Thai Netizen Network Annual Report: Thai Freedom and Internet Culture 2011

An annual report of Thai Netizen Network includes information, analysis, and statement of Thai Netizen Network on rights, freedom, participation in policy, and Thai internet culture in 2011.

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Comments and analysis in this report are those of the authors and may not reflect opinion of the Thai Netizen Network which will be stated clearly.
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Glossary and Abbreviations

This report uses the following terms and abbreviations (in order of appearance)

Computer Crime Act is the “Computer-Related Crime Act, BE 2550 (2007)”

Section 112 is Section 112 of the Criminal Code of Thailand which states: “Whoever defames, insults or threatens the King, the Queen, the Heir-Apparent or the Regent, shall be punished with imprisonment of three to fifteen years.”

Section 14 is Section 14 of the Computer Crime Act which states:

“Whoever commits the following offences shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding one hundred thousand Baht or to both:

(1) Entering wholly or partially spurious computer data or false computer data into computer system in a manner that is likely to cause injury to other persons or the public;

(2) Entering false computer data into computer system in a manner that is likely to cause damage to national security or stir up public agitation;

(3) Entering into computer system any computer data which is an offence relating to the security of the kingdom or terrorism offence under the Criminal Code;
(4) Entering any obscene computer data into computer system and that computer data may be accessed by the public;

(5) Sending or forwarding computer data despite knowing that it is computer data under (1), (2), (3) or (4).”

Section 15 is Section 15 of the Computer Crime Act which states: “A service provider who intentionally supports or gives consent to the commission of the offences under Section 14 to computer system under his control shall be liable to the same penalty as the offender under Section 14.”

ISP is Internet Service Provider such as True, TOT, etc.

Admin is administrator, or the person(s) responsible of taking care of a website or pages in Facebook.

YouTube is YouTube.com

Lèse majesté website is a website which may contain content that is an offence under Section 112.

Page is a Facebook fan page or other Facebook page which is not a personal account.

Lèse majesté page is a Facebook page which may contain content that is an offence under Section 112.

Social Network is an online social network service such as Facebook, Twitter, Hi5, etc.
Post is an action of publishing a message on a social network.

Share is an action of republishing a message.
Chapter 1:

Freedom of Expression on the Internet

1.1 Cases involving the Computer-Related Crime Act, B.E. 2550 (2007)

The overall picture in 2011 clearly shows that the Computer Crime Act was mainly used to suppress opinions on the monarchy and tended to be used to silence activists on other freedom-related issues.

Information gathered within this report includes cases related to the Computer Crime Act in 2011 and movements reported through media. It is possible that certain cases have been overlooked in this report.

Statistics and trends

In 2011, there were six ongoing Computer Crime Act cases and five new cases which were known to the public.

1) By stages in the judicial process

- Investigation 2 cases (18%)
- Prosecution 2 cases (18%)
- Trial 3 cases (27%)
  » 2 cases in the Court of First Instance
  » 1 case in the Court of Appeal
- Judgement 4 Cases (37%)
  » Dismissed (by Court of First Instance) 2 cases
  » Guilty (by Court of First Instance) 2 cases
2) By status of last motion for bail
   - Granted
     6 cases (55%)
   - Not granted
     5 cases (45%)
3) By offence under the Computer Crime Act
   - Section 7
     1 case (9%)
   - Section 14
     8 cases (72%)
   - Section 15
     1 case (9%)
   - Both Sections 14 and 15
     1 case (9%)
4) By type of crime
   - System-related offence
     1 case (9%)
     (The case of hacking Yingluck Shinawatra’s Twitter account which comes under Section 7 of the Computer Crime Act)
   - Content related offences
     10 cases (91%)
     » Content related to the monarchy
       7 cases
     » Other content
       3 cases
5) By plaintiff
   - Individual citizens
     4 cases (36%)
   - State authorities
     7 cases (64%)
6) By social network
   - On social networks
     5 cases (45%)
     Facebook
     3 cases
     Twitter
     1 case
     Camfrog
     1 case
   - Not on social networks
     6 cases (55%)
7) By other charges
   - Section 112
     6 cases (55%)
   - Other sections of the Criminal Code
     3 cases (37%)
Section 116 2 cases
Section 326 and 328 1 case
No other charge 1 case (18%)

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</table>
Details of progress in Computer Crime Act cases in 2011

Due to the fact that an accused/defendant charged under Section 112 is considered to be a prisoner of conscience, this report will not disclose the names of those whom the court has ruled not guilty.

1) Mr. Ekawit, 22, student

**Computer Crime Act Charge:** Section 7: “Whoever wrongfully accesses computer data that having specific security measure and such security measure is not for his use shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.”

**Other Charge:** None.

**Latest Progress:** October 5th 2011. The Ministry of Information and Communication Technology (MICT) and Technology Crime Suppression Division (TCSD) held a press conference stating Mr. Ekawit had turned himself in.

October 2nd 2011, 10.22 a.m. Ms. Yingluck Shinawatra’s Twitter account, “@PouYingluck” and posted eight messages attacking the government. Three days later, the Ministry of Information and Communication Technology brought Mr. Ekawit to a press conference and charged him with a criminal offense under Section 7 of the Computer Crime Act.

- October 2nd 2011, 10.22 a.m. Ms. Yingluck Shinawatra’s Twitter account showed eight consecutive abnormal posts
with content attacking the government’s resolution of the flood crisis.

- October 3\textsuperscript{rd} 2011. Grp Capt. Anudith Nakornthap, Minister of Information and Communication Technology, stated in a press conference that hacking Ms. Yingluck Shinawatra’s Twitter account, “@PouYingluck”, was considered a criminal offense under the Computer Crime Act, Sections 5, 7, 9, and 14, and warned internet users that it would also be a criminal offense to share such information on the internet. He also revealed that the police already had a lead on who was responsible. (1)

- October 4\textsuperscript{th} 2011. Grp Capt. Anudith Nakornthap announced progress in the investigation stating that MICT had gathered adequate evidence to arrest the culprit within a few days. (2)

- October 5\textsuperscript{th} 2011. MICT held a press conference where Mr. Ekawit, aged 22, student, turned himself in. MICT stated that Mr. Ekawit had admitted that he acted on his own through ignorance and now repented. He would be charged with an offense under Section 7 of the Computer Crime Act and be further prosecuted. Mr. Ekawit was not allowed to speak or answer any questions during the press conference.

2) Mr. Suraphak, 40, independent software developer

\textbf{Computer Crime Act Charge:} Section 14
Other Charge: Section 112

Latest Progress: October 14th 2011, Mr. Suraphak was remanded in custody for the fourth time and refused bail.

    September 2nd 2011. Ten undercover officials from Department of Special Investigation (DSI) broke into Mr. Suraphak’s apartment and arrested him. They accused him of using a pseudonym, “Ton Or”, and creating a page “I shall reign with...” in Facebook, which contained a post considered to be an offence under Section 112. During the arrest, Mr. Suraphak was not allowed to contact his family or a lawyer for legal assistance and had his portable computer, desktop computer, aircard, and CDs confiscated. (3)

    At this moment, Mr. Suraphak is detained at Bangkok Remand Prison and has never been granted bail.

        • September 2nd 2011. DSI officials arrested and charged Mr. Suraphak with offences under the Computer Crime Act Section 14 and Criminal Code Section 112.
        • October 14th 2011. Prachatai (website) reported that Mr. Suraphak was remanded in custody for the 4th time until October 20th 2011. It is assumed that his family would again file a motion for bail. Mr. Suraphak has never been granted bail. (4)

3) Mrs. Preeyanan Lorsermvattana, President of the Thai Medical Error Network who was campaigning to promote Medical Malpractice Victims Protection Bill.
**Computer Crime Act Charge:** Section 14 (1)

**Other Charge:** None.

**Plaintiff:** Dr. Prachoomporn Booncharoen, Chairperson of the Doctors’ Alliance of Regional and General Hospitals

**Latest Progress:** November 7th 2011, Public Prosecutor indefinitely postponed litigation against Mrs. Preeyanan.

Dr. Prachoomporn Booncharoen, Chairperson of the Doctors’ Alliance of Regional and General Hospitals (DARGH), reported to Surin police that Mrs. Preeyanan Lorsermvattana, President of the Thai Medical Error Network, had committed an offense under Section 14 (1) of the Computer Crime Act by entering false computer data into a computer system, publishing it on Facebook and many other websites. The computer data here are death statistics and photos of medical errors which Mrs. Preeyanan used for her campaign to promote the Medical Malpractice Victims Protection Bill. (5)

- May 22nd 2011. Mrs. Preeyanan was charged with an offense under Section 14 (1) of the Computer Crime Act.

- August 15th 2011. Mrs. Preeyanan travelled from Bangkok to Surin to hear her charge.

Prior to that, Mrs. Preeyanan had already traveled to Surin once to answer the court’s summons when she denied the allegation and was willing to testify.
• November 1st 2011. Mrs. Preeyanan sent a letter drafted by lawyers from the National Human Rights Commission and Lawyers Council of Thailand to the prosecutor requesting a thorough investigation.

• November 7th 2011. Prachatai (website) reported that the hearing date for the suit against Mrs. Preeyanan had been indefinitely postponed for further police investigation. Currently, Mrs. Preeyanan is waiting for a summons from Surin police.

Observation: This is the first case where Section 14 of the Computer Crime Act has been used by a person against a social activist promoting a bill.

4) Mr. Songkhram Chimcherd, an employee of Thai Industrial Gases plc (TIG) and a member of Thai Industrial Gases Labour Union subcommittee.

**Computer Crime Act Charge:** Section 14 (1)

**Other Charge:** Sections 326, 328 of the Criminal Code (Offence of defamation, defamation by publication)

**Plaintiff:** Mrs. Parichart Polpala, TIG branch manager.

**Latest Progress:** June 20th 2011. Samut Prakan Provincial Court has scheduled hearings in April 2012.

Mr. Songkhram Chimcherd, employee of TIG and member of the TIG Labour Union subcommittee, was accused by Mrs. Parichart
Polpala of defamation by publication according to the Criminal Code, Section 326 and Section 328 (as amended by Sections 3 and 4 of the Act Amending the Criminal Code, No.11, 1992.) and the Computer Crime Act, for sending e-mails defaming her to many organizations.

The Public Prosecutor stated according to the written charge, “...during May 10th 2010 – May 15th 2010, during the day time at an unknown date and time, the accused defamed Mrs. Parichart Polpala, the injured party (who is a manager in the same company), by giving Ms. Nisakorn Panyahom, Mrs. Saluay Seesala and other parties, which are the third parties, false information via electronic mails (e-mails) entering a computer communication network (internet) where third persons may receive such information which is publication of document and letters and any means, announcing...” (7)

- May 30th 2011. The Prosecutor indicted and sent Mr. Songkhram to be detained at Samut Prakan Provincial Court. Mr. Songkhram, however, denied all allegations. At 16.00 p.m. of the same day, Mr. Kengkij Kitirianglarp, Faculty of Social Science, Kasetsart University, posted bail for Mr. Songkhram using property worth 50,000 baht.

- May 7th – 8th 2011. A scheduled settlement ended with Mrs. Parichart agreeing to withdraw her complaint. But the charge under the Computer Crime Act is a criminal offence and could not be withdrawn.
June 20\textsuperscript{th} 2011. Samut Prakan Provincial Court scheduled hearings and began the trial. Since Mrs. Parichart no longer wished to prosecute Mr. Songkram for defamation, the court then dismissed the civil charge, leaving the offence under the Computer Crime Act which was a criminal offence. Mr. Songkram still pleaded ‘not guilty’ and the court scheduled further hearings from seven prosecution witnesses on April 24\textsuperscript{th} and 25\textsuperscript{th} 2012, and six defendant’s witnesses on April 26\textsuperscript{th} and 27\textsuperscript{th} 2012.

5) Mr. Joe W. Gordon or Lerpong, 55, Thai with American nationality

**Computer Crime Act Charge:** Section 14 (3), (5)

**Other Charges:** Section 112 and Section 116 (3), “whoever makes an appearance to the public by words, writing or any other means which is not an act within the purpose of the Constitution or for expressing an honest opinion or criticism in order to cause the people to transgress the laws of the Country, shall be punished with imprisonment not exceeding seven years.”

**Plaintiff:** Public Prosecutor, Department of Special Litigation 1, Office of the Attorney General.

**Latest Progress:** December 8\textsuperscript{th} 2011. The Court sentenced Mr. Joe Gordon to five years in jail reduced to two years and six months for his confession. His lawyer prepared to file a motion for Royal Pardon.
May 24th 2011. Investigative officers from the Department of Special Investigation (DSI) arrested Mr. Joe Gordon (former name Lerpong), a Thai with American nationality, at his house in Nakhon Ratchasima, confiscating his money, computer hard drives, and mobile phone.

Mr. Joe Gordon was accused of creating a blog named “Baht Deaw” and using a pseudonym, “Nai Sin Sae Jiew”. The blog contained a link to download a book entitled “The King Never Smiles” which is banned in Thailand. Mr. Joe Gordon was also accused of taking part in translating this book into Thai.

The warrant of detention stated: “During November 2nd 2007 and October 22nd 2009, both day and night, Mr. Lerpong W. used a pseudonym, “Sin Sae Jiew”, to post on October 22nd 2009 a message on the web-board sameskyboard.com with a link stating “TKNS is in this link, on the left of Prem’s picture”. TKNS is an abbreviation for “The King Never Smiles”, a book whose importation into Thailand is prohibited. This was disseminated for others to see and read the forbidden book which had been translated into Thai. When the link was found on the message, it led to Mr. Lerpong’s weblog bahtdeaw.blogspot.com in which Mr. Lerpong used the pseudonym, “Sin Sae Jiew”, to state that he was the translator of the forbidden book…” (8) This action is an offence under the Criminal Code, Sections 112, 116, and the Computer Crime Act, Section 14 (3), (5).

• February 25th 2011. The Court issued an arrest warrant for Mr. Joe Gordon.
• May 24	extsuperscript{th} 2011. DSI arrested Mr. Joe at his house in Nakhon Ratchasima.

• May 27	extsuperscript{th} 2011. Officials from the Bangkok Embassy of the United States visited Mr. Joe Gordon at the remand prison.

• August 17	extsuperscript{th} 2011. The Office of the Attorney General filed a case against Mr. Joe Gordon for an offence under the Criminal Code Sections 112 and 116 and the Computer Crime Act Section 14 (3), (5)

• August 19	extsuperscript{th} 2011. The Embassy of the United States released an official statement expressing disappointment and demanded that Thailand “ensure that the freedom of expression will be respected and Mr. Joe Gordon, who is a U.S. citizen, will received fair treatment.” (9)

• August 27	extsuperscript{th} 2011. 30 members of the Activists for Democracy Network (ADN) gathered in front of the Embassy of the United States in Bangkok to submit a letter of protest urging the U.S. government and its citizens to seek the release of Mr. Joe Gordon as soon as possible. (10)

• October 10	extsuperscript{th} 2011. The Criminal Court scheduled hearings. Mr. Joe Gordon admitted the accusations although he denied them during the investigation. The court then scheduled sentencing for November 9	extsuperscript{th} 2011 and ordered a Community Supervision report on Mr. Joe Gordon’s behaviour to the court within 20 days.
• November 4th 2011. Due to flooding, the Court announced the postponement of the trial from November 7th – 15th 2011 to a later date to be announced. (11)

• December 6th 2011. Mr. Joe Gordon’s lawyer sent a letter to Mr. Somchai Homla-or, a member of the independent Truth and Reconciliation Commission of Thailand and Law Reform Commissioner, with a copy to the National Human Rights Commission, inviting them to Mr. Joe Gordon’s sentencing according to his wish.

