

THAILAND

	2009	2011
INTERNET FREEDOM STATUS	n/a	Not Free
Obstacles to Access	n/a	12
Limits on Content	n/a	23
Violations of User Rights	n/a	26
Total	n/a	61

POPULATION: 68.1 million
INTERNET PENETRATION: 27 percent
WEB 2.0 APPLICATIONS BLOCKED: No
SUBSTANTIAL POLITICAL CENSORSHIP: Yes
BLOGGERS/ONLINE USERS ARRESTED: Yes
PRESS FREEDOM STATUS: Partly Free

INTRODUCTION

Although Thai citizens have been posting online commentary for well over a decade,¹ internet users have played a particularly significant role in challenging the established political power structure since the military coup of September 19, 2006. Topics of discussion restricted or censored in traditional print and broadcast media are openly addressed via the internet, in particular issues related to the monarchy. Moreover, both the red-shirted United Front for Democracy Against Dictatorship (UDD) and the yellow-shirted supporters of the People's Alliance for Democracy (PAD) have utilized digital media and online resources to mobilize constituents for popular protests.²

This has provoked greater efforts by the government to control the free flow of information and commentary online. Over the past two years, thousands of websites have been blocked and several people prosecuted for disseminating information or views online. Internet freedom particularly deteriorated after a state of emergency was declared in April 2010; it remained in effect through to late December 2010. Ironically, the large-scale blocking of websites critical of the royal family has further deepened the politicization of the monarchy in the eyes of many Thais, while the increased content restrictions and legal harassment have contributed to greater self-censorship in online discussions. However,

¹ Phansasiri Kularb, "Communicating to the Mass on Cyberspace: Freedom of Expression and Content Regulation on the Internet," in *State and Media in Thailand During Political Transition*, ed. Chavarong Limpattanapanee and Arnaud Leveau (Bangkok: Institute de Recherche sur l'Asie du Sud-Est Contemporaine, 2007).

² The PAD is comprised of a grouping of royalists, business elites, and military leaders with support in the urban middle class, while the UDD generally draws its support from the north, northeast, and rural areas, among whose residents former Prime Minister Thaksin Shinawatra remains popular.

these developments have also helped inspire a burgeoning movement of politically conscious internet users, or “netizens,” who favor greater protections for freedom of expression and are eager to exchange information and views about how Thailand is governed.

The first internet connection in Thailand was made in 1987 between the Asian Institute of Technology (AIT), the University of Melbourne, and the University of Tokyo. The following year, the Australian International Development Plan (IDP) assisted Prince of Songkhla University (PSU) in setting up a dial-up e-mail connection. By 1991, five universities had established internet connectivity, and by 1995, the technology was commercialized and made available to the general public.³

OBSTACLES TO ACCESS

According to the National Electronics and Computer Technology Center (NECTEC), the number of internet users in Thailand steadily increased from 3.5 million in 2001 to 18.3 million in 2009, or 27 percent of the country’s roughly 66 million people.⁴ Mobile telephony is more widespread, with over 69 million mobile-phone subscribers in 2010, and a penetration rate of 104 percent.⁵ This is a marked increase from a penetration rate of about 27 percent in 2002.⁶

Internet and broadband usage continued to expand in 2010. The National Telecommunications Commission (NTC) reported that as of September 2010, Thailand had over 2.6 million broadband subscribers, representing a growth of almost 24 percent over the previous year.⁷ These gains have been driven by declining prices as well as an increased demand for alternative sources of information and platforms for networking and sharing information amid the country’s ongoing political crisis. The emergence of popular social-networking sites has also fueled greater internet usage. A 2009 study found that most internet users had access to high-speed internet, while approximately 10 percent used dial-up and 10 percent accessed the internet from their mobile phones.⁸ Nevertheless, most complaints received by the Telecommunications Consumer Protection Institute (TCI)

³ Sirin Palasri, Steven Huter and Zita Wenzel, *The History of the Internet in Thailand* (Eugene: University of Oregon, 1999), <http://www.nsrc.org/case-studies/thailand/english/index.html>.

