

Thai court jails journalist for 11 years for lese majeste

By John Roberts
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Thailand's Criminal Court has imposed an 11-year jail term on journalist Somyot Prueksakasemsuk under Section 112 of the criminal code on the anti-democratic charge of *lese majeste* or insulting the country's monarchy. A four-judge panel handed down the sentence on January 23 in a trial without jury.

Somyot received consecutive five-year terms for each of two articles that appeared in the *Voice of the Oppressed* (*Voice of T aksin*) magazine in February and March of 2010 deemed by the court to be insulting to the family of King Bhumibol Adulyadej. Somyot was the magazine's editor and a well-known political activist.

The articles were allegedly written by Jakrapob Penkair, a spokesman for former Prime Minister Thaksin Shinawatra, who was ousted in a military coup in 2006. Like Thaksin, Jakrapob now lives in exile. The articles made references to the eighteenth century Chakri Dynasty after the death of King Taskin that were regarded by the court as offensive.

In addition to the 10-year jail term, the judges added another year for a 2009 conviction for defaming the monarchy that had previously been suspended.

Somyot's lawyer Karom Polpornklang said his client would appeal the court's ruling and seek bail. But the journalist has already been denied bail 12 times since his arrest on April 30, 2011 and remained in prison throughout his trial that began in April 2012.

The court decision provoked protests by foreign diplomats and human rights groups. The UN High Commissioner for Human Rights Navi Pillay issued a statement on January 23 describing the sentence was "a setback for the protection and promotion of human rights in Thailand" and part of "a disturbing trend in which *lese majeste* charges are used for political purposes."

The Criminal Court's chief judge Thawe Prachuablarb publicly defended the ruling on January 24, saying that the *lese majeste* law reflected Thailand's culture. "It is narrow-minded," he said, "to describe the court as barbaric or as an organisation that protects the monarchy." He warned of legal action for unfair attacks upon the decision.

The Somyot case is just one of dozens being pursued under the *lese majeste* law, as part of an offensive by the country's traditional elites to silence criticism of the monarchy.

The monarchy has been the linchpin of the Thai state apparatus and has at times of crisis intervened to defuse disputes in ruling circles. However, the king's role as a neutral arbiter was seriously compromised by the monarchy's partisan support for opponents of Thaksin during the protracted political turmoil that led up to and followed his ousting in September 2006.

The monarchy tacitly supported the anti-Thaksin demonstrations organised by the People's Alliance for Democracy (PAD) or "Yellow Shirts" that created the political climate for the army coup. The colour yellow is traditionally associated with the king.

PAD protests resumed in 2008, after a pro-Thaksin party won the 2007 election. After a year of upheaval including the removal of two prime ministers by court decisions, a Democrat Party-led government headed by Prime Minister Abhisit Vejjajiva was installed with the assistance of the military.

The bitter infighting within the country's ruling elites continued in 2009 and 2010. The pro-Thaksin United Front for Democracy Against Dictatorship (UDD) or "Red Shirts" organised mass protests against the Abhisit regime and called for new elections. The climax came in May 2010 when Abhisit ordered the army to violently suppress the UDD occupation of

central Bangkok resulting in at least 90 dead and 1,500 injured. Most of the casualties were unarmed demonstrators.

The country's traditional elites, including the monarchy, the military and state bureaucracy, initially backed Thaksin in the election that brought him to power in 2001, but became increasingly hostile as he opened up the country to foreign investment and undermined longstanding patterns of political patronage.

The monarchy and the military were particularly hostile to Thaksin's populist appeals to the rural poor in the country's North and North East which raised expectations and the danger of social unrest. Thaksin built a base of support through limited concessions including low-cost health care and cheap credit to the villages.

Both the pro- and anti-Thaksin factions of the ruling class took fright when the urban and rural poor joined the Red Shirt protests and began to criticise the political dominance of the "Bangkok elites" and raise their own social demands. The monarchy also came under criticism despite the country's draconian *lese majeste* laws.

In the wake of the military crackdown, both sides sought a compromise to prevent the re-emergence of social and political upheaval. Prior to the July 2011 election, representatives of Thaksin met secretly with those of the military and monarchy to reach an arrangement that would allow Thaksin's sister Yingluck Shinawatra to form a government if the pro-Thaksin Puea Thai party won.

After taking office, Yingluck has kept her side of the deal, which included not interfering with the military, pledging loyalty to the king and allowing the *lese majeste* laws to stand. The charges against Somyot were laid under Abhisit's military-backed government as it sought to clamp down on political opposition, especially towards the monarchy.

Sharp tensions within the ruling elite remain. Last year, special prosecutors charged Abhisit and his deputy Suthep Thaugsuban with murder and other offences over the 2010 military crackdown. The decision to prosecute the former prime minister is undoubtedly a thinly-veiled threat against the military as well. In contrast to Somyot, Abhisit has not been detained and continues as leader of the opposition

Democrat Party.

The charging of Abhisit is in part aimed at stemming growing resentment among UDD supporters towards the government over its accommodation with the traditional elites. Thousands of Redshirt demonstrators calling themselves the "January 29 for the Release of Political Prisoners" group gathered last month in Bangkok's Royal Plaza to support the call for a general amnesty for all political offences since 2006.

While a general amnesty could end any charges or potential charges against Abhisit and the military, it would also lead to dropping of *lese majeste* charges against Somyot and others, as well as paving the way for the return of Thaksin from exile. All of this is anathema to the monarchy and the military.

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