• December 8th 2011. The Criminal Court sentenced Mr. Joe Gordon to five years in prison, reduced to two years and six months due to his confession. Mr. Joe Gordon’s lawyer prepared to file a request for a Royal Pardon if there is no appeal from the prosecutor. (12)

Prior to this incident, Mr. Joe Gordon had lived in Colorado for over 30 years until he acquired his U.S. citizenship. Mr. Joe Gordon decided to come back to Thailand to treat his hypertension and diabetes, and also to look after his sick father until his death. After that, Mr. Joe Gordon decided to stay and meet his friends. He was in the process of preparing of his travel documents. (13)

6) Mr. Noravet, 23, Kasetsart University graduate.

Computer Crime Act Charge: Section 14 (1), (5)

Other Charge: Section 112
Plaintiff: Mr. Nipon Limlamthong, Vice Rector for Student Affairs, Kasetsart University

Latest Progress: November 7th 2011. Investigating officers agreed to file charges against Mr. Noravet.

In 2010, while Mr. Noravet was still a student at Kasetsart University, he copied certain content from sameskybooks.net which he published in his personal blog. The content was later disseminated on Facebook.

In May 2010, Kasetsart University received a complaint about Mr. Noravet and invited his parents for consultation. Later, Mr. Nipon Limlamthong, Vice Rector for Student Affairs, filed a complaint against Mr. Noravet after receiving complaints from his fellow students and claimed that he was pressured by the University Council to protect the “University’s reputation”. (14) The Court issued an arrest warrant on October 14th 2010.

August 5th 2011. At around 17.00, with a court warrant, Mr. Noravet was arrested and detained by Bangkhen police who charged him with offences under Section 112 and the Computer Crime Act, Section 14 (1), (5). (15)

Mr. Noravet told the police that he had copied the content and published it in his blog, but the blog was not open to anyone to see. Someone must had hacked his blog and publicized the content on Facebook to frame him and later the content spread wider on web-boards and forwarded mails.
October 14th 2010. The Criminal Court issued an arrest warrant for Mr. Noravet as a result of Mr. Nipon’s complaint.

- August 5th 2011. At around 17.00, police officers from Bangkhen station arrested Mr. Noravet and charged him with criminal offences under Section 112 of the Criminal Code and Section 14 (1), (5) of the Computer Crime Act, according to the warrant.

- August 6th 2011. Mr. Noravet’s relative filed a motion for bail but this could not be processed in half-day working hours of the court. Officers then transferred him to Bangkok Remand Prison.

- August 7th 2011. A “Moral support for Noravet” page appeared on Facebook with 287 likes (observed on November 3rd 2011).

- August 8th 2011. The Criminal Court granted temporary bail for Mr. Noravet. At the same time, a network of intellectuals and scholars called “The Network of Peace and Justice for Siam” filed an objection to Mr. Noravet’s arrest citing:

  1. their objection to the action of Mr. Nipon Limlamthong, Vice Rector for Student Affairs;
  2. their objection to the prosecution of any individual under Section 112;
  3. their demand that Mr. Noravet be released on bail to prepare his trial defence.
August 9th 2011. The Seri Kasetsart group demonstrated their objection to Mr. Noravet’s arrest with the following demands:

1. Kasetsart University should respect and protect academic rights and the freedom of students and personnel to express any political views;
2. Kasetsart University should conduct a thorough investigation and give careful consideration before taking legal action against any student or personnel, especially in the case of Criminal Code Section 112. (18)

November 7th 2011. www.thairath.co.th reported that on the previous weekend, investigating officers of the Crime Suppression Division, decided to prosecute Mr. Noravet on both charges. The Director General of the Office of Criminal Litigation issued an order to set up a working group of public prosecutors to take care of the case because it had the attention of the general public. (19)

7) Mr. Amphol or “Ar Kong SMS”, 61

**Computer Crime Act Charge:** Section 14 (2), (3)

**Other Charge:** Section 112.

**Plaintiff:** Public Prosecutor, Office of Criminal Litigation 7, Office of the Attorney General.
**Latest Progress:** November 23rd 2011. The Criminal Court, ruled that Mr. Amphol was guilty under Section 112 and sentenced him to five years on each of four counts, totalling 20 years.

August 3rd 2010. Mr. Amphol was arrested at his house by 15 police officers. The accusation was that in May 2010, he had used his mobile phone to send messages insulting the monarch, defaming the king, and falsely accusing HM the Queen, to a mobile phone of Mr. Somkiat Krongwattanasuk, personal assistant of Mr. Abhisit Vejjajiva, former Prime Minister, which is an offence under the Computer Crime Act Section 14 (2), (3) and Section 112. The evidence that the police used was the International Mobile Equipment Identity or IMEI number. Mr. Amphol denied all allegations. (20)

October 4th 2010. Mr. Amphol was granted bail on a second motion after he was detained at Bangkok Remand Prison for 64 days.

January 18th 2011. The Public Prosecutor filed a case against him. Mr. Amphol was again detained, but was not granted bail for the reason that his case was serious and offended the Thai people and there was a risk of flight.

November 23rd 2011. The Court ruled that Mr. Amphol was guilty under Section 112 and was sentenced of five years for each of four counts, totalling twenty years with the following reason. “[The court] rejected Mr. Amphol’s claim that he to his mobile phone for repair at a mobile phone repair shop, as when the investigating officers took him to the mall (where it was claimed
the shop was located), Mr. Amphol claimed to have forgotten the shop despite the fact that he had to have visited the shop twice, on the day that he left his mobile phone there to be fixed and on the day that he returned to retrieve it. Also, [the court considers that it] was easy for him to claim that he did not know how to send an SMS message and did not know the number of the mobile phone of the personal assistant of the former Prime Minister. The evidence from the defendant was thus too weak to be a counter the evidence from the plaintiff who believed the defendant to be the owner of the phone and the SIM card used to commit the crime.” (21)

- July 29th 2011. The Criminal Court issued an arrest warrant following a motion filed by the Technology Crime Suppression Division accusing Mr. Amphol of an offence under Section 112.

- August 3rd 2010. 15 police officers accompanied by the press arrested Mr. Amphol in an unnumbered rented room in Samut Prakan, confiscating two Motorola mobile phones and one Telewiz mobile phone from a closet. Mr. Amphol denied the allegations.

- August 4th 2010. Mr. Amphol was detained at Bangkok Remand Prison.

- September 29th 2010. Mr. Amphol’s lawyer filed second bail motion with the land from Mr. Amphol’s relative as guarantee.
• October 4th 2010. The Appeal Court granted bail with the reason that the deposit justified bail.

• January 18th 2011. The Public Prosecutor filed a case against Mr. Amphol for an offence under the Computer Crime Act Section 14 (2), (3) and Section 112.

• September 23rd 2011. First day hearing prosecution evidence.

• September 30th 2011. First day hearing defence evidence.

• October 6th 2011. With all evidence taken, the defendant’s lawyer filed a motion for bail with the land of defendant’s relative as guarantee.

• November 23rd 2011. The Court ruled Mr. Amphol guilty under Section 112 and sentenced him to five years for each of four counts, totalling twenty years.

• November 24th 2011. The Asian Human Rights Commission expressed concern over the verdict and the imprisonment of a person for a crime related to freedom of expression, and demanded the immediate release of Mr. Amphol and other prisoners convicted for offences under Section 112 and the Computer Crime Act. (22), (23)

The Student Federation of Thailand expressed condemnation of the court’s judgment and presented the following list of demands to those involved:
The verdict should be thoroughly considered as a precedent for the future;

a new law should be considered and penalties in other laws should be reduced using the model of countries with developed legal systems;

Section 112 should be abolished because it is problematic in both legitimacy and practice. (24)

- November 28th 2011. The European Union issued a statement expressing deep concern about the conviction and imprisonment of Mr. Amphol and urging the Thai government to use appropriate and equal legal principles. (25), (26)

- December 1st 2011. www.midnightuniv.org issued a demand for reform of Section 112 for the reason that the law is problematic and its flaws are easily seen, not only in content but also in practice, making the law a political tool which also causes many people unfair suffering as in this case. (27), (28)

- December 2nd 2011. www.blognone.com sent an open letter to the government stating that the investigating officers should not have used the International Mobile Equipment Identity or IMEI number as the sole grounds for pressing charges and denying bail to the defendant because such data can be forged. The website also presented following five demands to the government:
in cases that have not yet been prosecuted, delay prosecutions until adequate evidence clearly identifies the culprit;

in cases that have already been prosecuted, drop the charges or cease denying bail motions and find more evidence;

in cases that have been sentenced, hold retrials to give defendants a chance to defend themselves and find more evidence;

create clear standards for gathering evidence in Computer Crime Act cases;

amend the Computer Crime Act as soon as possible. (29)

December 6th 2011, Darragh Paradiso, State Department spokeswoman for East Asia, gave a statement to the AP news agency that the United States felt “troubled” with the conviction of Mr. Amphol, which was inconsistent with the universal human right to freedom of expression. (30)

8) Mr. Thantawut, web administrator of norporchorusa.com

**Computer Crime Act Charge:** Sections 14 (3), (4) and 15

**Other Charge:** Section 112

**Plaintiff:** Public Prosecutor, Office of Criminal Litigation 10, Office of the Attorney General.

**Latest Progress:** April 12th 2011, Appeal Court refused bail for Mr. Thantawut.
• April 1\textsuperscript{st} 2010. Mr. Thantawut was arrested by police from the Technology Crime Suppression Division and his computer confiscated. The accusation was that during March 13\textsuperscript{th}-15\textsuperscript{th} 2010, Mr. Thantawut, as administrator of www.norporchorusa.com and www.norporchorusa2.com, entered into a computer system certain computer data and disseminated such data with content likely to cause the King to be defamed, insulted, and hated, and also intended to allow other persons to enter into a computer system computer data with illegal content, which constitute offences under the Computer Crime Act, Sections 14 (3), (4) and 15 and the Criminal Code Section 112. (31)

Throughout the trial, Mr. Thantawut was refused bail.

• April 1\textsuperscript{st} 2010. TCSD arrested Mr. Thantawut on a charge of posting content which constituted an offence under Section 112 on www.norporchorusa.com and allowing dissemination of further content constituting the same offence posted by another person. Mr. Thantawut was detained at Bangkok Remand Prison and was not granted bail.

• June 24\textsuperscript{th} 2010. Public Prosecutor filed a case against Mr. Thantawut on the charges where he pleaded not guilty.

• August 9\textsuperscript{th} 2010. The Central Criminal Court scheduled hearings, where the prosecutor submitted 12 witnesses,
while the defence submitted only six witnesses. The court, then, scheduled three hearings for the prosecution evidences and two hearings for the defence.

- March 15th 2011. The Criminal Court ruled that Mr. Thantawut was guilty and sentenced him ten years in prison for the offence under Section 112 and three years in prison for the offence under the Computer Crime Act Section 14 (3), totalling thirteen years and confiscation of the evidence.
- April 12th 2011. The Appeal Court dismissed the defendant’s motion for bail with the reason that the defendant was prosecuted for a the crime carrying a high penalty and had already been sentenced to 13 years in prison by the Court of First Instance, so the defendant might jump bail.

9) Mr. Pornwut Thongtanaboon or K-Thong, 50, an acquaintance of Major-General Khattiya Sawasdipol or Se Daeng, and the leader of the King Taksin Warriors.

Computer Crime Act Charge: Section 14 (2)

Other Charge: Section 116 (2): ‘Whoever causes to appear in public words, writings or any other means which is not an act within the purpose of the Constitution or for expressing an honest opinion
or criticism in order: ... (2) to raise unrest and disaffection amongst the people in a manner likely to cause disturbance in the country ... shall be punished with imprisonment not exceeding seven years.

**Plaintiff:** Public Prosecutor, Office of Criminal Litigation 10, Office of the Attorney General.

**Latest Progress:** March 18th 2011. The Court of First Instance dismissed all charges

The Public Prosecutor, Office of Criminal Litigation 10, prosecuted Mr. Pornwut on a charge of entering false data to be publicized with words, picture and sound, into a computer system named “Camfrog” on February 26th-27th 2010, where the content implied the intention to cause public disorder which was not an act within the purpose of the Constitution or for expressing an honest opinion or criticism, but rather to stir up public agitation, and thus considered an offence relating to the security of the kingdom and terrorism, which should be punished according to the Computer Crime Act Section 14 (2) and the Criminal Code Sections 116 and 392 (6)

- March 5th 2010. TCSD gathered evidence and filed a request for an arrest warrant from Bangkok South Criminal Court against Mr. Pornwut. The Court authorized the arrest warrant for an offence against the Computer Crime Act.

- April 21st 2010. The Public Prosecutor filed a case against Mr. Pornwut.
• March 18th 2011. The Central Criminal Court verdict dismissed all charges, ruling that the prosecution evidence was inconsistent with respect to the time and day of the crime and could not prove that the defendant had committed the offence. (32)

10) Ms. Chiranuch Premchaiporn, Director of Prachatai, an online newspaper,

**Computer Crime Act Charge:** Section 15

**Other Charge:** None

**Plaintiff:** Crime Suppression Division, Royal Thai Police

**Latest Progress:** October 11th 2011. Court postponed hearings to February 2012.

On March 6th 2011, at around 14:30, police officers with a search warrant arrested Ms. Chiranuch at the Prachatai office. She was charged with an offence under Section 15 of the Computer Crime Act for a message posted on the Prachatai web-board by a member on October 15th 2008. Ms. Chiranuch denied the allegation. Police officers also confiscated Ms. Chiranuch’s computer and made two copies of the data for further investigation.

• March 6th 2009, around 14:30, police officers arrested Ms. Chiranuch at the Prachatai office.
• April 7th 2009. The police charged Ms. Chiranuch with nine more offences for nine threads posted on the web-board between April and August 2008.

• June 1st 2009. The police passed the case to the prosecutor to file a case against Ms. Chiranuch after she repeatedly filed motions for bail. Ms. Chiranuch was required to report to the Public Prosecutor’s Office, initially every 30 days and later every 60 days.

• March 31st 2010. The Public Prosecutor filed an action against Ms. Chiranuch with one more charge totalling to ten charges. Ms. Chiranuch was detained at the Criminal Court and later released on bail.

• May 31st 2010. The Court scheduled hearings.

• November 8th 2010. The Court made the final schedule for hearings.

• February 4th-11th 2011. The Court took testimony from five prosecution witness.

• September 20th- 21st 2011, October 11th- 14th 2011. The Court took testimony from four defence witnesses.