⁴ National Electronics and Computer Technology Center (NECTEC), “Internet User in Thailand,” <http://internet.nectec.or.th/webstats/internetuser.iir?Sec=internetuser>, accessed July 3, 2010. The International Telecommunications Union (ITU) cites a similar number of 17.4 million users in 2009, “ICT Statistics 2009—Internet,” http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/InformationTechnologyPublic&ReportFormat=HTML4.0&RP_intYear=2009&RP_intLanguageID=1&RP_bitLiveData=False.

⁵ National Telecommunications Commission (NTC), “Thailand ICT Info,” December 16, 2010, <http://www.ntc.or.th/TTID/>.

⁶ Ibid.

⁷ Ibid.

⁸ NECTEC, *Internet User Profile of Thailand 2009* (Bangkok: NECTEC, 2009), 52–56; National News Bureau of Thailand (NNT), “Survey Shows Growth in Internet Use,” press release, January 15, 2010, <http://thainews.prd.go.th/en/news.php?id=255301150043>.

involve connections that prove slower than advertised by internet-service providers (ISPs).⁹ High-speed internet is available in cybercafes, which are used mostly by young people to play online games.

Despite the growing usage in recent years, only 7 percent of Thai households have access to a computer, whereas color television sets can be found in 95.5 percent of households.¹⁰ According to a 2009 study of internet users, the majority used a home or workplace connection, with only a small percentage using cybercafes.¹¹ The survey also found more women getting online than men. Users are concentrated in urban rather than rural areas, though the number of rural users has risen slightly in recent years.¹² Low-income groups and the elderly are also less likely to have the resources or computer literacy needed to access the internet.

Presenting another barrier to greater access, the cost of internet service in Thailand is high compared to the income of many Thais. An ADSL broadband connection costs US\$20 per month,¹³ while the minimum daily wage is about US\$7.¹⁴ However, the main factor behind the low penetration rates is a long-standing lack of a dedicated government effort to build up the fixed-line infrastructure and boost the development of information and communications technologies (ICTs).

Advanced web applications such as the video-sharing site YouTube, the social-networking site Facebook, the Twitter microblogging platform, and international blogging services like Blogger are freely available in Thailand. Such sites have become important spaces for political expression, including messages that implicitly challenge the existing political power structure and prevalence of elite politics. Social media have also been a key channel for citizen journalists to disseminate reports on events not covered by the mainstream media, as during the civil unrest in April and May 2010.¹⁵ YouTube, Facebook, and Twitter were all in the top 20 most visited websites in Thailand during 2010.¹⁶ The number of Facebook users has increased exponentially in recent years, growing

⁹ "Civic Sector Submitted a Complaint to TCI to Solve Problem on Telecommunications Services," Telecommunications Consumer Protection Institute (TCI), December 14, 2010, http://www.tci.or.th/newshot_detail.php?id=23#newshot (in Thai).

¹⁰ Economist, *Pocket World in Figures: 2010 Edition* (London: Economist Newspaper Limited, 2010), 227.

¹¹ NECTEC, *Internet User Profile of Thailand 2009*; National News Bureau of Thailand (NNT), "Survey Shows Growth in Internet Use."

¹² Lekasina's Blog, "Internet User Profile in Thailand," blog, January 18, 2010, <http://lekasina.wordpress.com/2010/01/18/internet-user-profile-in-thailand-2009/>.

¹³ "ADSL Internet Prices in Thailand- November 2010," Select IT, <http://www.select.co.th/2010/11/adsl-internet-prices-in-thailand/>, accessed February 16, 2011.

¹⁴ "Thailand Raises Minimum Wage," Thailand Business News, December 10, 2010, <http://thailand-business-news.com/economics/27852-thailand-raises-minimum-wage>.

