายทั้งลูกความ](#), 17 August 2021; TLHR, [บันทึกเยี่ยมเบนจา อะปัญญา: ‘แล้วพอสิ่งต่างๆ มันหายไป เลยไม่รู้ว่าจะทำอะไร’](#), 12 October 2021; TLHR, [เยี่ยม\(เกือบ\)กัณฑ์ คุณมีเวลาเพียงสิบนาทีในการเยี่ยม: บันทึกเยี่ยมเบนจาที่สั้นที่สุด](#), 16 October 2021.

<sup>94</sup> Harassment, intimidation, arrests, and detention of protesters are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>95</sup> Protest leader, interviewed 30 October 2021.

<sup>96</sup> Saowanee T. Alexander, interviewed 20 November 2021.

<sup>97</sup> Khon Kaen Porguntee's Facebook post on 12 December 2020; and the *Isaan Record's* report of the visit to a student activist from the Liberated Ubon group, available on the *Isaan Record's* Facebook post on 14 December 2020.

<sup>98</sup> See e.g. TLHR, [นอกเครื่องแบบติดตามประชาชนในสกลนคร 4 ราย อ้างเป็น ‘บุคคลเฝ้าระวัง’ ถูกรื้อสวะเข้าบ้านโดยไม่ได้รับอนุญาต](#), 12 May 2021, for cases in Sakon Nakorn province; [นร.-นศ.-นักกิจกรรมร้อยเอ็ด 9 คน ‘ถูกปราบจัตกิจกรรม-ห้ามออกนอกบ้าน’ ก่อนพระเทพฯ เด้งเปิดหอโหวด 101](#), 20 May 2021, for cases in Roi Et province; and [ตร.ล้อมบ้านนักกิจกรรม Korat Movement ทั้งคืนทั้งวันก่อนพระเทพฯ เสด็จ ทั้งไปสั่งแม่ห้ามนักกิจกรรมออกจากบ้าน อ้างกลัวก่อเหตุเผาชุมชน-ทำลายขบวนเสด็จ](#), 26 November 2021, for cases in Nakorn Ratchasima (Korat) province.

<sup>99</sup> Later, a civilian filed a police report claiming Ramil had violated the National Flag Act because the flag he used in his art piece did not have the blue colour that represents the monarchy. The police subsequently added *lèse-majesté* charges arising from words written by protesters from previous protests on his artwork. Shivanjali Vitthaya-Serivaddhana (Ramil), interviewed 21 September 2021.

<sup>100</sup> Sriprai Nonsee, interviewed 14 September 2021.

<sup>101</sup> Piyarat Chongthep's Facebook post on 20 November 2020.

<sup>102</sup> See iLaw, [‘Watchlist’](#), [เมื่อรัฐขึ้นบัญชีจับตาประชาชนที่ต่อต้าน](#), 31 August 2021. The partial censored list is available [here](#).

<sup>103</sup> See the Move Forward Party's [presentation](#) during the no-confidence debate, at 1 hour 8.00 minutes. Harassment, intimidation, arrests, and detention of protesters are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>104</sup> See e.g. TLHR, [นอกเครื่องแบบติดตามประชาชนในสกลนคร 4 ราย อ้างเป็น 'บุคคลเฝ้าระวัง' ถือวิสาสะเข้าบ้านโดยไม่ได้รับอนุญาต](#), 12 May 2021; [นร.ม.6 เชียงราย ถูกตร.คุกคามถึง รร. อ้างอยู่ในรายชื่อบุคคลเฝ้าระวัง 40 กว่าราย เกรงเดินทางร่วมชุมนุมกรุงเทพ](#), 19 February 2021.

<sup>105</sup> 'Pie', interviewed 3 October 2021.

<sup>106</sup> Chumaporn Taengkliang, interviewed 15 September 2021.

<sup>107</sup> Facebook post of PLK Brainstorm, the organiser of the Pitsanulok car mob, dated 5 August 2021. See also TLHR, [2 ผู้จัดคาร์ม็อบพิษณุโลก ถูกตำรวจตามคุกคาม จนต้องประกาศเลื่อนกิจกรรมไม่มีกำหนด](#), 9 August 2021.

<sup>108</sup> Stigmatising narratives are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, Poland, Tunisia, and the USA, to be published across 2022 (details available on [our website](#)).

<sup>109</sup> At the time of this statement, General Apirat was the Commander-in-Chief. *Thai PBS*, ['Gen Apirat: Army chief with strong political views'](#), 3 September 2020.

<sup>110</sup> A protest activity designed as a festival of activities related to social issues, on Silom Street, Bangkok.