• October 11th 2011. The Court postponed hearing the evidence from three defence witnesses from October 11th, 12th, and 14th 2011 to February 14th-16th 2012, due to the flood situation at the judge’s house.
11) Ms. A, using the pseudonym “Bento” on the Prachatai web-board

**Computer Crime Act Charge:** Section 14

**Other Charge:** Section 112

**Plaintiff:** Public Prosecutor, Office of Special Litigation 1, Office of the Attorney General

**Latest Progress:** January 31\(^{st}\) 2011, The Criminal Court dismissed the case.

Ms. A (Alias), aged 28, was arrested and her house was searched on January 30\(^{th}\) 2009. Police officers accused her of committing offences under Section 14 of the Computer Crime Act and Section 112 of the Criminal Code using the pseudonym “Bento” to post a message insulting and expressing malice toward HM the Queen and HRH the Crown Prince in October 2008. Ms. A was detained at the Central Women’s Correctional Institution for 10 days before being released on bail. (4)

- January 30\(^{th}\) 2009, Ms. A was arrested.
- January 31\(^{st}\) 2011, The Central Criminal Court dismissed the case for lack of clear evidence beyond doubt, giving the benefit of the doubt to the defendant.

Observation: This was the first case of an offence under Section 112 and the Computer Crime Act contested by the defendant to the end.

1) First use of Section 14 of the Computer Crime Act for civil action.

“It went beyond freedom of expression, and also touched upon freedom of assembly and campaigning.” stated Arthit Suriyawongkul, coordinator of Thai Netizen Network, in a seminar “Online Media: Boundaries in Expressing opinion and Political Campaigning” on June 16th 2011.

The problem of the Computer Crime Act lies in the overlap with the laws on defamation which carry lesser penalties and can be settled out of court, while the Computer Crime Act carries higher penalties of and cannot be settled out of court because it is a non-compoundable criminal offence. In 2011, Section 14 of the Computer Crime Act was first used to file cases in the manner that contradicted the intent of the law by one individual against another. There are three cases known to the public:

A. Mr. Songkhram Chimcherd, a labour union leader, was accused by his employer of sending e-mails about a conflict within the organization to the third party. For these e-mails, Mr. Songkhram was accused of defamation by his employer. As a result, Mr. Songkhram was charged with both defamation and entering false computer data, Section 14 (1).

B. Mrs. Preeyanan Lorsermvattana was accused in a case filed by Dr. Prachoomporn Booncharoen, chair of the Doctors’ Alliance of Regional and General Hospitals, in
which Dr. Prachoompron claimed that Mrs. Preeyanan had publicized false information such as death statistics and pictures of medical errors, which she had used for her campaign to promote the Medical Malpractice Victims Protection Bill. Mrs. Preeyanan was charged with entering false data, Section 14 (1).

C. A Twitter account “@NotMallikaBoon” parodying “@MallikaBoon” of Ms. Mallika Boonmeetrakool, Deputy Spokesperson of the Democrat Party, who filed a case under Section 14 (1) of the Computer Crime Act for the publication of false information which caused misunderstanding and impaired her reputation. It appeared in the news that Ms. Mallika filed for defamation.

Aside from the overlapping provisions of the defamation law and Section 14 of the Computer Crime Act, another crucial problem is that almost all of the offences in the Computer Crime Act are criminal offences which cannot be compounded (with a settlement reached out of court), so defamation cases like A and C cannot be settled by compromise or dropped by the injured party.

As the number of Thai citizens using internet as the primary channel of communication is growing, political activities and campaigns on rights such as labour rights and patients’ rights also use the internet. It has become a great concern of the Thai Netizen Network that the Computer Crime Act will in the future be used to obstruct campaign on the rights and freedoms of citizens.
2) The Computer Crime Act tends to be often used as an ‘online’ Lèse Majesté Law.

In 2011, 11 Computer Crime Act cases were known to the public. However, only one was solely a computer system offence, while the rest were content-related cases, and eight were lèse majesté-related and almost all the accused/defendants were also charged under Section 112.

Such statistics indicate that the Computer Crime Act was used as an extension of Section 112 of the Criminal Code in repressing opinions toward the monarchy and elite on the internet, which restricts freedom of expression in Thailand.

3) Judicial proceedings involving computer crimes still lacked high standards. Judges lacked knowledge of the technology, causing the burden of proof beyond reasonable doubt to fall upon the defendant.

In 2011, two cases revealed a lack of understanding in the complications of the technology which brought about a wave of criticism. One was Mr. Thantawat’s case, where, as the web-designer of norporchorusa.com, he was charged with publishing a statement insulting the King. The other was Mr. Amphol’s case (Ah Kong SMS) where he was accused of sending messages insulting the Queen to an assistant of the former Prime Minister.

Considering the facts of both cases, Thai Netizen Network believes that there are still flaws in the proof that both defendants were guilty beyond reasonable doubt and such flaws also revealed that judges still lacked understanding of the technology.
Netizens are not excused for ignorance; the courts also are not excused for ignorance

by Arthit Suriyawongkul (First published on March 17th 2011 on thainetizen.org)

Thai Netizen Network commented on the conviction of Mr. Thantawut in which, as norporchoruse.com’s web-designer, he was accused of posting a message defaming the King and being the admin of the website, questioning the understanding of internet technology among the judiciary, which affects freedom of the people, and made observations on the use of log files as evidence.

(March 16th 2011) The judgement of the Court on the norporchorusa.com designer reflected a misunderstanding by the judiciary of what is possible and the technological facts.

Linking the ability to access the FTP (File Transfer Protocol) to admin status. (Facts: FTP services; login, anonymous, including various levels of accessibility, are broadly available for internet users.)

Understanding that the ability to access a computer system is the same thing as the ability to make changes to the content in that computer system. (Facts: Generally, a computer system consists of ‘areas’. While data from certain areas may be accessible for each internet user, other areas may not be accessible or can only be viewed (read-only) but not changed or added to, or may even be invisible to users. These misunderstandings arose from the lack of understanding that
the internet system consists of various separate services such as e-mail, FTP, website, chat, etc. and operates by the coordination of components which are not necessary administered under the sole responsibility of one person. This misunderstanding was reflected by the court’s verdict using the term ‘administrator’ without identifying for which areas or components this ‘administrator’ was responsible.

Furthermore, there was a misunderstanding on how computer systems in web services connect and cooperate independently as reflected in the court verdict that the ability to access FTP means the ability to modify the content of the website. (Fact 1: Even though users can upload and modify the content in files that can be accessed via FTP, as already mentioned, “areas” and files are not necessary available for viewing through the websites, which means even the ability to modify files in FTP doesn’t mean the ability to modify the content in the website. Fact 2: In this case, the website system of norporchousa.com used Joomla content software which stored content in a SQL database system, where access to FTP could not modify or add to the content stored in SQL.)

The lack of technological understanding demonstrated above affects trials and has a negative impact on the rights and freedom of the accused and the general public.

From the observations of reporters, human rights activists, and representatives from Thai Netizen Network, the question arises
whether the court’s consideration of this case has tried to offer corrections to the testimony and other technical facts which will benefit a careful and through consideration of the cases on the basis of evidence from both plaintiff and defendant.

At the most basic level, despite the other technological complications, we observe that in this case, the log files, which supporters of the Computer Crime Act view as crucial evidence that must be secured for a proper and through consideration of the case, was used only to identify the suspect but not fully used to provide justice or prove the guilt of the suspect.

In conclusion, evidence taken by the court could not prove beyond reasonable doubt whether the defendant was the one responsible for posting the content and being the admin (of the computer system related to the accusation) or not.

Sawatree Suksri, lecturer of the Faculty of Law, Thammasat University, a specialist in internet-related law, gave her comment concerning the issue of legal principles in criminal cases.

According to the Criminal Procedure Code, the most important legal principle is:

1. the presumption of innocence, which means that the accused or the defendant must be presumed to be innocent until found guilty by the court.
2. From 1, it follows that the burden of proof beyond reasonable doubt falls upon the plaintiff and not the defendant. However, the ruling of the court was written implying that the defendant failed to offer proof... reflecting the court's focus on the defendant's case rather than the plaintiff’s, which violates the principle.

Normally, in very technical cases such as this, the burden of proof falls upon on the plaintiff and the benefit of the doubt goes to the defendant (acquittal). Therefore, the remaining questions are:

1. How did the plaintiff give proof to the court beyond reasonable doubt (when in fact, the court’s reasoning still shows doubt)?
2. How did the defendant try to confute the plaintiff’s argument?

Technical Comment on Mr. Amphol’s Case

by Wason Liwlompaisan
First Published in blognone.com

On December 14th, I participated in the seminar “Civil Rights and Electronic Evidence”, organized by Thai Netizen Network. The speech I gave was more influential than I thought it would be. It happened that newspapers and media such as Bangkok Business, The Nation, and Jorkawteun cited it. The speech was based on information I acquired through iLaw which provided documents the defendant received. Due to the time limit and the unfamiliarity...
of the audience with the subject, I decided to write an article on this particular issue in blognone.com.

This article will try to point out that with the evidence provided in this trial, there are many other possibilities. And if this case sets the standard of proof in criminal prosecutions, it may allow others to be framed.

Facts of the case

Many people may have read from many sources and found various versions of facts such as found in the discussion in blognone.com which caused some confusion. Therefore, to begin with, I shall clarify these facts.

- The evidences provided in this trial were four mobile phone screen shots.
- The messages were sent on May 9th, 11th, 12th, and 22nd 2010, from -3615 an unregistered number on the DTAC network. It was later found that there were more messages sent from this number but the contents were unknown.
- The IMEI number of -3615 was 358906000230110.
- The investigating officers checked the log of number 358906000230110 and found that it was also used with -4627, an unregistered number on the True network.
- The log of -4627 showed that the number was used with another number which is registered with Mr. Amphol’s daughter.
• The Cell ID in the DTAC network used to send the four SMS was 23672, which covers Soi Wat Dan Samrong 14 – 36. Mr. Amphol’s house is in Soi 32 and -4627 was used in the same area.

• -3615 and -4627 were used during the same period but never at the exact same time.

• Log for a whole day showed multiple incoming SMS to -4627. On this issue, the full text of Mr. Amphol’s verdict stated that -4627 had sent multiple SMS. I am not sure whether I have seen all of the documents, but from what I have seen, there were only messages received.

• After the arrest, the mobile phone was sent to be checked for IMEI modification and any message or data evidence left in it. Unfortunately, the phone was so damaged that the IMEI number (International Mobile Equipment Identity) and data memory could not be retrieved (this can only be identified by the tag sticker on the back). The only thing left was a micro SD card which the investigating officers claimed to have already transferred the data into a CD. (I could not find any document stating what content it contained).

IMEI number

On whether IMEI number can be forged or not, there has already been discussion that it can. In some models, the equipment needed is no more special than a USB cable and software.
What really should be made clear is that even though we do not know people’s IMEI numbers, because there is no use for this, in practice, IMEI numbers are not classified. Most mobile phones will show their IMEI numbers by just pressing *#06#. The IMEI number is also on a tag sticker placed under the battery. Mobile phone packaging also provides the IMEI number on the box. These numbers would have been seen by many individuals such as salespersons, repair technicians, etc. They are very different from ATM pin numbers which are printed directly in black, sealed envelopes that no one else has access to.

**Screenshot**

I had already discussed that screenshots, whether saved directly from the screen or photographed from a monitor, cannot be used as evidence. In reality, we can very quickly edit the data until there is no evidence left.

Making changes to the content of incoming SMS is not difficult with many mobile phone models (Nokia, Android, iPhone). Once they have been edited, it is impossible to verify the authenticity of the messages with screenshots.

**Authenticity of usage logs**

In the court’s written verdict, one part refers to the authenticity of usage logs, which has an important bearing on its credibility. If anyone remembers the days of analogue phones (Advanced Mobile Phone System), one of the nightmares was having your mobile phone tuned. Ridiculous fees charged to
victims have caused constant disputes between clients and service providers. Even today, mis-charging (which is also based on these usage logs) is still the number one complaint received by the TCI (Telecommunications Consumer Protection Institute) and NBTC (National Broadcasting and Telecommunications Commission). There have also been cases of mobile phones in the GSM system reportedly tuned in Europe. The problem of credibility in Thai telecommunications still remains as before.

With respect to security, attacking a service provider to cause errors in logs is nothing new. A mobile phone in the GSM system was recently reported tuned. Attacking with a de-registration spoof to trick service providers into mistakenly thinking that the phone is turned off was reported almost 10 years ago.

The GSM system has many flaws in its design which are now fixed in the 3G system. Most flaws are in a technical report by 3GPP (3rd Generation Partnership Project), a collaboration between groups of telecommunications associations to design standards for 3G.

**Swap**

Swap has been the second most discussed subject in IMEI forgery. In this case, as already mentioned, tricking a service provider into thinking that a phone is turned off is possible. However, the same result can be achieved through jamming which is a lot easier.
The use of mobile phone jammers must be approved in advance by the NBTC. Mobile phone jammers are widely available, varying in price and range from 10-100 metres and generally used in conference rooms and other places.

The inference that if the log does not show overlapping usage, this means messages were sent from the same mobile phone, despite failing to retrieve the IMEI from the phone, begs the question and provokes criticism. This means that to frame someone, one needs only to know the IMEI number of the victim, activate a mobile phone jammer, walk outside the jammed radius, and send a message from an IMEI-forged mobile phone. None of this requires touching the victim’s mobile phone or any specific knowledge other than those of an ordinary mobile phone technician.

**Identity proof**

Apart from the above doubts, I also question whether, even if we can clearly identify the mobile phone used to commit the crime, investigating officers still need to gather evidence to prove who the culprit was. In prior cases, the officers were very careful about identifying the suspect to the point that they waited and made the arrest as the suspect was using a computer. Aside from scepticism concerning the violation of rights in the arrest, the prominent question needed to be answered is what exactly was the standard of proof of identity? While this case only needed a usage log that pointed to a mobile phone, the question remains, what will become of judicial standards?
1.2 Internet Censorship in Thailand

From April to December 2010, when the Emergency Decree (Emergency Decree on Public Administration in State of Emergency, 2005) was in effect, more than 10,000 URLs were blocked for threatening state security (despite the fact that most of the websites blocked were ones attacking the Abhisit Vejjajiva administration), which was a severe violation of freedom of access to information. Even when CRES (Centre for the Resolution of the Emergency Situation) was disbanded in December 2010, the blocking orders which should have also been lifted remained in effect. Furthermore, many websites that have been blocked were blocked only by “requests” to ISPs from the authorities.

The severity of the censorship subsided when CRES was disbanded early in 2011, and Thai politics entered the election phase. But when the Pheu Thai Party won in July, it immediately announced that suppression of lèse majesté websites was a prominent policy of the government. In the last quarter, members of the administration gave interviews about their hard work in suppressing lèse majesté websites almost every day and also claiming that they have requested cooperation from service providers outside the country such as Facebook to close down lèse majesté pages. Before the end of the year, they also stated that there was a plan to purchase a “signal cutting” device.
Examples of websites blocked without transparency

A. prachatai.com

During the Red Shirt political movement in March-May 2010, CRES under the Democrat Party administration, issued an order under the Emergency Decree, dated April 8\textsuperscript{th} 2010, to block domestic users from accessing 36 websites including www.prachatai.com.