¹⁵ Thai Netizen Network, *Internet Liberty Report 2010* (Bangkok: Thai Netizen Network, 2010).

¹⁶ "Top Sites in Thailand," Alexa, <http://www.alexa.com/topsites/countries/TH>, accessed February 16, 2011.

from approximately 250,000 in January 2009 to three million in May 2010 and over six million by December 2010.¹⁷

Some 125 ISPs have been licensed to operate in Thailand.¹⁸ However, the state-owned TOT, formerly the Telephone Organization of Thailand, retains the largest market share for high-speed internet services, with 41.2 percent at the end of the first quarter of 2009. Its closest competitors are two privately owned companies, True Corporation, with 37.6 percent, and TT&T, with 20.8 percent.¹⁹

The state-owned Communication Authority of Thailand (CAT) controls spectrum and the international internet gateway. TOT is supervised by the Ministry of Information and Communication Technology (MICT), which implements the Computer Crimes Act (CCA) of 2007 and filters restricted content. MICT oversight means that political actors are able to direct the activities of TOT and CAT, which obstructs the development of the telecommunications sector. Opening a cybercafe in Thailand involves a relatively simple registration process.

Three major mobile-phone service providers are private companies; two of them are owned by companies based in Singapore and Norway that operate under concessions from TOT and CAT. This allocation system does not promote free-market competition. The licensing process for third-generation (3G) mobile-phone service and wireless broadband has been delayed by political disputes. TOT has clashed with the NTC over the reallocation of TOT-owned spectrum, and providing 3G licenses to private mobile-phone companies, a move that it fears would cause TOT to lose significant revenue due to reduced profits from concessions. Conflicts over the creation of a new telecom regulator have also contributed to the delays.²⁰

In 2004, the NTC was established as a nonpartisan regulatory body. It is generally seen as independent from the government, but is sometimes subject to political or corporate influence through patronage networks. Plans for the establishment of an independent television and radio regulator called the National Broadcasting Commission (NBC) were scuttled after the 1997 constitution was annulled during the 2006 coup, while the new constitution calls for a single entity to handle the duties of the NTC and the NBC. Legislation to that effect—an amendment of the Broadcast and Telecommunication Frequencies Allocation and Regulation Act—finally passed the parliament in late 2010, but continued disagreements among the stakeholders have further delayed the formation of and

¹⁷ "Politics Drives Facebook Membership in Thailand Past 3 Million Mark," Asian Correspondent, May 21, 2010, <http://asiancorrespondent.com/jon-russell/2010/05/21/politics-drives-facebook-membership-in-thailand-past-3-million-mark>; Socialbakers, "Thailand Facebook Statistics," <http://www.socialbakers.com/facebook-statistics/thailand>.

¹⁸ NTC, "List of Licensed Telecommunications Businesses," <http://www.ntc.or.th/license/index.php?show=all> (in Thai), accessed August 8, 2010.

¹⁹ Sinfah Tunsarawuth and Toby Mendel, "Analysis of Computer Crime Act of Thailand," Center for Law and Democracy, May 2010, <http://www.law-democracy.org/wp-content/uploads/2010/07/10.05.Thai-Computer-Act-Analysis.pdf>.

²⁰ Phisanu Phromchanya, "Thai Court Stalls 3G-License Auction," *Wall Street Journal*, September 16, 2010, <http://online.wsj.com/article/SB10001424052748703440604575495641836172872.html#>.

licensing by the merged regulator, the National Broadcast and Telecommunication Commission (NBTC). As a result, a full 3G license has not been granted, though the service is available to a limited extent via trial networks and within specific areas.²¹ More generally, multiple agencies are involved with responding to reported violations of the CCA, creating confusion, overlap, and greater space for abuse of the law's vague provisions.

