

No. 52101/ 802



PERMANENT MISSION OF THAILAND
GENEVA

26 December B.E. 2555 (2012)

Dear Mr: La Rue,

I wish to refer to your letter dated 14 December 2012, expressing concerns regarding the lèse majesté law in Thailand. The Permanent Mission has forwarded your letter to the relevant agencies in Thailand for their further consideration. In the meantime, I wish to provide you with a preliminary response as follows:

1. As a liberal democratic society, Thai people enjoy their constitutional rights, including the rights to freedom of opinion and expression. At the same time, any person abusing their rights by spreading hate speeches or distorted information to incite violence and hatred among Thais as well as the monarchical institution in contravention to the law must be held accountable in accordance with the law.

2. According to the Thai Constitution, the monarchy is not in a position to file any lawsuits. Section 112 of the Criminal Code and other related laws therefore exist to provide for their protection, just like provisions regarding libel suits for a Thai citizen. As you also pointed out, the Constitutional Court of Thailand recently reaffirmed the constitutionality of Section 112 of the Criminal Code. The Court further said in its verdict that the protection, including the offence and penalty, is in effect commensurate with the stature of head of state and is vital to the country's national security while it does not violate an individual's rights to freedom of opinion and expression.

Mr. Frank La Rue,

Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression,

Office of the High Commissioner for Human Rights,

Palais des Nations,

GENEVA.

OHCHR REGISTRY

Fax: 022 917 9006, 022 917 9008

27 DEC 2012

Reference: AL G/SO 214 (67-17) THA 13/2012

Recipients: S&S
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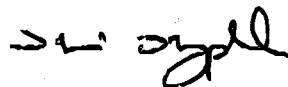
3. Our communications such as No. 52101/223 dated 4 April 2012 also explained at length how the status of the Thai monarchy's relationship to the Thai society is different from that of other constitutional monarchies. Indeed, the close bonds between the Thai monarchy, as the Soul of the Nation, and the people of Thailand are genuine and unique in present day circumstances. As a result, the lèse majesté law in Thailand exists as a result of societal consensus based on expression of popular will. Our communication has also explained how and why Section 112 of the Criminal Code, under which is charged, is in conformity with relevant international human rights laws.

4. Contrary to your concerns about the chilling effect on freedom of expression in Thailand, the Kingdom remains one of the most vibrant countries in the region in terms of freedom of opinion and expression, as evidenced by our increasingly active and vocal civil society. Regarding the lèse majesté law itself, there have been healthy discussions which remain ongoing. As the law is regarded as part of Thailand's domestic affairs, the Thai people will find an appropriate approach through such discussions.

5. I believe our communications have addressed your general concerns as well as concerns regarding particular cases. We appreciate your acknowledgement of these replies, and it is our hope that our clarifications, especially of the unique circumstances in Thailand and compliance of laws with international standards, would be duly taken into consideration. In particular, we believe that Question No. 2 of your letter has already been addressed in our communication dated 4 April 2012 as mentioned above.

Lastly, please rest assured of our commitment to continuing dialogue and cooperation with your mandate and I look forward to a discussion with you on a future occasion.

Yours sincerely,



(Thani Thongphakdi)

Ambassador and Permanent Representative