When CRES ordered the blocking of prachatai.com, the website team decided to create new URLs for internet users to access the website. CRES, however, continued to extend the blocking which resulted in seven URLs created by Prachatai to keep prachatai.com accessible:

Prachatai.com > prachatai.net > prachatai.org > prachatai1.com > Prachatai.info > prachatai1.info > prachatai2.info > prachatai3.info

Apart from its main website, Prachatai’s accounts on Facebook, Twitter, and YouTube were also blocked from certain ISPs.

On April 23\textsuperscript{rd} 2010, Prachatai filed an action in the civil court. The case is currently on appeal with no clear time frame for the ruling.

At this moment, Prachatai is still inaccessible by normal means because internet users cannot access prachatai.com with certain ISPs. It was also found that the blockage was not consistent.
It occurred only at certain periods of time and areas of service. Prachatai sent letters about this to three ISPs (True, TOT, and 3BB) but got a response only from 3BB that the block had been lifted.

B. thaifreenews.org

During March-May 2010, thaifreenews.org was also blocked. The website then changed URL six times to avoid being blocked:

thaifreenews.org > tfn.info > tfn1.info > tfn2.info >

thfn3.info (blocked in advance) > tfn4.info > tfn5.info

To maintain the original URL, thaifreenews.org, after the changes, the website used word of mouth to spread the new URLs to the site’s fans.

The website was never contacted by the authorities or ISPs. It was assumed that the blocking was done without a court order but rather by a request to ISPs, because some users were able to access the website with certain ISPs. The website admin stated that the URL was not shown in CRES blocking lists.

Furthermore, Thaifreenews had to relocate from a Thai to a foreign server because the Thai server’s owner arbitrarily shut the website down out of fear with the excuse that it was a measure during a tense period of political unrest.
At present, Thaifreenews can be accessed through the 3BB system but it is found to be still blocked by True and TOT. (Surveyed September 29th 2011)

**Yingluck Shinawatra administration’s position on cracking down on lèse majesté websites**

On August 13th 2011, www.innnews.co.th reported Grp. Capt. Anudith Nakornthap, Minister of Information and Communications Technology, as stating that civil servants and Ministry officials at every level must be strict in cracking down on lèse majesté websites and offences under the Computer Crime Act where enforcement of the law must be resolute.

On August 18th 2011, the Royal Monarch Alert Protection Network (RMAPN) saw Grp. Capt. Anudith demanding a crackdown on lèse majesté websites and enforcement of the Computer Crime Act as he had stated. Grp. Capt. Anudith replied that he would constantly enforce the law on lèse majesté websites along with other inappropriate websites such as gambling and pornography, however procedures must be in accordance with the Computer Crime Act. “There is no need to worry. The Ministry shall perform its duty. The courts are the ones that have jurisdiction over blocking websites. The Ministry is just coordinating. Whoever thinks an order is unjust can appeal to the court”, the ICT Minister stated to RMAPN. (35)

On August 23rd 2011, Grp. Capt. Anudith, after government policy statement had been delivered to the National Assembly,
explained that this government, even though it had just assumed the office, had given priority to the suppression of lèse majesté websites from the start. He also added that MICT reports indicated that during the previous administration, there were 116 complaints on lèse majesté websites and the cabinet had approved 530 million baht for MICT to deal with the issue but the Ministry had not spend it, and instead, the budget was reallocated to the Ministry of Justice and the Office of the Narcotics Control Board, which resulted in an emergency over lèse majesté websites. www.komchadluek.net also reported Police Captain Dr. Chalerm Yubamrung, Deputy Prime Minister, stating that many lèse majesté websites emerged during the Democrat Party administration because Chawarat Chanweerakul, Minister of Interior, did not take care of them. (36)

On October 20th 2011, in an interview responding to opposition criticism that Grp. Capt. Anudith had not cracked down on lèse majesté websites and had not yet prosecuted any criminals, he stated that MICT and related departments had consistently dealt with the issue but offences of this kind did not need to be publicized. (37)

On November 23rd 2011, the ICT Minister reported that orders had been issued to block more than 10,000 URLs and Facebook headquarters in the US had been requested to close Facebook pages of lèse majesté images and messages posted from outside the country. The Minister also urged the general public not to click ‘like’ or ‘share’ on such posts since this is also immediately considered to be an offence under the Computer Crime Act, 2007. (38)
On December 1st 2011, the ICT Minister together with representatives from the Royal Thai Army, Royal Thai Air Force, Royal Thai Navy, National Security Council, National Intelligence Agency, Royal Thai Police, Ministry of Defence, and Ministry of Justice, introduced the Cyber Security Operation Centre (CSOC) located in Building 9 of TOT plc, Chaeng Wattana Rd., with a mission of suppressing cyber-threats, especially from lèse majesté websites. The Minister also explained that the Centre is an upgraded version of the Internet Security Operation Centre (ISOC) established in 2010, and will use more advanced technology in verification, analysis, and stopping inappropriate websites, due to the change in uses of media and patterns of information transfer especially in today’s social media such as Facebook and Twitter, which allow dangerous information to spread easier and faster.

Furthermore, the ICT Minister also stated that since he had assumed the office, more than 60,000 URLs had been blocked, which demonstrated the government’s determination in showing allegiance to the King.

On December 8th 2011, Pol. Capt. Chalerm stated in an interview that on December 7th 2011, Ms. Yingluck had appointed him chairperson of the Executive Committee on Prevention and Suppression of Illegal Information Sharing through Communications Technology Policy, consisting of 22 members. The main objective of the Committee is to eliminate and block websites that negatively affect the monarch, and to inform the general public from time to time, identifying the criminals but not revealing details. He also
urged civil servants to strictly defend the honour of the monarch without an excuse that the websites were located outside the country, or he would decisively prosecute them.

On December 12th 2011, Pol. Capt. Chalerm stated that though lèse majesté websites located outside the country cannot be closed, they can, however, be blocked and “cut off”. Therefore in the special cabinet meeting, he had informed the Secretary-General to the Prime Minister that he would have MICT set up a 400-million-baht budget to purchase such device. (40)

On December 14th 2011, after meeting with Police Captain Chalerm, Pol. Lt. Gen. Worapong Chewpreecha, team leader, explained the two measures:

1) blocking inappropriate content from being exposed to the general public

2) prosecuting in cases with sufficient grounds for an arrest.

Mr. Thanit Praphatanant, Executive Director of the Legal Affairs Bureau, Office of the Permanent Secretary, Ministry of Information and Communications Technology, as a representative of the Minister stated that the Ministry had gathered a list of 60,000 URLs 116 of which already been blocked, and would cover as many as possible every week.

Pol.Col. Siripong Timula, Deputy Commander of the Technology Crime Suppression Division (TCSD), stated that TCSD research found a tool universally recognized to help secure the network called Lawful Interception (LI), which would operate
within the context of the law and not undermine the rights of the people. He proposed that MICT should get cabinet approval for a 400-million-baht budget to purchase this device to block website networks. The Prime Minister gave the green light for MICT to proceed. (41)

Observations and Demands from Thai Netizen Network

1) Demands to the state regarding the suppression of lèse majesté websites

- The state must not convict any link sharing and the Computer Crime Act, 2007 must be amended to exclude link sharing.

In countries that prioritize civil rights, such as Canada, the courts ruled that sharing of links is not considered to be creating and publicizing content and will not be liable because the content of the links can always change beyond the control of the sharers. Sharers, therefore, are excluded from liability.

However, in Thailand, law enforcers interpret link sharing as publicizing and liable, which must be adjusted urgently.

- Making, sending, and sharing links are the heart of the internet. Network connections would not happen without links. To criminalize link sharing is to fundamentally disrupt the internet and undermine public interest.

- The state must not criminalize unwitting sharing in social networks.
Social networks operate in such an automatic manner that users may be unaware and unable to control every detail of use.

Social networks such as Facebook contain software to automatically select contents and links to be browsed on the main page (wall) and private page (profile), which users may not have allowed or acknowledged. Such selection may have many components which are beyond the control of users. Facebook software is known among the users to change constantly.

To criminalize clicking ‘like’, commenting, or any other activities which are not known to disseminate content or not, is to criminalize the nature of the system which causes a state of fear among users who are unable to use social networks normally.

- The state should be aware of the endless public cost for this impossible attempt.

There is no efficient and worthwhile censorship. Even if the government went as far as investing in a Great Firewall as in China, which started with a budget of approximately 24,000 million baht, content will never be cleansed from the internet. On the other hand, obstruction of cyber traffic does have a negative impact on economic development and innovation.

- The Ministry must operate within the context of law and must end informal “requests” to service providers.

The culture which informally “requests” private companies to conform to the state undermines governance and administration, because there is no formal evidence and citizens cannot exercise
their rights, such as rights under the Official Information Act, to review government activities, which undermines the protection of civil rights and risks violating the right of privacy.

- If the state confirms the necessity to close down or block websites or ‘inappropriate’ messages, such measures should be implemented without putting any liability on intermediaries or service providers.

Thai Netizen Network suggests that the closing down of websites should be carried out so as to minimize the impact on the service providers by consider the following steps:

Categorize types of service providers and admin into ‘content-related’ and ‘content-unrelated’

Stipulate that content-unrelated service providers and admin (data tubes) are not liable.

Stipulate the levels of the relation between service providers and admin, and the content.

Limit the impact on unrelated parties. Court orders should address the service providers or admin closest to the content before addressing those more distant, because service providers or admin who are closer to the content will have the ability to directly deal with it and also because this will reduce the chance that other unrelated customers will be affected.
Keep in mind that restricting accessibility is just a damage-control measure in the way of temporary protection. Blocking orders can be issued if and only if complaints have been filed and they must be time-limited (extendible within limits). Service providers must display the number of court access-restriction orders clearly on their page for public verification. Restrictions must be immediately lifted when a charge is dropped, the case is dismissed, or the trial rules that the content is not illegal. Complete details of the orders must then be presented to the public.

2) Confirmation from Facebook and Google on the Request from the Thai Government

Thai Netizen Network could not find any formal confirmation from Facebook about whether the website has closed down lèse majesté pages as Thai government requested or not.

The Google Transparency report revealed that the Thai government made the following requests to Google to censor content:

July-December 2010. One request from MICT to remove 43 videos from YouTube. Google responded by restricting access from Thailand to all 43 videos.

January-June 2011. Two requests from MICT to remove 225 videos from YouTube. Google responded by restricting access from Thailand to 90% of the 225 videos.
Between July 2010 and June 2011, there were three requests from the Thai government to remove 268 videos from YouTube; all were claimed to contain contents related to the monarchy (criticism, parody, etc.).
2.1 People’s use of social networks in political movements

After the September 19th 2006 coup, the polarized political situation and repression through Section 112 of dissenting views of the monarchy have denied public space to dissidents and driven them to express their opinions behind aliases in social networks. This situation led to proliferations of Facebook pages and YouTube video clips some of which fall under Section 112 of the Criminal Code. These pages are here called “lèse majesté pages” (for example, photo editing in a way that insults the monarch, naming a page showing malice toward the monarch; posting a comment conveying disloyalty; rejection of the institution or certain role of the monarch that could not be spoken in public).

The proliferation of lèse majesté pages along with critical comments toward the monarch led to responses from loyal Thais that could not tolerate them. Most responses were filled with foul language and hate speech. A cyber witch hunt then started to appear among royalists in 2009.

In 2011, opponents of the old power also engaged in a cyber witch hunt. There also emerged a new method where names and photos of loyalists were used to create fake Facebook accounts and post comments conveying hatred toward the monarch.
With these back and forth counterattacks emerged a new response from Thai conservatives to avoid confrontations and aim at more practical results.

1. Overall image of people’s use of social networks in political movements

A survey revealed more than 500 pages with a political purpose mostly consisting of groups, communities, public figures, and also non-profit organizations, media/news outlets and websites.

On the liberal side, many public figure pages were found in the form of parody and satire such as Kenshiro (เคนชิโร่), Gu kult (กูkult), and many other characters where most content on these pages parodied and satirized issues related to the monarch, Section 112, and other social stigmas.

Private groups of these liberals also existed with Facebook pages that can be viewed only by members. Despite limited access to these pages, the survey had, the survey indicated that they were numerous and also played a crucial role because they provided a space to share and discuss information risking Section 112 charges and functioned as a ‘war room’ to feed information support to the debates on public pages.
<table>
<thead>
<tr>
<th>Rank</th>
<th>Page Name</th>
<th>Members/Likes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>One Million United Supporting Dissolution of Parliament (รวมพลัง 1 ล้านคน สนับสนุนให้ยุบสภา)</td>
<td>22,083</td>
</tr>
<tr>
<td>2</td>
<td>Mr. Nattawut Sai-Kuea (นายณัฐวุฒิ ใสยเกื้อ)</td>
<td>20,490</td>
</tr>
<tr>
<td>3</td>
<td>Prachatai</td>
<td>17,802</td>
</tr>
<tr>
<td>4</td>
<td>Democracy in the eyes of Red Shirt (ประชาธิปไตยในทัศนะของคนเสื้อแดง)</td>
<td>17,567</td>
</tr>
<tr>
<td>5</td>
<td>Jo Khaw Tuen (เจาะข่าวตื้น)</td>
<td>15,468</td>
</tr>
<tr>
<td>6</td>
<td>Professor Dr. Pridi Banomyong (ศาสตราจารย์ ดร. ปรีดี พรหมยงค์)</td>
<td>12,672</td>
</tr>
<tr>
<td>7</td>
<td>Red Ants Defeat Elephant (มดแดงล้มช้าง)</td>
<td>12,351</td>
</tr>
<tr>
<td>8</td>
<td>Bo Ko Lai Jut (บก.ลายจุด)</td>
<td>12,329</td>
</tr>
<tr>
<td>9</td>
<td>Chaturon Chaisang</td>
<td>10,037</td>
</tr>
<tr>
<td>10</td>
<td>Prophet (ศาสดา)</td>
<td>9,257</td>
</tr>
<tr>
<td>11</td>
<td>UDDthailand</td>
<td>9,197</td>
</tr>
<tr>
<td>12</td>
<td>Khit Len Hen Tang Kap Kham Phaka (คิดเล่นเห็นต่างกับค้าผกา)</td>
<td>8,808</td>
</tr>
<tr>
<td>13</td>
<td>Confident that over million Thais support Nitirat’s proposal</td>
<td>8,516</td>
</tr>
<tr>
<td></td>
<td>(มั่นใจคนไทยเกิน 1 ล้านสนับสนุนข้อเสนอของคณะนิติราษฎร์)</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Kenshiro (เคนชิโร่)</td>
<td>8,080</td>
</tr>
<tr>
<td>15</td>
<td>Red Forever Young Witch (แม่มดสาวพันปีสีแดง)</td>
<td>7,556</td>
</tr>
<tr>
<td>16</td>
<td>Horizontal Axis (แกนนอน)</td>
<td>7,489</td>
</tr>
<tr>
<td>17</td>
<td>Red Intelligence</td>
<td>7,422</td>
</tr>
<tr>
<td>18</td>
<td>Jit Phumisak (จิตร ภูมิศักดิ์)</td>
<td>7,176</td>
</tr>
<tr>
<td>19</td>
<td>Sanction Witch Doctors (ยุทธการลงทัณฑ์นักล่าแม่มด)</td>
<td>6,217</td>
</tr>
<tr>
<td>20</td>
<td>If you love Thailand, don’t be shy (ถ้ารักประเทศไทย ต้องไม่ซึบเฉย)</td>
<td>6,163</td>
</tr>
</tbody>
</table>