LIMITS ON CONTENT

Although the Thai government has been blocking some internet content since 2003, the restrictions have expanded in recent years, in terms of both the number of websites targeted and the scope of topics censored. According to a 2007 study by the OpenNet Initiative, most of the websites blocked by the authorities at the time involved pornography, online gambling, or circumvention tools. Even within those subject areas, filtering was inconsistent, with different ISPs blocking different information. Nevertheless, some politically oriented websites were found to be blocked. They included an anti-coup site (www.19sept.com) and sites related to the Patani region in the south, including the Patani Malay Human Rights Organization (www.pmhro.org). Several individual URLs selling texts critical of the monarchy were found to be blocked on the online bookseller Amazon.com.²²

Since 2007, the number of websites blocked by the authorities has grown significantly, particularly those with content perceived as critical of the monarchy.²³ A recent academic study highlights the overall scale of, and exponential increase in, online censorship over the past three years.²⁴ According to the report, there have been 117 court orders to block access to nearly 75,000 URLs since 2007. On average, 690 URLs are blocked daily. In 2007, there was one court order to block two URLs. In 2008, there were 13 court orders to block 2,071 URLs. In 2009, there were 64 court orders to block 28,705 URLs, and then in 2010, there were 39 court orders to block 43,908 URLs. The research also shows that the vast majority of the websites (57,330 URLs) were blocked due to lese majeste content, while a much smaller number were blocked for material involving pornography (16,740 URLs), abortion (357 URLs), gambling (246 URLs), or other

²¹ Nicole McCormick, "3G Still on Hold in Thailand," Telecom Asia, February 2, 2011, <http://www.telecomasia.net/content/3g-still-hold-thailand>.

²² OpenNet Initiative, "Country Profile: Thailand," May 9, 2007, <http://opennet.net/research/profiles/thailand>.

²³ Freedom Against Censorship Thailand (FACT), "Thai Website Censorship Jumps by More Than 500% Since Coup!" news release, January 1, 2007, <http://facthai.wordpress.com/2007/01/15/thai-website-censorship-jumps-by-more-than-500-since-coup/>.

²⁴ Sawatree Suksri, Siriphon Kusonsinwut, and Orapin Yingyongpathana, *Situational Report on Control and Censorship of Online Media, Through the Use of Laws and the Imposition of Thai State Policies* (Bangkok: iLaw Project, 2010), http://www.boell-southeastasia.org/downloads/ilaw_report_EN.pdf [henceforth iLaw Project Report].

matters.²⁵ Court decisions to block URLs are reportedly made very quickly and with minimal deliberation, usually within less than a day from the application for blocking.

Online censorship intensified further after April 7, 2010, when the government declared a state of emergency and created a mechanism that allows the authorities to suddenly block—without a court order—any website considered to be publishing politically sensitive and controversial information (see below). A large number of websites focused on the opposition red shirt movement, led by the UDD, were blocked. These included individual YouTube videos, Facebook groups, and Google groups. Also filtered were less clearly partisan online news outlets or human rights groups, such as Freedom Against Censorship Thailand (FACT), the online newspaper *Prachatai*, the *Political Prisoners in Thailand* blog, and *Asia Sentinel*.²⁶

International news websites like the *Economist*, the *New York Times*, the British Broadcasting Corporation (BBC), and human rights groups such as Freedom House, Human Rights Watch, Amnesty International, and Reporters Without Borders, are accessible in Thailand. However, some print editions of the *Economist* were not available because the distributors decided not to import them due to content deemed to violate lese majeste provisions. The WikiLeaks website was blocked as of the end of 2010. The organization's release of classified U.S. diplomatic cables in 2010 included explosive comments about the monarchy and the royal succession. While the leaked material was not directly accessible, Thai readers could view international media outlets with access to the files, such as Britain's *Guardian* newspaper.

