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# Public Prosecutor v. Jatupat Boonpattaraksa aka Pai Dao Din

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## Closed

Contracts Expression

## MODE OF EXPRESSION

Electronic / Internet-based Communication

## DATE OF DECISION

August 17, 2017

## OUTCOME

Decision Outcome (Disposition/Ruling), Imprisonment

## CASE NUMBER

N/A

## REGION & COUNTRY

Thailand, Asia and Asia Pacific

## JUDICIAL BODY

First Instance Court

## TYPE OF LAW

Criminal Law

## THEMES

Defamation / Reputation

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## CASE ANALYSIS

### Case Summary and Outcome

The Khon Kaen Provincial Court in Thailand sentenced Jatupat “Pai” Boonpattaraksa, also known as “Pai Dao Din”, to five years in prison on August 15, 2017 for sharing a profile of King Maha Vajiralongkorn written by the BBC news agency on his Facebook account. Jatupat had been charged with lese-majeste under Article 112 of the Thai Criminal Code and committing a crime under Article 14 (3) of the Computer Crime Act. The sentence was halved to two and a half years because Jatupat pleaded guilty.

*Columbia Global Freedom of Expression could not identify the official legal and government records on the case and notes that the information contained in this report was derived from secondary sources. It should be noted that media outlets may not provide complete information about this case. Additional information regarding this legal matter will be updated as an official source becomes available.*

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### Facts

On December 1, 2016 BBC’s Thai language service published a profile on its website of King Vajiralongkorn as he succeeded his father, King Bhumibol, to become the new king of Thailand.

The article was [reported](http://www.dw.com/en/thailand-investigates-bbc-over-profile-of-new-king/a-36674149) (<http://www.dw.com/en/thailand-investigates-bbc-over-profile-of-new-king/a-36674149>) to have been shared over 2,600 times including by Jatupat who shared it on his Facebook account on December 2, 2016. The Thai authorities considered the article to be offensive because its content did not refer to the Thai King in a positive way.

The person who filed a complaint to the police at Khon Kaen police station was Lt. Col. Pitakpol Choosri, a military officer who is the head of the National Council for Peace and Order’s (NCPO) peace-keeping force in Khon Kaen province. It is believed that personal animosity exists between Jatupat and Lt. Col. Pitakpol because of Jatupat’s activism as a member of a Khon Kaen-based anti-junta student activist group called “Dao Din”. Jatupat’s acts have included flashing the three-finger “Hunger Games” salute during a visit of General Prayuth Chan-o-cha, Thailand’s Prime Minister, in Khon Kaen in November 2014; holding a banner which said “Against the Coup” on the first anniversary of the coup d’etat in Thailand; and distributing materials criticizing the draft constitution in August 2016 in Chaiyaphum Province.

Jatupat was [arrested](http://www.khaosodenglish.com/politics/2016/12/03/activist-pai-dao-din-arrested-lese-majeste/) (<http://www.khaosodenglish.com/politics/2016/12/03/activist-pai-dao-din-arrested-lese-majeste/>) on December 3, 2016 while he was at a religious event at a temple in Chaiyaphum. A photo of the arrest warrant dated December 2 [posted](https://www.facebook.com/photo.php?fbid=1166938033382581&set=a.942884362454617.1073741829.100001991862964&type=3&theater) (<https://www.facebook.com/photo.php?fbid=1166938033382581&set=a.942884362454617.1073741829.100001991862964&type=3&theater>) by his father, Viboon Boonpattaraksa, on social media showed that he had been charged with committing lese-majeste (offending or insulting the royal family), an offense proscribed under Article 112 of the Thai Criminal Code. Lese-majeste, is a serious crime in Thailand with a prison term of up to 15 years.

Following the arrest, Jatupat was [taken](http://www.tlhr2014.com/th/?p=3189#_edn1) to Thai Police Training Center Region 4 instead of Khon Kaen police station for inquiries. Jatupat refused to participate in the investigation process at the training center because he had not been told earlier where he would be taken and none of his relatives knew his whereabouts. His phone was confiscated by the police and was not recorded in the list of evidence. It was also [reported](http://www.tlhr2014.com/th/?p=3189#_edn1) that the police had organized for a lawyer for Jatupat when he arrived at the center but he preferred to have his own lawyer who was waiting at Khon Kaen police station. It was further [reported](http://www.tlhr2014.com/th/?p=3189#_edn1) that Jatupat's lawyer's phone was also confiscated.

Jatupat was later released on bail as the Khon Kaen Provincial Court did not consider him to be a flight risk and were prepared to let him take his final exam on December 8, 2016 so that he could complete his university education. However, bail was revoked on December 22 after police alleged that one of his Facebook posts contained rude and insulting comments about enforcement officers by implying that because the economy was bad, the authorities always wanted bail money. Further, the Court reportedly found that Jatupat had failed to delete the messages he had posted on his social media account which had led to his arrest. The authorities also alleged that Jatupat had acted in a way that could stir up sentiment on social media and this could be construed as an attempt to challenge the state's power as well as being disrespectful of the rule of law. The Court [ruled](http://www.bangkokpost.com/news/politics/1166161/jatupat-back-in-jail-as-court-revokes-bail) that Jatupat's acts were causing damage to the nation and it was likely he would continue such acts despite the fact that he was a law student and mature enough to realize he was violating a court order not to break bail conditions.

Prosecutors indicted his case on February 9, 2017 in a closed court session under Article 112 of the Criminal Code and Article 14 (3) of the Computer Crime Act. All Jatupat's subsequent bail requests were refused. At his trial on August 15, Jatupat was found guilty of lese-majeste and sentenced to five years imprisonment which was commuted to two and a half-years on a guilty plea.

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## Decision Overview

The Khon Kaen Provincial Court [sentenced](http://www.bbc.com/news/world-asia-40938914) Jatupat to five years for lese-majeste and committing a crime under Article 14 (3) of the Computer Crime Act. The sentence was halved to two and a half years because Jatupat pleaded guilty. According to Thai Lawyers for Human Rights, Judges Vinet Madee and Permpoon Pisanthurakit read only the verdict without giving their reasons. The trial was held behind closed doors.

Thailand has been under the rule of National Council for Peace and Order (NCPO), a military junta, since it staged a coup d'état on May 22, 2014. This case is considered to be politically motivated as Jatupat is known for his anti-junta activism.

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## DECISION DIRECTION



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## GLOBAL PERSPECTIVE



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## CASE SIGNIFICANCE



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## OFFICIAL CASE DOCUMENTS



### Reports, Analysis, and News Articles:

- **Thai activist gets prison for sharing king's profile on Facebook**  
<http://www.bbc.com/news/world-asia-40938914> (<http://www.bbc.com/news/world-asia-40938914>)

- **Thai activist arrested for sharing king's profile on Facebook**  
<http://www.bbc.com/news/world-asia-38196136> (<http://www.bbc.com/news/world-asia-38196136>)
  - **Thai student activist given human rights award, but kept in jail ahead of lese majeste trial**  
<http://www.abc.net.au/news/2017-05-18/thai-student-activist-given-human-rights-award,-but-kept-in-jail/8536176>  
(<http://www.abc.net.au/news/2017-05-18/thai-student-activist-given-human-rights-award,-but-kept-in-jail/8536176>)
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**Global Freedom of  
Expression**  
Columbia University  
91 Claremont Ave, Suite  
523  
New York, NY 10027  
**1-212-854-6785**

 **1-212-854-6785**

 **GLOBALFREESPEECH@COLUMBIA.EDU**

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