Table 1. 20 most popular Facebook pages with ideologies opposing the establishment
Surveyed October 18th 2011
<table>
<thead>
<tr>
<th>Rank</th>
<th>Page Name</th>
<th>Members/Likes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Thais Who Love the King (คนไทยรักในหลวง)</td>
<td>767,029</td>
</tr>
<tr>
<td>2</td>
<td>Our Beloved Princess Maha Chakri Sirindhorn (เรารัก “สมเด็จพระเทพรัก”)</td>
<td>658,288</td>
</tr>
<tr>
<td>3</td>
<td>Confident that over million Thais oppose Dissolution of Parliament</td>
<td>559,716</td>
</tr>
<tr>
<td></td>
<td>(มั่นใจคนไทยเกิน 1 ล้านคน ต่อต้านการยุบสภา)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>We Love the King (เรารักในหลวง)</td>
<td>448,737</td>
</tr>
<tr>
<td>5</td>
<td>We love the King of Thailand</td>
<td>404,390</td>
</tr>
<tr>
<td>6</td>
<td>We Love His Majesty the King (เราจะพระเจ้าอยู่หัว)</td>
<td>335,531</td>
</tr>
<tr>
<td>7</td>
<td>One Million Sprouts for Our Father (1 ล้านกล้า ถวายพ่อ)</td>
<td>313,579</td>
</tr>
<tr>
<td>8</td>
<td>We Thais will not dissolve Parliament or take back Thaksin the traitor</td>
<td>235,134</td>
</tr>
<tr>
<td></td>
<td>(พวกเราชาวไทยไม่ยุบสภาและไม่เอาคนโกงชาติทักษิณกลับคืนมา)</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>I don’t want “Red Shirt” (กู ไม่เอา “เสื้อแดง”)</td>
<td>191,754</td>
</tr>
<tr>
<td>10</td>
<td>#WeLoveKing (เรา พระเจ้าอยู่หัว)</td>
<td>149,644</td>
</tr>
<tr>
<td>11</td>
<td>Thais defend the King (คนไทยร่วมใจปกป้องในหลวง - We Love King)</td>
<td>112,028</td>
</tr>
<tr>
<td>12</td>
<td>Watch Red Shirt ศูนย์ปฏิบัติการติดตามผู้ชุมนุมเสื้อแดง</td>
<td>65,813</td>
</tr>
<tr>
<td>13</td>
<td>Confident that over million Thais are touched by Pongpat’s speech at the Nataraj Awards (มั่นใจว่าคนไทยเกินล้านได้ฟังพงษ์พัฒน์พูดในงานประการรางวัลนาฏราชแล้วน้ำตาไหล)</td>
<td>20,456</td>
</tr>
<tr>
<td>14</td>
<td>Signatures to wish the King well (ร่วมลงนามถวายพระพร “ในหลวง”)</td>
<td>15,103</td>
</tr>
<tr>
<td>15</td>
<td>Social Sanction: SS (ยุทธการลงทัณฑ์ทางสังคม)</td>
<td>13,741</td>
</tr>
<tr>
<td>16</td>
<td>Free Thais on Facebook (ขบวนการเสรีไทยเฟซบุ๊ก)</td>
<td>13,553</td>
</tr>
<tr>
<td>17</td>
<td>I shall reign with righteousness (ครองแผ่นดินโดยธรรม)</td>
<td>13,495</td>
</tr>
<tr>
<td>18</td>
<td>We don’t want a brainless Barbie administration (เราไม่เอา ตุ๊กตาบาร์บี้ไร้สมอง มาบริหารประเทศ)</td>
<td>13,393</td>
</tr>
<tr>
<td>19</td>
<td>Dig Hot News, Delve Deep (เจาะข่าวร้อน ล้วงข่าวลึก)</td>
<td>13,059</td>
</tr>
<tr>
<td>20</td>
<td>Demonstrate our allegiance to His Majesty the King (ร่วมกันแสดงความจงรักภักดีแด่พระเจ้าอยู่หัว)</td>
<td>12,729</td>
</tr>
</tbody>
</table>

Table 2. 20 most popular Facebook pages with ideologies supporting the establishment
Surveyed October 18th 2011
2. Cyber Witch Hunts: Internet Vigilantism

Since the 2006 coup, views toward the monarchy have become more polarized, where the primary subjects are the monarch and Section 112. Social networks such as Hi5 and Facebook, which were growing in popularity, became the medium of daily communication and the primary space for the general public to express political views. With or without aliases, the internet then became a space to express critical or not-sufficiently-loyal opinions toward the institution. As a result, due to the fact that criticism of the monarch has been a decades-long social stigma in Thai society, those who criticized were ‘exposed’ by the loyalists in forums such as serithai.net.

The ‘exposure’ was done by gathering personal information and photos of the targets and public displaying them to be condemned. This may lead to both verbal and physical assault.

The Social Sanction (SS) was created on Facebook page in February 2012 in order to witch-hunt political dissent. Anti SS pages were created after that such as;

1. Anti-Social Sanction (A-SS) was created in response to the SS page.

2. Sanction Witch Doctors (SWD) was created to replace A-SS which was closed down. Its current objective is to uncover the identities of the SS team, which shall be elaborated below.
3. Social Sanctions (SS) was created to cause confusion by duplicating the SS page using an identical name and profile picture. The only difference lay in the URLs of the pages (the URL of original SS page is “facebook.com/SocialSanction” while the URL of this page is “facebook.com/SocialSantions”). The new hoax page provided information contradicting the original page and delivered in the same fashion as any other Red Shirt page which was attacking the establishment and Democrat Party.

4. WHY-Social Sanction was created to question the cyber witch hunts of the previous year. The description of the group was “Why expose? Why be nosy? Why deliberately antagonize others’ views? Why reveal others’ personal information? Why vigilantism? Why not share opinions and contribute to coexistence?” Eventually, despite being a group page, it is no longer active and became a place for royalists to post comments and photos against the opposition.

In conclusion, the only cyber witch hunt pages still active are SS and SWD.
1. Criticize/Oppose Red Shirts and Lèse Majestè
2. Social Sanction: SS
3. Share and proceed
4. Criticize/Oppose Red Shirts
5. Gather Bangkokians to oppose evil Red Shirts
6. Question internet vigilantism
7. WHY-Social Sanction
8. Duplicate for confusion
9. Respond
10. Blocked
11. Anti-Social Sanction
12. Move to
13. Witch Hunt/Target SS’s Admins
14. Sanction Witch Doctors
15. Social Sanctions: SS (Hoax)

Figure 1. Diagram illustrating connections and opposition between royalist and liberal vigilantes.

Case Study 1: Social Sanction: SS Facebook page

The Social Sanction: SS page describes itself as “uniting Thais to expose crooks and defend the monarch by social sanction” and its mission as “fight corruption and defend the monarch”.

The survey, the SS page would target individuals expressing opinions critical on the monarch, or Red Shirts favouring former Prime Minister Thaksin Shinawatra, by publicly posting their photos, full names, and personal information such as address, telephone number, date of birth, education, employer, address and telephone number of employer, family members or partners. Furthermore, photos of the ‘hunted’ would be edited in a form of parody with foul comments aiming to strike fear and provide information for its members in attacking the subject such as threatening calls, etc.

The SS page was closed down at least once in 2010 and targeted more than 30 individuals.

Individuals who were targeted by SS page may receive the treatment more than once (more than one post). It often occurred that such individuals tried to respond to the SS page by posts on their own Facebook walls; screenshots of the posts were captured by the SS page to be made fun of again.
The main discourse used on the SS page to attack its opponents was centred around the notion of ‘Thainess’ under the absolute monarchy, such as “being Thai is being loyal to the monarch, the owner of the Kingdom”, “whoever questions, criticizes, or does not express love toward the monarch is considered alien, ungrateful, and evil”. The discourse frequently used expressions such as ‘ungrateful’, ‘dead wood’, ‘traitor’, etc. They also expressed stereotypes that whoever fails to reflect this ‘Thainess’ is part of the movement to destroy the monarch, and also whoever is disloyal to the monarch is someone who loves former P.M. Thaksin Shinawatra, is stupid enough to be tricked by him, and has no thoughts of their own, as reflected in ‘red tail’, ‘fooled’, and ‘red buffalo’, etc.

In addition to targeting, the SS page also acted as opinion leader by posting political news or popular issues with leading captions while the comments were pointless and irrational (‘Thainess’ under the absolute monarchy was the only argument that make sense), and filled with hate speech such as calling Nitirat (a group of scholars advocating law reform) ‘Nitiruay Huakard’ (a word plays meaning ‘Nitirat dickhead’), “a black magic proves clearly that every red tail snatches hungry ghost’s birth”, and also speeches targeting physical appearance and gender. For example Mr. Jakrapob Penkair was mocked for being gay, or Ms. Kam Phaka, who had exposed her breasts in protest against the 20-year sentence of ‘Ah Kong SMS’, was later mocked for how her breasts looked in at least eight SS page posts within 10 days.
In conclusion, the SS page was created to satisfy a group of royalists and provide space for them to express their hatred toward the opposition.

1. Lynched!
2. It’s time for Thais to stop being pretentious
3. Sunday funny-farm gang (mocking the Red Sunday group led by Mr. Sombat Boonnγamanong)
4. Common Friends
5. Shared 3 common friends
6. See all.
7. Comrade Isara is happy
8. Horizontal axis Love Red Sunday Alliance
9. Anuwat It’s time for Thais to stop being pretentious
10. Info
11. Photos
12. Activities
13. Catch me if you can
14. Insulting hell beast!!! Anuwat It’s time for Thais to stop being pretentious
15. Work and Education
16. Employer
17. Graduate School
18. June 2007 to present
19. Bachelor Architecture
20. Social Sanction: SS Insulting hell beast!!! (unlawfully)
   Facebook name: Anuwat It’s time for Thais to stop being pretentious Date of birth: xxx Education: Faculty of Architecture xxx (June 2007 - Present)
21. Exposed!

Figure 2. A picture from the ‘Lynched!’ album of Social Sanction: SS public display of personal information; name, date of birth, education, work place, address and telephone number of the company. (Some information blurred by the author)
1. Prawet Praphanukul: The point is ... they are just ‘groundless’ accusations; “ungrateful to the nation” or ungrateful to the ‘King’. So I would like to ask them back.

2. 1. What is a nation? What is the definition?
   2. What do we owe to the nation? How did we come to owe it?
   3. What do we owe to the King? How did we come to owe it?

3. The point is ... of all the three questions, how do you know? Is there any proof or rationale?

5 hours ago, 1 like

4. Ungrateful to the Thai nation

5. Must be born from dog?

Figure 3. Another form of targeting on the SS page is to capture a screenshot of the opposition, underline, and add leading comments often filled with foul language and hate speech.
1. What?

2. Hia!!! (‘Hia’ in Thai means water monitor. It is arguably one of the harshest word to curse someone.)

Figure 4. An edited photo of Mr. Somsak Jeamteerasakul and a water monitor (Hia) which is one of the most abusive and offensive words in Thai, posted on the SS page on September 22nd 2011 with the caption “A picture tells lol~~ album: Mr. Somsak Jeamteerasakul, a lecturer at the Department of History, Faculty of Liberal Arts, Thammasat University, on the notification date of his charge under Section 112 of the Criminal Code (lèse majesté), Nanglerng Police Station, May 11th 2011.”
1. Kid Len Hen Tang
2. Kid Len Hen Tang
3. Kid Len Hen Tang
4. Free Ah Kong
5. Free Ah Kong
6. Free Ah Kong
7. Free Ah Kong

Figure 5. Posted on December 11th 2011 on the SS page with the caption “Seeing this, Ah Kong says ‘I’d rather die in prison’ sob sob” to mock the physical appearance of the breasts of Kam Phaka or Lakkhanā Panwichai, a renowned feminist. (Kam Phaka had posted a picture of her breasts painted messages, as part of a campaign “Free Ah Kong.” The picture showing breasts here are not hers.)
1. Confident that 60 million Thais want to tell Mr. Frank [La Rue] to ...

2. I urge Thailand to hold broad-based public consultations to amend Section 112 of the Criminal code and the 2007 Computer Crimes Act so that they are in conformity with the country’s international human rights obligations.

3. Frank La Rue, UN Special Rapporteur on Freedom of Opinion and Expression, October 10\textsuperscript{th} 2011.

4. Fuck off!!!

Figure 6. Posted on October 12\textsuperscript{th} 2011 on the SS page with the caption “Maew already said that the UN is not my father, don’t you freaking remember?” (Maew is the nickname of former P.M. Thaksin given by the opposition and Thai media.)
1. Thai Politics in the reign of Maewism
2. Maewism
3. Real Ruler
4. Puppet Government
5. Guerrilla fighters
6. Leeches
7. Citizens
8. Still Poor
9. Fooled Again
10. Stagnant

Figure 7. Posted on December 25th 2011 on the SS page with the caption “Poor red tails!! For you information, Maewism is worse than feudalism.” Reflecting SS page’s view of Red Shirts and ‘Thaksinism’

Case Study: Nithiwat Wannasiri: the number one target of SS page

Nithiwat Wannasiri, aged 24, a former student of Kasetsart University, is a prominent social and political activist who participated in political activities with the Student Federation of Thailand (SFT) and United Front for Democracy against Dictatorship (UDD). He calls himself a red shirt and since the creation of SS page, he has been exposed most often on the page.

After the crackdown on the Red Shirt Movement in 2009, he used his full name in exchanging political views with royalists on web-boards and social networks. The furious quarrels led him to be targeted though forwarded e-mails and Facebook.

“After being hunted down and exposed, most of the threats were repeatedly posted on my Facebook page or witch hunt pages, such as death threats and contract killings. There are a lot of those pages but most came from the SS page which is a group of people who used to use their real names arguing with me on Facebook, so I
also know their names, who they are, where are they from, including the admin”, Mr. Nithiwat stated. He also added that around October 2010, the SS page sent a screenshot of his Facebook page to the Dean of his Faculty. The University later filed a complaint against him under Section 112 in early October 2010 as in Mr. Noravet’s case (See. 1.1 Cases related to the Computer Crime Act). Nithiwat was summoned to give a statement to the police only once.

1. A maniac who challenges the law
2. Ai-Jom-Hia (Toey…Degenerate) with long-hair
   Real Name: Nithiwat Wannasiri (Toey)
   Friends call him... Degenerate!
   Date when hell sent him to be born: xxx
   Address: xxx

Figure 8. Nithiwat was crucified by this SS page post on October 9th 2010.
Encounter with the hunter

Aside being hunted by the SS page, Nithiwat’s personal information and photos was also exposed by other groups. One of was “Rally Bangkokians to oppose evil Red Shirts”.

The group “Rally Bangkokians to oppose evil Red Shirts” was created to oppose the red shirt demonstration in Bangkok by criticizing the Red Shirt Movement politically and also to conduct cyber witch hunts of individual red shirts. The admin of the page has revealed his real name and photo in his post on September 24th 2011 as Yodsapon Saikwan, a Civil Defence Volunteer (CDV): “I am the admin of this page. My name is Yodsapon Saikwan. Do you have a problem?”