Internet censorship in Thailand is carried out through judicial orders, extra-judicial blocking decisions by the executive branch, and preemptive action by ISPs and content hosts. Judicial orders are typically issued under the CCA of 2007. The law was passed by a military-appointed legislature less than a year after the 2006 coup. It groups broad content-regulation issues with more straightforward criminal activities like hacking, e-mail phishing, uploading personal content without consent, and posting obscene material. The law was opposed by a range of human rights groups on the grounds that it infringed on the right to privacy, the right to access information, and freedom of expression.²⁷ For example, the provisions in Articles 14 and 15 allow the prosecution of any content providers or intermediaries—such as webmasters, administrators, and managers—who are accused of posting or allowing the dissemination of content that is considered harmful to national security or public order.²⁸ The executive authorities, particularly the police, are left to

²⁵ Ibid.

²⁶ Pavin Chachavalpongpun, "Thailand's Massive Internet Censorship," *Asia Sentinel*, July 22, 2010, http://asiasentinel.com/index.php?option=com_content&task=view&id=2601&Itemid=164.

²⁷ Sarinee Achavanuntakul, "Danger! Computer Crimes Act," Fringer Blog, July 18, 2007, <http://www.fringer.org/?p=259> (in Thai).

²⁸ Sections 14(1), 14(3), and 14(5) and Article 15 of the 2007 Computer Crimes Act pertain to crimes that "involve import to a computer system of forged computer data, either in whole or in part, or false computer data, in a manner that is likely to cause damage to a third party or the public; that involve import to a computer system of any computer data related to an offense against

decide what amounts to a violation under these vaguely defined terms, and criminal courts make the final judgments. In practice, several individuals have indeed been charged under section 15 of the CCA for content posted by other users on websites or bulletin boards they hosted.²⁹

Without a court order, an ISP is not necessarily required by law to comply with MICT blocking requests. However, under the April 2010 emergency declaration, which remained in effect in Bangkok and surrounding areas until December 22, 2010, top security officials held the power to shut down any website unilaterally. Thousands of websites were reportedly blocked under this extra-judicial mechanism.³⁰ The emergency blocking orders often encompassed a range of internet-protocol (IP) addresses, affecting a large number of lawful websites that happened to fall into the banned range.³¹

Because those providing hosting services are held responsible for comments posted by third parties, they have an interest in censoring their own sites. Self-censorship is encouraged through the work of volunteers who monitor suspicious websites and report their findings to the MICT. In October 2009 the ministry opened a call center to receive reports of dangerous websites, and in July 2010 it introduced a controversial “cyber scout” project that aims to train students as volunteer web monitors.³² The Ministry of Justice is also conducting a cyber-scout training project designed to protect the monarchy.³³

A case that illustrates both direct government censorship and the pressure on ISPs to preemptively censor revolves around political science scholar Professor Giles Ji Ungpakorn, who faced lese majeste charges in early 2009 for his book *A Coup for the Rich*. Professor Ungpakorn fled abroad after receiving death threats for joining the red-shirted UDD. Soon after he arrived in Britain, he used his own blog space to release the incendiary *Red Siam Manifesto*, in which he criticized the monarchy and demanded regime change.³⁴ In February 2009, the material was suddenly blocked by the authorities without a court order but with cooperation from ISPs. On February 13 of the same year, an MICT official sent an e-mail

the kingdom’s security under the criminal code; that involve the dissemination or forwarding of computer data already known to be computer data [which are illegal].” The act states that “any service provider intentionally supporting or consenting to an offense...within a computer system under their control shall be subject to the same penalty as that imposed upon a person committing an offense.” For an unofficial translation of the Act in English, see <http://www.prachatai.com/english/node/117>.

²⁹ iLaw Project Report pg. 13.

³⁰ CJ Hinke, “Thailand Now Blocking 277,610 Websites,” Global Voices Advocacy, November 8, 2010, <http://advocacy.globalvoicesonline.org/2010/11/08/thailand-now-blocking-256110-websites/>; iLaw Project Report pg. 17.

³¹ iLaw Project Report. .