<sup>111</sup> ศาลอาญา คดีหมายเลขดำที่ 286/2564 ลงวันที่ 9 ก.พ. 2564, cited in TLHR, [คดี112 - พ.ร.ก.ฉุกเฉินฯ MobFest 14 พฤศจิกายน](#).

<sup>112</sup> [Constitutional Court Ruling No. 19/2564](#), 10 November 2021, unofficial translation by Tyrell Haberkorn. Art. 49 of the 2017 Constitution permits citizens who believe others are trying to overthrow the democratic regime of government with the King as head of state to petition to the Attorney-General to submit a motion to the Constitutional Court for an order to cease such acts.

<sup>113</sup> See e.g. [press conference](#) on 14 February 2021 about the Free Youth protest on 13 February 2021 (at 1.45 minutes); [press conference](#) about the Thalufah protest on 13 August 2014; [press conference](#) on 13 September 2021 about the clash with the Talugaz group on 12 September 2021 (at 3.10 minutes onwards). See also *Manager Online*, [ตำรวจจัดกำลัง 14 กองร้อย](#)

[คู่มือ REDEM](#), 28 February 2021; [press conference](#) on 7 August 2021; [press conference](#) on 10 August 2021 about the Thammasart United Front protest on 10 August 2021, in which police claimed that the protesters who burned an effigy of a minister and threw paint at a sign of the King Power Group (a Thai travel retail group) had destroyed private property and attacked police officers.

<sup>114</sup> 'Pie', interviewed 3 October 2021; [see video clip](#) report from the scene and chronology of the events of the day at *The Standard*, [สรุปชุมนุม #มือบ7สิงหา แก๊งน้ำตา กระสุนยาง และปฏิบัติการสลายการชุมนุมตลอดทั้งวัน](#), 7 August 2021. Excessive use of force against protesters is not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>115</sup> Stigmatising narratives are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, Poland, Tunisia, and the USA, to be published across 2022 (details available on [our website](#)).

<sup>116</sup> Regulation on Maintenance of Order in Criminal Court Compound, 17 March 2021. From early 2021, ARTICLE 19's researcher observed tightened security measures in the court area on the days when there were proceedings related to political movements. Unlike on other days, when the public can enter the court building freely, there would be screening of court visitors, and only people directly relevant to a court case like lawyers and guarantors would be allowed to enter the building.

<sup>117</sup> Public notification of Bodin Decha school, 17 August 2020.

<sup>118</sup> TLHR, [นักเรียนชูสามนิ้ว-ติดโบว์ขาว 3 วันร้องเรียนถูกคุกคาม-ปิดกั้น 103 กรณี](#), 21 August 2020. See also examples of news reports of schools' punishment of students who had organised symbolic protest in *Manager Online*, [โพลอีก! ครูทำโทษนักเรียนชู 3 นิ้วที่กระบี่ อ้างเข้าใจผิด](#), 20 August 2020. Harassment, intimidation, arrests, and detention of protesters are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Brazil, Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>119</sup> Kwankhao Tangprasert, interviewed 21 September 2021.

<sup>120</sup> *Post today*, [สรุปเหตุปะทะม.รามเสียดชีวิต-ไม่มีสไนเปอร์](#), 7 December 2013. Many members of the former United Front of Democracy against Dictatorship joined the pro-democracy movement in 2020–21.

<sup>121</sup> Perceptions of differential treatment by the state are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>122</sup> Protester interviewed 25 October 2021.

<sup>123</sup> Perceptions of differential treatment by the state are not restricted to Thailand alone. See, for example, ARTICLE 19's research in Kenya, Poland, and Tunisia, to be published across 2022 (details available on [our website](#)).

<sup>124</sup> 'Jingjai Jaijing', interviewed 20 September 2020.

<sup>125</sup> Chalita Bundhuwong, interviewed 23 October 2021; Adison Jantrasook, interviewed 12 November 2021.

<sup>126</sup> In Thailand, any person can file a *lèse-majesté* case against another.

<sup>127</sup> See detailed report on the use of tear gas by the Thai police against protesters on 16 October, 8 November, and 17 November 2020, and 28 February 2021, in Amnesty International, [Thailand: 'My face burned as if on fire': Unlawful use of force by Thailand's police during public assemblies](#), 2021.

<sup>128</sup> See detailed report on the use of tear gas by the Thai police against protesters on 16 October, 8 November, and 17 November 2020, and 28 February 2021, in Amnesty International, [Thailand: 'My face burned as if on fire': Unlawful use of force by Thailand's police during public assemblies](#), 2021.



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