Nithiwat told us that this post reminded him of Yodsapon’s face, and because of the flood crisis, they met on October 1st 2011. “On that day, there was an incident that needed help from CDV to come to my friends’ house and he (Yodsapon) also came. I recognized him and he also recognized me. Although we were able to talk nicely at first, when I let my guard down he took a picture of me and I found it later on his page (Rally Bangkokians to oppose evil Red Shirts).”

Figure 9. A threatening caption and photo taken by the admin of ‘Rally Bangkokians to oppose evil Red Shirts’.
The content of the caption is “Many may wonder why I didn’t beat him up when I saw him. The thing was that he was in trouble and I was a volunteer so I did my duty, which is to help. To tell you the truth, my heart wanted to shoot him and I almost did considering a woman wearing a ‘No Section 112’ shirt walked in. I was so furious that I left, I couldn’t help these people. Today I have resigned from the CDV but still have many places to go. Helping others can be done whichever foundation you are in.”

Due to the intention of physical assault reflected in this statement, Nithiwat brought the evidence to complain to the CDV. After that, the ‘Rally Bangkokians to oppose evil Red Shirts’ page was closed for approximately one week and when it was reactivated, the hostile behaviour toward Nithiwat stopped.

Impact on close ones

Apart from Nithiwat himself, his family members’ personal information was also made public and his former girlfriend was also been exposed along with him by photo editing.

1. Epic Movie “Legendary Buffaloes”
2. The Pimp Now rotting in a coffin near you

Figure 10. An edited photo mocking Nithiwat and his former girlfriend posted on the SS page on September 4th 2010
Nithiwat revealed that the SS page was monitoring his activities on Facebook all the time, even on personal matters. The page teased him about personal matters including his love life. “They know me better than some of my red shirt friends”, stated Nithiwat.

**Impact on real life**

Nithiwat said that even though he was the main target of internet vigilantism, it had no negative effect on his daily life. It only got people to know him more.

“Actually in real life, nothing was affected but people knew me rather more. Even extremists wouldn’t dare to do anything to me when they meet me in real life. These people only talk on the internet but never do things in real life”, stated Nithiwat.

**Case Study 2: Sanction Witch Doctors (SWD)**

Sanction Witch Doctors (SWD) describes itself as “A group of individuals threatened by the SS page, uniting to take revenge in the same measure. And we will strike back harder, tenfold, hundredfold, and also their fathers.” A survey on January 15th 2012 found 77 likes (it once had more than 7,000 likes before it closed down in December 2011). As stated in the page description, SWD publicizes individuals suspected to be in the SS team, with personal information in greater detail than SS exposures, such as ID numbers, parents’ names, parents’ ID numbers, etc.
The ‘exposures’ by SWD were done with less photo-editing or mocking of physical appearance than those of the SS, but focussed on personal information. No more than 10 individuals were victims because they were suspected of being behind the SS page.

The main discourse used by SWD in attacking the royalists was centred on looking down on loyalty to the monarch as ‘fanaticism’ ‘specks of dust under (the King’s) feet’, etc. Aside from the exposures, the SWD page also shared information critical of the monarch, expressed resentment toward the institution to the point of risking Section 112 charges, and posted photos related to October 6th 1976.

The admin of SWD has given a statement regarding the cyber witch hunts of the SS that even though the behaviour is known to be wrong, one cannot stand one-sided attacks so the response would be tit for tat.

In conclusion, SWD page was full of grudges against the royalists’ opposition resulting from threats and restriction of the freedom of expression regarding the monarch in Thai society and expressed them in the form of cyber witch hunts targeting royalists and of hatred toward the monarch.
Sanction Witch Doctors:
Let’s get to know deeply xxx who have marked our heads and threatened to rape our fellow red shirts.

Admin xxx

Full Name: xxx
Nick Name: xxx
National ID number: xxx
Date of Issue: xxx
Date of Expiry: xxx
Blood Group: xxx
Religion: xxx
Height: xxx
E-mail: xxx
Address: xxx
Telephone: xxx
Internet Aliases: xxx

Using URLs
Hi5: xxx
Facebook: xxx
Friendster: xxx
Netblog: xxx
ExteenBlog: xxx
Photos: xxx
Occupation: xxx
Behaviour: is xxx exposing a red shirt girl and xxx who put prices on red shirt girls on Facebook with a charge of “Loving King Taksin”, making public fellow red shirts’ personal information and framing them with lèse majesté.

Father’s name: xxx
National ID number: xxx
Position: xxx
E-mail: xxx
Mobile Phone: xxx

Mother’s name: xxx
National ID number: xxx
Position: xxx
E-mail: xxx

Whoever knows this guy or lives nearby, please feel free to pay this witch hunter a visit xxx

Figure 11. An example of SWD revenge on a person suspected to be an SS member.
1. Social Witch Doctor added 79 new photos to the album October 6th, Face of Thai Feudalism
2. The Throne composed the song “We Fight”

Figure 12, October 6th, Face of Thai Feudalism

Observations on SS and SWD

1. The SS page has used comparatively more hate speech and more attacks on physical appearance than the SWD page. However, members of both pages were using equally offensive language and statements.
2. Though the SS page has done more in terms of numbers, the objective is broad and confused. The SS admin may have visited public Facebook pages that any red shirt had created. The victims’ information exposed by SS is probably publicly accessible and can be searched from Google. The SWD page, on the other hand, has attacked
fewer victims because the objective was limited to those suspected of being on the SS team so the attack focus deeper, digging up personal information (but with no proof of its authenticity). It is suspected that the SWD team knows the real identities of some SS’s admin.

3. The reason the SWD had relatively very fewer ‘likes’ than the SS may come from the fact that SWD has many comments risking charges under Section 112.

Response by creating fake Facebook accounts

In 2011, a new method emerged. It is assumed to be used by opponents of royalists to attack an individual who had a quarrel on Facebook or elsewhere.

This idea of the attack is to create a fake Facebook account to falsely accuse the opposition, who are usually royalists, of being disloyal to the King by using a real name and personal information to create a personal account and add an offensive extension toward the monarch after the name of the victim. The page will be accessible for public viewing and the status will show violent insults and malice toward the monarch. This causes the victim to be condemned by other royalists.

Although it has not yet been verified whether these accounts are genuine or concocted by the opposition, the degree to which the statements are offensive is such that a sane person would conceal their identity rather than display these pages.
The survey found at least five pages in this category, but only two examples will be provided.

**Case Study 1 Bussababun Komes**

Figure 13. This is a photo displayed on a webpage of a news story entitled “Cyber warrior attacked royalist by creating lèse majesté page” of TNEWS, a pro-establishment news outlet. On the left is a photo of a Facebook account with posts supporting the monarch, claimed to be the genuine one. On the right is a photo of a Facebook account with posts expressing hatred toward the monarch, claimed to be fake.

The survey found nine accounts related to Bussababun Komes

A. Bussababun Komes, a personal account with posts expressing support to the monarch

B. Bussababun Komes I hate XXX (บุษบาบัณ โกเมศ ดิฉันเกลียด XXX), a personal account with posts expressing malice toward the monarch including edited photos that may fall under Section 112. Many offended users posted condemnatory comments until the page disappeared
at the end of the year (assumed to be blocked by Facebook for violating community standards). The page was reactivated in December 2011.

Page B provoked opposition which led to the creation of the following pages opposing Bussababun Komes:

C. Confident that over 60 million Thais hate Bussababun Komes, an alien queer (มั่นใจว่าคนไทยเกิน 60 ล้านคน เกลียดบุษบาบัณโภเมศ อิกระเทยไม่มีสัญชาติไทย)

D. Anti-traitor Bussababun Komes (Anti คนทรยศประเทศ บุษบาบัณโภเมศ)

E. Confident that all Thais hate Bussababun Komes I hate XXX (มั่นใจว่าคนไทยทุกคนเกลียด บุษบาบัณโภเมศ ดิฉันเกลียดXXX)

F. Scold Bussababun Komes (ด่าอีต่อบุษบาบัณโภเมศ)

G. Scumbag Bussababun Komes (ชาติชั่ว บุษบาบัณโภเมศ)

It is not clear whether these pages were created by royalists who wanted to oppose Bussababun Komes or by the person behind page B to stir up a tide of hatred against Bussababun.

H. Confusion on Bussababun Komes, mysterious lady (ความสับสนเกี่ยวกับ บุษบาบัณโภเมศ หญิงปริศนา): This page questioned whether page B was fake or not and urged those who were attacking Bussababun Komes to rethink. This page posted eight statuses on October 24th 2011 and has been inactive since. Examples of the posts are:
“Bussababun Komes, a woman no one has ever met, I want to know how you can confirm that pages with only names and photos are her real identity. Condemning the owner of the name severely without affecting the ones who are behind these pages through other’s name is inappropriate.”

“I would like to say this for the last time. This evening, I would only say this because I care about someone I have never met. I want everyone to stop, but for other Facebook pages which have no individual’s name or pictures which everyone knows are not real, go ahead, such as pictures of the King or edited pictures of well-known public figures. Good night, I’m off.”

A Facebook account “Woody Born Silent” (วุ้ดดี้ เกิดมาเงียบ) responded to this comment: “Bussababun Komes, whether a real person, a ghost, or a monitor lizard, whatever, whoever used this name, expressed these thoughts, must exist. I only want such a person to know that if there is something you do not like, just write it down in your own book and burn it with yourself. No one cares. But by posting it online and letting others see it, you must accept those who despise you too.” This comment reflected that despite the protest, there were still those who are determined to believe and hate Bussababun Komes.

1. Real Bussababun Komes Love the King (บุษบาบัณ โกเมศ ตัวจริง รักในหลวง): This page claims to have been created by the real Bussababun Komes to state her position that she loves the King. Most comments doubt that Bussababun Komes really loves the King.
TNEWS interviewed Bussababun where she stated that Bussababun Komes I hate XXX was a fake account that used photos and personal information from her real Facebook page, Bussababun Komes. She claimed that she is loyal to the monarch and observed that the fake account emerged after she had argued with opponents of the royalists on the lèse majesté page “Club of people who hate XXX” (ชมรมคนเกลียดไอ้. XXX) in September 2011. She has already filed a report at Chokchai 4 police station and MICT. (42)

Case Study 2 Kaweekrai Chokpattanakasensuk

Kaweekrai Chokpattanakasensuk was widely reported by Thai media in a scandal where he pulled a red shirt woman by the hair during the red shirt protest in April 2008. (43) Mr. Kaweekrai’s social network account revealed that he is a political activist who has worked within the People’s Alliance for Democracy (PAD) and shown true support for the PAD.

In December 2011, a Facebook page, “Kaweekrai hates XXX” (กวีไกรเกลียดXXX), emerged with many photos of Mr. Kaweekrai’s. Posts in the first person, claiming to be by Mr. Kaweekrai himself and expressing insults and malice toward the monarch, appeared on the wall page.
1. Kaweekrai hates XXX
2. Do Good not for the King
   Do Good for society, family, and love ones
3. Kaweekrai Hates XXX
4. By: Kaweekrai hates XXX
   Kaweekrai hates XXX like this.
   Santiphan Siriprapha [says] You animal are still going at it. If you don’t stop your dog’s mouth, when I see you, you will taste my foot, you freak.
   Niwat Loves the King [says] You use someone else’s photos to frame him. There is a charge for that with a
fine of more than 100,000 and two years jail time. The owner of these photos has already filed a report. Do you know that his father is a high-ranking policeman? Prepare to go to jail.

Figure 14. A Facebook screenshot suspected of framing Mr. Kaweekrai

Royalists response for handling Fake Facebook Attacks

The impact of engaging the opposition with hatred, dehumanization and other forms of violation have driven royalists to adopt two measures;

1. Conceal their true identity in quarrels or debates so that they do not have to be afraid of threats. The SS page recommended its members never to use real names in arguing with the “disloyal” because they will “backbite” with fake Facebook pages.

2. Oppose the “disloyalties” with “creative” responses which will be discussed later in “‘Creative’ responses to lèse majesté page emerged”.

1. Public Media!
2. Kaweekrai Chokpattanakasemsuk: Please share. A red buffalo used my name to create a lèse majesté page
3. Know the red tail’s trick!!!
4. Red tail faked a profile!!!
5. SS has always warned you to be aware of “profile faking by Red Tails” especially those who left many comments on their Facebook pages not to mention the “hardcore” and real fans but not all of you guys believed me, some of you wanted to come at them at anytime.
The truth is “Red Tails” like to “backbite”. This is their latest work, faking the Facebook page of an innocent to defame the King... again Shit!!!

Figure 15. SS discussion of Fake Facebook accounts warning members not to use their real identities in engaging with “lèse majesté pages”

1. Warning to the Red lackeys
   Cowardly faking a profile
   Stealing photos and identity to do evil

Figure 16. A picture posted by SS with a warning caption. The edited photo is a screenshot of the suspected account claiming to be the person in it.
3. “Creative” responses to lèse majesté pages emerged

In the early phase, the royalist response to lèse majesté pages took the form of scolding with harsh words. Some lèse majesté pages adjusted the page setting to allow only those who ‘liked’ to comment. As a result, those who wanted to condemn the page had to ‘like’ it to acquire the right to comment. Some stated that they ‘liked’ the page just to condemn it and later ‘unliked’ it or left it ‘liked’ to monitor movement on the page.

However, such condemnation did not help to reduce the number of lèse majesté pages. On the contrary, they indirectly helped to publicize these pages. Furthermore, royalists who posted comments condemning the pages also risked having their identities stolen and fake Facebook pages being created as discussed above. Royalists therefore tried to invent new methods to tackle the proliferation of lèse majesté pages. It became a new movement in the ideological battle not only to eliminate lèse majesté pages but also to dominate discourses regarding the monarchy by incessantly publicising of the King’s “virtue” on cyber space.

Case Study 1: Emergence of a movement “Stop Scolding - Stop Like - Stop Share - Report Abuse - Report to MICT” to oppose lèse majesté pages

In 2011, the notion occurred that posting comments condemning the lèse majesté pages was considered useless, encouraging for the page owner, and indirectly provoked or unintentionally publicized lèse majesté pages.
An example of a page campaigning on this notion is “Campaign on ‘Don’t like’ rude Facebook pages, stop scolding ghosts” which stated “Currently, there are many inappropriate Facebook pages. How can these vanish? What we can do right now is to stop!! Even just 1 ‘like’ means that we are supporting people to do wrong things, so let’s ‘don’t like’. It’s better.”

The page justified not to like lèse majesté pages “because lèse majesté pages are something ‘low’ and so evil that they don’t deserve any attention. Paying attention to the page will only result in more lèse majesté pages and maybe a danger to you.”

Examples of statements posted on November 20\textsuperscript{th} 2011:

- Stop satirizing the scum of the earth because the more you do the more they appear.

- By clicking ‘like’ or posting condemnations on lèse majesté websites or fake accounts, you need to reconsider a little that the more you scold the more the number of these websites increase each day. So, stop today. Stop clicking ‘like’

- These websites run by the scum of the earth just bark like a dog. If we walk away, don’t (beat the dog = clicking ‘like’), they will stop barking. Dogs can only bark. They can’t bite (to bite = to expose oneself). If they could, they would have done it. Thank you everyone for being patient. Refusing to respond doesn’t mean refusing to fight ^^
• Junk is something we don’t need but by clicking ‘like’ on a junk page, we contribute to creation of more junk, then the world will be full of junk. The only way to reduce junk pages is to stop clicking ‘like’ and satirical condemnations. This is enough to clean these dregs of society from this world.”