³² “Prime Minister Inaugurates ‘Cyber Scout’ Project; Support the MICT in building the Cyber Scout Program to Protect the Online World,” Ministry of Information and Communication Technology (MICT), http://www.mict.go.th/ewt_news.php?nid=3430&filename=index (in Thai), accessed December 13, 2010; Mong Palatino, “Cyber Scout: Thailand’s Internet Police?,” Global Voices, December 24, 2010, <http://globalvoicesonline.org/2010/12/24/cyber-scout-thailand%E2%80%99s-internet-police/>.

³³ “Invitation to Participate in Scout Training Program], Ministry of Justice,” <http://www.justice-cyberscout.org/General/Content.aspx> (in Thai), accessed December 10, 2010.

³⁴ Giles Ji Ungpakorn’s blog is located at <http://wdpress.blog.co.uk/>. Access is denied in Thailand.

message to ISP executives, urging them to filter the manifesto in the name of national security.³⁵

Censorship decisions, particularly those taken by the MICT, lack transparency.³⁶ In 2007, FACT and the Campaign for Popular Media Reform petitioned the Official Information Commission to order the release of any blocking lists, but the request was denied on the grounds that it could harm the website owners' reputations.³⁷

A number of prosecutions have been initiated against internet users, and Thai authorities have begun monitoring social-networking sites in recent years, generating a chilling effect among some members of the online community. Many internet users engage in self-censorship when communicating online, even when the exchange is among friends within a closed network. Some users adjusted their use of e-mail and instant chat programs as they came to understand the ramifications of the new CCA law after its passage in 2007.

Political propagandizing and proactive state manipulation of online discussions happen occasionally but have not had a significant impact on online discourse. The military has special units tasked with creating media content to counter criticism of the monarchy, such as the Network of the Navy Quartermaster to Promote and Protect the Monarchy on the Internet.³⁸ Independent online news outlets sometimes face pressure from the government or private sponsors to restrict content critical of the authorities. For example, independent news site *Prachatai.com* lost a local donor for ideological reasons and consequently had difficulty sustaining itself financially.

As the number of users increases, online communication tools and resources are growing in importance for Thai citizens. Of 12,992 users included in a 2009 NECTEC survey, some 88.5 percent obtained their news from online media as well as traditional media. The most common news-related activity online was reading and participating in discussion forums or message boards, followed by reading the online versions of newspapers.³⁹ While many blogs and discussion sites are blocked, users can access their content with readily available circumvention software, and content producers often republish information on alternate sites. These techniques can significantly undermine the MICT's censorship efforts. After *Prachatai's* website was blocked, for example, the number of visitors reportedly rose threefold.⁴⁰ Even a senior officer from MICT admitted at an international conference in 2010 that the blocking was not effective.⁴¹

³⁵ "MICT Asks ISPs to Block 'Red Siam,'" *Prachatai*, February 14, 2009, <http://www.prachatai.com/english/news.php?id=995>.

³⁶ For example, in seeking to collect details of blocked websites, iLaw researchers found government agency response inconsistent with several entities being unable or unwilling to provide the requested data on the number and content of censored sites.

³⁷ The Official Information Commission's response to the request for lists of blocked websites is available at <http://www.media4democracy.com/th/images/stories/book/fact.pdf> (in Thai), accessed December 13, 2010.

³⁸ iLaw Project Report.

³⁹ NECTEC, *Internet User Profile of Thailand 2009*.

⁴⁰ Private conversation with *Prachatai* director on December 17, 2010.

⁴¹ Darren Pauli, "Our Blacklist Has Failed Us: Thai Minister," ZDNet, November 17, 2010, <http://www.zdnet.com.au/our-blacklist-has-failed-us-thai-minister-339307333.htm?omnRef=http://m.blognone.com/news/20069>.

