



No. 52101/16

PERMANENT MISSION OF THAILAND  
GENEVA

12 January B.E. 2561 (2018)

Dear Sirs,

With reference to your letter ref. UA THA 7/2017 dated 22 December 2017, concerning the use of the *lèse-majesté* law and the Computer Crime Act, I would like to inform you that your letter has been duly forwarded to the relevant agencies in Thailand for their consideration and will send you further information as soon as it is received.

In the meantime, I wish to provide initial clarifications on the use of the *lèse-majesté* law and the Computer Crime Act as follows:

1. The Government supports and values freedom of expression and believes that it is the basis of a democratic society. People can freely exercise the right to freedom of expression. Nevertheless, such right is not absolute and must be exercised within the boundary of the law and not in a manner that disrupts public order and social harmony or infringe upon others' rights or reputations, as stipulated in Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR). The application of the *lèse-majesté* law is also in accordance with those objectives.

2. It is important to understand that the Thai Monarchy has been a pillar of stability in Thailand. The institution is respected and revered throughout all levels of Thai society. The Thai sense of identity is closely linked to the monarchy. For this reason, the *lèse-majesté* law has an objective in giving protection to the rights or reputation of the King, the Queen, and the Heir-apparent, and the Regent, in a similar way the laws on slander and libel protect the ordinary people against defamation. The *lèse-majesté* law, hence, to certain extent, reflects and accords with Thai traditional and cultural values with respect to the Monarchy. It is not aimed at curbing people's right to freedom of expression.

3. As with other criminal offences, proceedings on *lèse-majesté* cases are conducted in accordance with due legal process. Persons who are charged for *lèse-majesté* are also entitled to the same rights as those charged for other criminal offences.

/ ...

Mr. David Kaye,

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

Mr. Michel Forst,

Special Rapporteur on the situation of human rights defenders;

Office of the United Nations High Commissioner for Human Rights,  
GENEVA.

4. Thai law also provides that the judge may use discretion to hold closed trials in certain cases if they are deemed to involve sensitive matters in the interest of public order, good morals or national security. This is consistent with Article 14 of the ICCPR and not dissimilar to the practice in other countries.

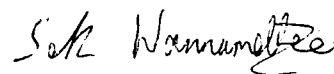
5. Regarding the Computer Crime Act, its objective is to crack down on illegal activities and dissemination of false information. This will enhance public protection from emerging unconventional threats such as terrorism, cyber-attacks, hacking, frauds, and illegal websites. It also helps strengthen the implementation of other laws, such as the Amendment to the Criminal Code to criminalise child pornography of 2015. The Computer Crime Act does not aim to be used particularly for security reasons or restricting people's rights to freedom of opinion and expression as many parties concerned.

6. The most recent amendment to the Computer Crime Act in 2017 underscores the Government's efforts to ensure that the enforcement is more in accordance with the spirit of the law and provide better protection and fairness to internet users. For example, greater clarity was made in section 14 which had previously been used against individuals on the offence of defamation. The amended Act clearly stipulates the exclusion of the defamation offences that already exist in the Criminal Code, so as to ensure that the section will now be used in the case of fraud and forgery as originally intended. Given the new Act has already become effective and has a retroactive effect, all defamation charges under the previous Act shall be disposed.

I hope that the clarification provided will help address some of your concern on this matter and would be duly taken into consideration.

In reassuring you of Thailand's continued commitment to cooperating with all Special Procedures under the Human Rights Council to promote and protect the human rights of all people, I remain,

Yours sincerely,



(Sek Wannamethee)

Ambassador and Permanent Representative