Furthermore, it should be observed that the warning from “Campaign on ‘Don’t like’ rude Facebook pages, stop scolding the scum of the earth” is consistent with the fake Facebook phenomenon by implying that the admin of the page has argued with lèse majesté pages and attacked by a fake Facebook account as shown in “If a dog bites, don’t bite back. The more we bite, the more harm we will get. I was one of the injured and would like to share this. Everyone please stop!! Think before you post and try clicking ‘Report’ instead,” and “There are many others who suffered from these fake Facebook pages and were unwittingly blamed. I want everyone to exercise their judgment a little more carefully. Considering that no one would use their real photos to create lèse majesté page. Therefore, we must stop condemning the innocent because it will only worsen the situation for the victims and at the same time encouraging junk page owners to continue with next victim. And the next one might soon be you.”

In addition, it was seen that royalists have systematically developed more aggressive measures into one protocol.

“Stop Scolding - Stop Like - Stop Share - Report Abuse – Report to MICT”
The protocol means: first, stop all activities related to lèse majesté pages. Second, scolding is futile for it only satisfies the page owners. Third, clicking ‘like’, by any means, makes it appear popular. Fourth, do not publicize any link to lèse majesté pages, no matter what the intentions are, because it makes lèse majesté pages available to more people. Fifth, report the pages for abuse and let Facebook block them. Finally, report the pages to the authorities for a blocking order and further investigation. This protocol was made into a diagram of instructions. The diagram appeared on royalists’ walls in many versions, but the core idea was the same.

1. Report fan pages and lèse majesté by Uniting Thais to “click report” on lèse majesté pages because “we love the King” on Saturday, 08 October 2011 at 22:09
2. First method is to report the page

3. Violence or Harmful Behaviour Self Harm

Figure 17. A diagram demonstrating instructions to report lèse majesté pages posted on “Uniting Thais to ‘click report’ lèse majesté pages because ‘we love the King’”

The notion of “Don’t ‘like’, Report Abuse” is consistent with the ICT Minister’s statement ‘warning’ the general public that clicking ‘like’ on lèse majesté pages may incur liability for publicizing them. (See. Yingluck Shinawatra Administration’s Position on cracking down on Lèse majesté Websites in 1.2 Internet Censorship in Thailand)

By far the most systematic example of pages in this category is the Report Association Thailand (สมาคม Report แห่งประเทศไทย)

The Report Association Thailand first appeared on Facebook in November 2011. It described itself as follows: “This page has no policy to publicize any information to disgrace the monarch. We disseminate the means to prevent cyber threats. We also have no policy to discuss politics, His Majesty the King, or any other individual”, which is not a very clear description. From the survey, it was quite clear that the Report Association aimed primarily to oppose lèse majesté pages. There is no information indicating who the admin of the page was.

The Report Association produced the most thorough and credible manual for reporting lèse majesté pages compared to other royalist pages. The page also provides alternative channels to report lèse majesté page addresses such as e-mails and Google forms which
claim to be gathering information to close down pages but does not say to whom this information will go and how it will lead to closing down the page. Moreover, there is one suspicious post by the page claiming to be in contact with MICT, leading readers to believe that MICT might be behind the page in some ways:

“Please help again – information from MICT: For those who were attacked by fake Facebook accounts created in your name, please gather evidence of your identity such as passport, ID card, or any other card with a credible photo of you and your name in English, then scan this and send it to reportthailand@gmail.com. And the most important thing: don’t forget to attach a link of your own Facebook page along with the fake one. Facebook will delete the fake page within 24 hours.”

1. Report Association Thailand Prevent threats on Facebook
2. Report Association Thailand
3. Stop Share
4. Stop Like
5. Report Admin!
6. Stop Comments
7. Stop Scolding
8. Whoever finds lèse majesté video clips, take a look at how to report it on YouTube. Please share / Admin4

Figure 18. Report Association Thailand’s wall page

1. How to report to Facebook correctly.
2. Choose Report Page: lower lefthand corner of the profile page
3. Choose Hate speech
4. Choose Targets a race or ethnicity
5. Check Report to Facebook
   http://www.twitter.com/reportthailand

Figure 19. An illustration of Report Association’s abuse report manual for lèse majesté pages
1. How to report fake lèse majesté individual Facebook accounts
2. Choose Report/Block: lower lefthand corner of the profile page
3. Choose This profile is pretending to be someone or is fake
4. Choose Does not represent a real person
5. Check and Fill in Check: I confirm that this report is correct Fill in the box: Additional information to help us with our investigation
“This profile defames the Thai King.”
“This profile has spam ads.”
“This profile is fake”

Figure 20. An illustration of the Report Association’s abuse report manual for lèse majesté accounts

1. How to report a video on YouTube
   For a video with content expressing hatred or inappropriate video
   Reason
   The person at risk of violation
   2. How to report a video
   Follow 1 – 5
   3. To report a video you must be a member
   Thai and English are no different
   just compare the position in the picture

Figure 21. An illustration of the Report Association’s abuse report manual for a video clip on YouTube
1. How to report a lèse majesté page to Facebook
2. Register
3. 3 videos
4. Choose Report Page

Figure 22. A screenshot of the Report Association’s animated video demonstrating how to report abuse for a video clip on YouTube
1. You can report an offensive page here! Fill in the following details: spam; fake account; violation of intellectual property rights; immoral content; violent content; and lèse majesté. *need to be filled in
2. Page name, Topic, Profile name, Video name*
3. URL*
4. Origin?* Facebook
5. Category* Spam
6. Reason* fake account; violation of intellectual property rights; immoral content; violent content; and lèse majesté. - Inappropriate content
- Inappropriate picture
- Inappropriate video
- Inappropriate name
- Inappropriate comments
- Inappropriate speech

7. Suggestion (Not required)

8. I confirm that this information is correct*

Figure 23. An illustration of the Report Association’s lèse majesté page report form

An activity that distinguished the Report Association from other counter- lèse majesté pages was the ‘bomb report’.

**Bomb Report**

A bomb report comprises reports of lèse majesté pages by multiple users at the same time. It rests upon the assumption that the more reports in short time period, the faster the page will be blocked. This is considered to be an attempt to manipulate the Facebook report system.

Bomb reports have already been arranged at least four times. It first started in November 2011 where 19:00 was chosen as the time of the bomb. The activity was arranged again before the King’s birthday on December 2nd and 4th with the name “Do good, don’t wait”.
However, bomb reports do not appear to have significantly affected the number of lèse majesté pages as shown in the Report Association’s survey questioning the efficiency of the method, where replies were unanimously negative.

Each bomb report was carried out only by arranging the time and type of abuse reported (such as hate speech > targeting ethnicity) but never which pages to be reported.

On January 10th 2012, the activity extended the reporting time from one night to two weeks and a list of seven lèse majesté pages was also provided. The Report Association added a warning for this activity, “Please restrain from commenting, liking and scolding or those pages will grow.”

Observations on the abuse report manual issued by the opposition to lèse majesté pages

Due to the absence of a ‘lèse majesté’ category of abuse, pages opposed to lèse majesté pages recommended users to report irrelevant abuse which the authors think tended to be the highest degree of abuse.

Most report manuals suggested users to report abuse in the form of:

Hate Speech > Targets a race or ethnicity;

or

Violence or Harmful Behavior > Self Harm
Thai Netizen Network’s suggestion for netizens encountering lèse majesté pages and for reporting lèse majesté pages*

*These suggestions are excerpted from “To click ‘like’ is not a crime: MICT must reconsider its measure on ‘lèse majesté Facebook’. Suggestions from Thai Netizen Network for netizens when encountering pages they dislike” published on November 30th 2011.

1. Suggestion for netizens encountering a Facebook page or a video found inappropriate
   1.1 Evaluate how such content is truly threatening to life and property considering the following criterions
       A) Criticism
       B) Hate Speech
       C) Incitement
       D) Sensitive Personal Data

       Only C) and D) could threaten life and property and must be dealt with promptly, while B), even though violating rights, can be dealt with through measures other than blocking.

       Netizens should keep in mind that the internet is a place for knowledge and pluralistic opinions. It has everything a person would despise, but censoring something one group of people can’t tolerate will lead to censoring everything. The most appropriate and realistic measure when you find something you dislike on the internet is to tolerate it.
2. Suggestion for netizens in reporting content considered inappropriate to service providers

Most social networks including Facebook and YouTube use the “notice and takedown” method which means allowing all the contents to be published freely and deleting when the content is reported in violation.

Reporting of violations then must be carried out with responsibility, with as accurate information as possible, and without system manipulation, to reduce the burden on service providers and not trouble other users.

If you wish to report a Facebook page for “defaming, insulting, or expressing malice toward the King, the Queen, the Heir Apparent or the Regent”, then because Facebook does not have such a category, we suggest that the closest is “It harasses my friend” which is defamation of a third party, not the reporter itself.

Multiple reports may cause the service provider to be unresponsive to other reports which may be related to threats to the life and property of the others (and can be compared to prank 191 calls).

The internet is a public space shared by everyone. The state, service providers and netizens, must participate in preserving this space for the public interest on the basis of civil and human rights.
Example 2: “Cleanse Lèse Majesté Pages for the King’s 84th Birthday” project

Another example of a concrete attempt to oppose lèse majesté pages was “Cleanse Lèse Majesté Pages for the King’s 84th Birthday” project” arranged by the Thais Never Leave the King (คนไทยไม่มีวันทิ้งในหลวง) page. The campaign was in October 2011 primarily through a Facebook event.

The given purpose of this project was to close down all lèse majesté websites before the King’s 84th birthday or before December 5th 2011 by having participants gather evidence of lèse majesté websites though e-mail and sending the evidence to Government House on November 15th 2011 between 9.00 and 9.30 a.m. so that MICT could proceed to close the websites. The project was expected to have at least 84,000 Facebook participants. The project manager indicated that participants did not need to show up on November 15th.

A survey on November 10th 2011, revealed 86,821 ‘attending’, 14,213 ‘maybe’, and 13,685 ‘not attending’. The project was later postponed to December 1st 2011 the reason given being “the floods and participants’ wish to show up on the day”

The survey did not find any news regarding this activity reported in any mainstream media and the page did not provide a number for who actually participated.
1. Cleanse lèse majesté pages for the King’s 84th birthday project (by the Thais Never Leave the King page)

2. Time: 15 November 09:00-09:30
   Location: Government House
   Created by: Thais Never Leave, xxx, xxx Show all (17)
   For: Thais Never Leave the King
   Further information: The purpose is for the King’s 84th birthday to be free from lèse majesté websites
   Gathering evidence to the Prime Minister and Ministry of ICT to eliminate all lèse majesté pages from the internet
   Handled by Facebook users and others (Close to the opening day)

**Read First** There is no need to show up on the day. Anyone can participate (come together) but we need to ...

See more

Figure 24. “Cleanse Lèse Majesté Pages for the King’s 84th Birthday Project” page (By Thais Never Leave the King page) on.fb.me/pK6bDe
1. Cleanse lèse majesté page for the King’s 84th birthday project by Thais Never Leave the King Facebook

Figure 25. A picture of the campaign “Cleanse Lèse Majesté Pages for the King’s 84th Birthday project” taken by a participant posted on the event page

Example 3: Love Father in Practice community (รักพ่อภาคปฏิบัติ)

The admin of the community has given an explanation of the community in a post: “‘Love Father in Practice’ is created to gather those who love the King and are ready to come forward and express their loyalty in the form of doing good works or helping and supporting activities related to the King’s works as much as they can to lessen the burden on His Majesty since His Majesty has aged and is no longer able to work as he has...”.
Information was given on the community:
Right here, ‘Those who love Father’ are united regardless of their groups or their colours. All are welcome. Just come here, then everyone is in the same community, a community of the King. No disputes, please remember. The opposition is united, how could we not be?

Purpose of this house

1. Increase and gather members who are ready to express their loyalty to and admiration of the monarch.
2. Provide information about practical activities to protect the monarch.
3. Exchange ideas to contribute to the glory of the monarch as has been in the past.

Duties of members

1. Be reminded of the King in each action
2. Participate or support activities
3. Spread news of activities
4. Discuss creatively and rationally
5. Exchange knowledge about the monarch
6. Publicize appropriate information

Agreement of members

1. Be flexible
2. Persevere
3. Be creative
4. Learn from each other
5. Be open-minded and accept criticism
The community has 5,525 members (surveyed on January 6th 2012) and a community shirt with “Look he has done, Learn what he has taught” on the front and “Love Father in Practice” on the back.

It also holds ‘Do Good’ activities every Sunday where the members wear community shirts and take photos to be posted on Facebook.

Examples of these activities are:

- Paying respect and loyalty to the King at Siriraj hospital by praying, taking an oath, and singing the royal anthem. (This became a weekly activity of the community. Surveyed January 6th 2012.)

For this hospital visit activity, the admin of the page indicated that there are approximately 50 participants each week.

At the hospital visit activity on January 1st 2012, the admin stated that there were about 50 participants and also described the event as “the first time we have used the mantra (ภูมิพลมหาชา.angulara) for praying. It was given to every participant. I couldn’t believe that everyone could pray so harmoniously despite never having prayed with this mantra before. I don’t think what happened was a miracle but rather the love and faith of the people toward the King. This mantra will be the one we use for praying in this year’s activities to bless the King’s health. If possible, I want members to pray with this mantra at home so that you can also give blessings to the King.”
Figure 26. A picture of Love Father in Practice members with a caption by the poster indicating it was taken of an activity on January 1st 2012 at Father’s Court, Siriraj hospital. The author believes that this is a picture of members singing the royal anthem from the Love Father in Practice Facebook

- Erasing lèse majesté writings or symbols opposing Section 112 from public places.
- Watching “King Naresuan” (movie) and singing the royal anthem out loud in the theatre.
- Gathering volunteers to explain the Sufficiency Economy at an exhibition honouring the King.
1. Is it time for Thais to express love toward our Father?
2. Mission to erase lèse majesté graffiti
3. How do you feel toward two different views in terms of loyalty to the monarch?

Figure 27. A picture used in the campaign to erase symbols opposing Section 112 and messages satirizing the monarch
1. Another way of loving our Father in practice is Dealing with graffiti satirizing the monarch.
2. Must deal with this kind of graffiti.
3. Can’t allow this, mom doesn’t like it.
4. Even though it looks tough.
5. We will act for our King.
6. Anyone who see this kind of graffiti  
    please deal with it or tell us  
    and come forward to create activities for our King  

Figure 28. Picture of a campaigning to erase graffiti opposing Section 112  
and satirizing the monarch from the Love Father in Practice Facebook  

It is notable that in Love Father in Practice, there is no  
political discussion other than praising the King, because both  
admin and members wanted to preserve the community to do good  
for the King. Political discussions would lead to foul language and  
scolding which would affect the image of the community the exists  
for the King. Also, conflict among Thais goes against the intention  
of this community which is based on solidarity for the King.  

Furthermore, members of the community were proud to  
be part of it, reflected in photos posted of members wearing the  
community shirt doing activities such as volunteering in flood crisis  
or going to a temple.  