Social media have become highly popular in Thailand since 2009, and the number of Facebook and Twitter users rose quickly amid the political turmoil in 2010. These platforms and the internet in general offer Thais an important alternative space to seek information and engage in political expression more freely and anonymously.⁴² The red-shirt movement has used Facebook and other tools to exchange political opinions and information, and to mobilize supporters for offline actions like flash mobs and protests. Former prime minister Thaksin Shinawatra has used Twitter to send messages from exile to his supporters within Thailand. Backers of the government were also active on Facebook in 2010, with half a million signing an online petition to support the present prime minister Abhisit Vejjajiva.⁴³

While internet freedom is under serious pressure, online activists are organizing to push back. For example, the *Political Prisoners in Thailand* blog provides information on lese majeste prosecutions,⁴⁴ and the Thai Netizen Network (TNN) was founded in early 2009 to uphold users' right to access, free expression, and privacy.⁴⁵ TNN makes regular public statements urging the government to respect and protect internet freedom and the rights of users.⁴⁶

VIOLATIONS OF USER RIGHTS

The 2007 constitution, which replaced an interim charter imposed by the military government after the 2006 coup, guarantees freedom of expression. Also in 2007, the legislature passed a new Printing Act that had fewer restrictions and lighter penalties than its predecessor, the 1941 Printing and Publishing Act. However, other laws have been used to curtail free expression. These include the Internal Security Act of 2007, as well as harsh defamation and lese majeste provisions in the penal code; the latter assign penalties of up to 15 years in prison for criticism of the king, the royal family, or Buddhism.⁴⁷ In general, these provisions have been applied to online expression in much the same way as they are used against traditional media. The CCA has also been invoked to arrest internet users. This trend accelerated in 2009, when the red-shirt movement—which is tied to former prime

⁴² Agence France-Presse, "Thai Political Crisis Fuels Social Media Boom," *Bangkok Post*, October 25, 2010, <http://www.bangkokpost.com/news/asia/203098/thai-political-crisis-fuels-social-media-boom>.

⁴³ See the Facebook page "Confident that more than a million Thais say no to House dissolution" at <http://www.facebook.com/pages/manci-wa-khn-thiy-kein-1-lan-tx-tan-kar-yub-spha/114169001938424> (in Thai), accessed December 15, 2010.

⁴⁴ The blog is located at <http://thaipoliticalprisoners.wordpress.com>.

⁴⁵ The Thai Netizen Network website is located at <http://www.thainetizen.org>.

⁴⁶ Southeast Asian Press Alliance (SEAPA), "Thai Government Urged to Protect Netizens' Rights," news release, December 13, 2010, <http://www.seapabkk.org/component/content/article/2-alerts/100382-seapa-alert-thai-government-urged-to-respect-netizens-rights.html>

⁴⁷ Karin Deutsch Karlekar, ed., "Thailand," in *Freedom of the Press 2010* (New York: Freedom House, 2010), <http://www.freedomhouse.org/template.cfm?page=251&year=2010>.

minister Thaksin Shinawatra—mobilized in opposition to the current coalition government, led by Prime Minister Abhisit Vejjajiva.

The number of legal cases initiated against internet users since the CCA came into effect in July 2007 has increased dramatically, reaching 185 as of July 2010. Of these, 31 involved lese majeste charges (29 of them filed by the MICT or other government agency), 54 involved defamation, and six involved actions considered by the authorities to threaten national security. The remainder were related to fraud, pornography, and other commonly recognized computer crimes.⁴⁸ Most of the defendants have been ordinary Thais who were not affiliated with the red-shirts movement. At the end of 2010, the majority of the lese majeste cases were still at the initial investigation stage; however, in four cases, the courts had returned a guilty verdict. One of the first and most prominent cases centered on engineer Suwicha Thakhor, who was accused of posting clips on YouTube that attacked the royal family. He was arrested in January 2009 under penal code Article 122 and the CCA in his hometown in northeastern Nakhon Phanom province. The police also raided his other home in Bangkok, which he was accused of using as a base for spreading material that defamed the monarchy. Suwicha pleaded guilty and received a 10-year prison sentence in April 2009, but was pardoned after nearly 18 months in detention and released in June 2010.⁴⁹

In late January 2009, a 25-year-old female user known as “Buffalo Boy” was arrested and then released on bail for the amount of two million baht (US\$65,000). She was accused of posting controversial content related to the royal family on *Prachatai*’s discussion board in October 2008. In March 2009, police raided *Prachatai*’s offices and arrested Chiranuch Premchaiporn, the outlet’s director and discussion-board moderator. She was accused of supporting the offending content by allowing it to remain posted for 20 days. Chiranuch was arrested once again in September 2010, this time at the airport upon returning from a conference on internet freedom. She was detained on a second charge of “defaming the royal family, and violating articles 14 and 15 of the CCA, and article 112 of the criminal code.” She was released after posting a 200,000 baht (US\$6500) bail,⁵⁰ and at the end of 2010 was awaiting the conclusion of her trial.

Four people were arrested between November 1 and November 18, 2009, in connection with rumors circulated the previous month about the king’s health, which caused a dramatic drop in the stock market. The last of the four, 42-year-old radiologist Tassaporn Ratawongsa, was charged under Article 14 of the CCA for distributing false computer data in a manner that is likely to damage national security or cause panic.

⁴⁸ iLaw Project Report.

⁴⁹ “Thai Blogger Who Received Pardon Speaks Out,” Asian Correspondent, July 1, 2010, <http://asiancorrespondent.com/36769/thai-blogger-who-received-pardon-speaks-out/>.

⁵⁰ Reporters Without Borders, “Prachatai Editor Released on Bail,” September 24, 2010, http://en.rsf.org/thailand-news-website-editor-arrested-on-24-09-2010_38440.html.

Concerns about surveillance have led some political activists to use caution when communicating online and employ additional security and privacy tools. The CCA undermines user anonymity by requiring ISPs and webmasters to retain data logs for up to 90 days and turn it over to investigators upon request. Customers at cybercafes must present identification cards, though the smaller businesses do not always comply with this rule. Mobile-phone users are also required to register with their carriers. In practice, police reportedly need up to three days to trace the source of offensive online comments.⁵¹ The permanent secretary for the Ministry of Information and Communication Sue Loruthai warned in the spring of 2010 that social-networking websites such as Twitter, MySpace and hi5 would be under close surveillance.⁵²

In addition to legal repercussions, internet users who post controversial content can face societal harassment, termed “online witch hunts” by local observers. In a case reported in May 2010, an 18-year-old high school graduate became the subject of an online hate campaign over her alleged insult of the monarchy. The woman claimed that she was refused a place at Silpakorn University because of her Facebook postings, and expressed fears of a physical attack after her name and address were posted on public websites. She said that she faced hostility in her neighborhood as well as threatening leaflets and phone calls, and that police had refused to accept her complaint.⁵³ A network of users calling themselves the “Social Sanction” group has actively sought out individuals who have expressed views deemed to be disrespectful of the monarchy and launched online campaigns to vilify them. In some cases, these campaigns have sparked official investigations of the targeted individual.⁵⁴

There have been reports of hacking attacks on online news outlets. *Prachatai* faced denial-of-service attacks many times during periods of political turmoil in 2009 and 2010 before it was officially blocked by the authorities. The attacks forced the outlet to change servers and set aside large sums to pay for extra bandwidth.

⁵¹ Personal conversation with a senior police officer specializing in ICT crimes on March 27, 2009.

⁵² Jonathan Fox, “Silenced Smiles: Freedom of Expression in Thailand,” *Prachatai*, July 20, 2010, <http://www.prachatai3.info/english/node/1946>.

⁵³ Pravit Rojanaphruk, “18-Year-Old’s Facebook Posting Spurs ‘Hate Campaign,’” *Nation*, May 28, 2010, available on *Prachatai* at <http://prachatai3.info/english/node/1864>. One of the pages condemning the young woman can be found at <http://www.khanpak.com/front-variety/variety-view.php?id=500>

⁵⁴ iLaw Project Report pg 14.