2.2 Politicians’ use of social networks in the July 2011  
election  

In the June-July general election campaign, there were 40  
parties registered. Out of this number, only 26 had websites or  
social network accounts or both, while the other 14 did not exist  
on cyber space, and only four parties, the Democrats, Pheu Thai,  
Bhumjaithai, and Rak Thailand were considered to exploit online  
media moderately to well.
The outstanding benefit from websites and social networks for political parties is the accessibility of policy and movement information to voters such as video clips of speeches, live campaign events, and details of policies.

However, most parties’ usage of online media took the form of putting a campaign poster on the website. The two-way communication opportunities of the internet were exploited very little.

<table>
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<tr>
<th>Rank</th>
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<th>Members in Parliament</th>
<th>Website</th>
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<tr>
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<td>Pheu Thai Party (พรรคเพื่อไทย)</td>
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Table 3. Social network usage of political parties in the 2011 general election campaign
This report will discuss in detail two major parties, Pheu Thai Party and Democrat Party and one smaller party, Rak Thailand Party.

Observations and analysis of online media and social networks of the Democrat Party

www.siamintelligence.com had an analysis of the Democrat Party’s use of social networks. Mr. Apirak Kosayodhin was in charge of online media usage which was outstanding in the efficient use of online media that allowed more two-way communication than any other party.

After the 2008 election, the Democrat Party attempted to build an internet base as can be seen from these websites.
A) Prime Minister’s website, www.pm.go.th
B) Mr. Abhisit’s Twitter account, @pm_abhisit
   which was later changed to @abisit_dp
C) “Thai Khemkhaeng”, www.tkk2555.co.th
D) Government House Twitter account, @thaikhufah

Apart from Mr. Abhisit, Ministers, party leaders and members have frequently used social networks, such as Mr. Korbsak Sabhavasu (กอร์ปศักดิ์ สถาภู) [@korbsak], Mr. Sathit Wongnongtoey (สาทิตว วงษ์น่องเตย) [@satittrang], Mr. Korn Chatikavanij (กอร์น จัดกเวียน) [@korndemocrat], Mr. Apirak Kosayodhin (อภิรักษ์ โกษะโยธิน) [@apirak_bangkok], Mr. Ong-art Klampaiboon (องอาจคล้า ฝั่งบูรย์) [@OngartDemocrat], Mr. Alongkorn Ponlaboot (อลังกรณ์ พลบุตร) [@ponlaboot], and Mr. Jurin Laksanawisit (จุรินทร์ ลักษณวิศิษฏ์) [@Aoodda].

One of the factors driving the Democrat Party to invest in online base building may be Bangkok. Bangkok has the biggest internet-accessible population in Thailand. This is reflected in the fact that Mr. Abhisit Vejjajiva, leader of the Democrat Party, has more followers on social networks than other party leader.

Websites

The Democrat Party registered the Campaign.democrat.or.th website especially for this campaign. The website, which can be access directly from the Party’s website, contained policies, election news and information on candidates.
Mr. Abhisit’s personal website, Abhisit.org, was also modified for this election, in particular his Facebook page.

The Democrat Party used Facebook to broadcast Mr. Abhisit’s speech live to its target audience through Mr. Abhisit’s Facebook, Abhisit Channel 10, using a program called Livestream.

There was also a video record, “From Abhisit’s heart to all the Thais” in five parts;

- Letter part 1: Path to Prime Minister
- Letter part 2: Nine iron laws
- Letter part 3: May 2010 demonstration
- Letter part 4: Explanation of 91 bodies
- Letter part 5: Refutation of the accusation “only good at talking”

This use of social networks stood out in this election. It stimulated a wave of criticism online and started response letters through Facebook from Mr. Nattawut Sai-Kau and Ms. Jittra Kotchadej, former leader of the Triumph International Labour Union.

Mr. Abhisit’s Facebook journal writing (it is still debated whether Mr. Abhisit actually wrote it himself) set the trend of writing a journal “from heart” of a politician to the people, as also seen in future Prime Minister Ms. Yingluck Shinawatra’s adoption of a “from heart” journal.
Twitter

The Democrat Party’s team registered a Twitter account, @abhisit_dp especially for Mr. Abhisit’s campaign where tweets focused primarily on campaign activities in the provinces, which Mr. Abhisit’s personal team gathered throughout the campaign with photos posted for the fans.

iPhone Applications

An iPhone application named DemocratTH was another interesting use of media because from the number of fans indicated there should also be iPhone users. Although there were few users of this application, it help colour the campaign and also gave it a trendy image.

Online Advertisements

Democrat Party had purchased an ad through Google AdSense of Google which was the kind that would appear on unspecified places, so there occurred the phenomenon of the Democrat’s ad appearing on the Prachatai website and UDD websites.

YouTube

Democrat Party’s YouTube contained all the tapes from campaigns and events.

Flickr

Democrat Party was the only party to use Flickr in the campaign where the Flickr account of the Party gathered all Mr. Abhisit’s photos.
Observations and analysis of online media and social networks of Pheu Thai Party

www.siamintelligence.com gave an analysis on Pheu Thai use of social networks which resembled its offline campaign in focusing on Ms. Yingluck Shinawatra.

In comparison, Pheu Thai was still clearly behind the Democrats in term of diversity of media usage.

Websites

Pheu Thai had only one website, www.ptp.or.th, the opposite of the Democrats’ strategy. The website content consisted of policy information, and multimedia (both photos and videos). There were large sized photos of Ms. Yingluck campaigning in the provinces and speeches which could be accessed directly.

Facebook

What was notable was Pheu Thai’s website was not linked to the party’s Facebook page but instead linked to that of Ms. Yingluck, but the link to the party’s Facebook page was attached to a small party symbol in the corner of the Pheu Thai website. Pheu Thai campaign therefore seemed to rest on a strategy of presenting the individual leader.

Ms. Yingluck’s Facebook page had 135,000 subscribers which was far behind Mr. Abhisit with 600,000 subscribers. However, Mr. Abhisit’s Facebook page was created more than two years previously at the beginning of his administration, while Ms. Yingluck’s was created only a few weeks before.
The content of Ms. Yingluck’s Facebook page was not very different from that of Mr. Abhisit, focusing on the campaign and photos of speeches and events in the provinces. Comments on the Facebook pages of Pheu Thai and Ms. Yingluck were similar and sometimes identical.

**Twitter**

The @pouYingluck twitter account of Ms. Yingluck was used in the same manner as her Facebook page, focusing on the campaign and photos of Ms. Yingluck including answers to people’s questions about Pheu Thai policies. There were statements clarifying issues currently in the news, such as being a proxy for Pol. Lt. Col. Thaksin Shinawatra. In an early phase, there were responses to encouraging tweets from fans, but responses were quite frequent and after questions whether Ms. Yingluck herself was tweeting these responses, the later responses were tagged “(crew)”.

@pheuthaiparty of the Pheu Thai Party focused on news of the campaign without the added photos of Ms. Yingluck’s account.

It was notable that prominent members of Pheu Thai did not use Twitter as much as the Democrats. Pheu Thai representatives with Twitter accounts were, Kanawat Wasinsungworn (คณวัฒน์ วศินสังวร) [@kanawat_], Viroon Tejapaibul (วิรุฬ เตชะไพบูลย์) [@viroon_t], Khattiya Sawasdipol (ขัตติยา สรัสนิธิ) [@dear_khattiya], Charupong Ruangsukwan (จารุพงศ์ เรืองสุวรรณ) [@charupong_ptp], Anuttama Amornvivat (จิ๊บ อนุตตมา อมรวิวัฒน์) [@anuttama_jib], and Jarupan Kulthilok (จารุพันธ์ กุลดิลก) [@jkuldiloke].
Banner Advertisements

The Pheu Thai Party also purchased banners on internet sites such as www.matichon.co.th, a newspaper read by many UDD members, a Pheu Thai target group.

YouTube

Pheu Thai’s YouTube site was used to store video clips of press conferences and speeches of the campaign.

Observations and analysis of online media and social network of the Rak Thailand Party

Mr. Chuvit’s campaign was striking both online as well as offline. The strategy was to focus on Mr. Chuvit Kamolvisit, party leader. His image as an unorthodox politician was quite new and was likely to make him popular among the younger generation.

Website

The Rak Thailand Party had only one website, Chuvitonline.com, which resembled most party’s websites.

Facebook

Mr. Chuvit opened an account, ‘Chuvit I’m No. 5’ (ชูวิทย์ I’m No. 5), on Facebook on June 7th 2011, which was considered late because it was days after campaigning had started. The page had 12,940 subscribers and was used to promote the campaign by providing information on places he would visit each day and later posting photos of the events. The page focused mostly on one-way communication.
Rak Thailand’s Facebook had only 323 subscribers.

Twitter

Mr. Chuvit’s campaign crew used @ChuvitNo5 to post photos and videos from the Facebook page. It had only 1,506 followers.

YouTube

Mr. Chuvit was well-known for his ability to exploit television. Video usage was something Mr. Chuvit was familiar with because he can also act. His campaign therefore focused on video clips rather than words. His YouTube account was a platform for his campaign where he gathered all interviews and all campaign clips. Prior to this, Mr. Chuvit had posted a video clip which was rapidly forwarded on social networks.

Mr. Chuvit also followed trends on social networks, such as recording himself planking and sharing the video on social networks.

Online media usage in campaigns which Thai Netizen Network wants to see

1. More channels don’t mean better campaigns; parties should focus more on multi-directional communications.

Even though the Democrat, Pheu Thai, and Rak Thailand parties used many internet tools in this general election campaign, this focused on quantity rather than quality, which means they were still unable to put to good use the very best feature of the internet of multi-directional communication. Almost none of the campaigning tools supported communication and exchanges of
opinion among supporters, and between supporters and candidates.

Internet usage was mostly one-way communication, which saw internet users as consumers who could only respond by clicking ‘like’ on a Facebook page or post comments on news or articles. It failed to acknowledge the capacity of social networks to mobilize policies or political ideologies. Campaigns in this election were still restricted to posters and speeches, forms of one-way communication, put on the internet.

One example which Thai Netizen Network saw was the failure of political parties to hear the voices of the people, especially on problems regarding the Computer Crime Act.

In other words, even though there were complaints on the internet calling for amendment to the Computer Crime Act, when it came to a debate on ICT policy, representatives from each party failed to address the issues of the Computer Crime Act and the demands of internet users. Perspectives and opinions on internet policies were top-down. Representatives did not even understand the ‘nature of the internet’; one representative from a certain party stated “the internet is just like other general ‘media’ which need to be supervised”.

Thailand has many examples of the internet and social networks being used in political movements such as the emergence of the ‘Red Sunday’ movement. Politicians should never underestimate the potential of the people and social networks.
The free exchange of opinions and participation of the people are the most important foundations of democracy. Thai Netizen Network hopes that in the next election we will see political parties stress quality rather than quantity in online campaigning, and view campaign not as advertising for their own party but rather as an opportunity for listening and having people participate, with the internet as one form of media that provides an exchange of opinion and participation that develop into policies from the needs of the people.

2. Communicate transparently with the people both online and offline

Statements to the people should be sincere and straightforward. For example, if politicians don’t themselves send a message to citizens, they should state that these messages are from a “crew member”.

If it’s not you own tweet, you should state that clearly.

Politicians should realize that communication with the people both online and offline should be transparent especially since the internet and social networks have given more power to the people to investigate politicians. Politicians, therefore, should not underestimate the people and their power to criticize and check.
2.3 Trends and Phenomena in Online Social Networks

In 2011, many events became trends on social networks. This occurred because of the nature of social networks themselves that encourage information sharing among users. Trends on social networks in 2011 all emerged from almost unrestrained rapid information sharing. Such sharing had positive effects, such as assistance, and negative effects, such as internet vigilantism.

The following are outstanding cases from late 2010 to 2011.

1. People’s cooperation on social networks in the flood crisis

What happened: During the flood crisis from July to November 2011 volunteers congregated on social networks to follow and exchange information, news, and voluntary activities regarding the floods. This information was sometimes thought more credible than analysis and evaluations from the government. People also cooperated during the floods with certain degree of efficiency.

How it happened: In October 2011, groups of volunteers on social networks disseminated information and news on the flood crisis. Examples of outstanding cooperation include:

1. Fight the Floods (รู้สู้! Flood)

In October 2011, Fight the Floods page appeared on Facebook with the description, “A voluntary group making creative and comprehensible videos to provide correct and necessary information for this year’s floods. Our objective is to help you ‘survive with understanding’ and for volunteers to help us make the video clips.”
Fight the Floods gathered controversial and misunderstood issues such as why the floods occurred, preparation for evacuation, how to prepare for living with the floods, etc., with cute animations, simple language, simplified facts, and also English subtitles.

An example of simplification for people to understand is the use of a metaphor for the total water mass in Thailand of 10,000 million cubic meters as the weight of 50 million whales. Explanations of water quantity used the whale animation. For example, “Right now, how many whales have been returned to the sea” and “How many whales are still on the land” were used to explain how many cubic meters of water had flowed into the sea, which enabled audiences to better understand the amount of water.
1. Fight the Floods ep.1: Know floods better
2. 10,000 million cubic meters
3. 50 million whales
   Keep up-to-date so we can move together

Figure 29. A video clip ‘Fight the Floods ep.1: Know flood better’ introducing a prominent character, a blue whale representing a quantity of water.

1. Fight the Floods ep.1: Know floods better
2. 1600 square meters
3. 1 meter

Figure 30. ‘Fight the Floods ep.1: Know floods better’ using the metaphor of ‘bringing the whales home’ for the quantity of water flowing into the sea.
1. Fight the Floods ep.2: 3 Popular questions

Figure 31. An animation ‘Fight the Floods ep.2’ explaining that level of flooding depends on level of the land.

The presentation divided content into episodes where each discussed issues in the current flood situation. The first episode “Know floods better” was posted on YouTube on October 25th 2011. It received positive feedback on the internet and in mainstream media. The episode “Stock up with consideration” was first publicized around early November 2011 not long after flood hit Bangkok and Bangkokians panicked over food shortages.

With the rise in popularity of Fight the Floods on social networks, mainstream media started to mention Fight the Floods video clips and broadcast them on ThaiPBS, BBTV Channel 7, and also foreign media such as the Guardian and Wall Street Journal.
Meanwhile, the animated character also became popular on social networks in the trend of using a ‘create whale’ application to make profile pictures on Facebook. ThaiPBS also produced T-shirts of whales and other characters of Fight the Floods for sale to raise flood relief funds. The Fight the Floods page had 104,222 ‘likes’ (surveyed December 15th 2011.)

Jon Russell, editor of “The Next Web”, an international technology news website, provided an explanation why this video became rapidly popular. The video was able to respond to the people’s demand for reliable information, while the government gave reassuring statements but failed. On the contrary, this video offered no promises but rather provided straightforward information for audiences to make their own decision. (44)

2. Sasin Chalermlarp

On October 11th 2011, a video clip “Flooding that may occur in BKK” analyzing the flood situation in Bangkok by Sasin Chalermlarp, secretary general of Seub Nakhasathien Foundation, was uploaded on YouTube. It received more than 200,000 views (surveyed December 15th 2011). Many flood analysis video clips were then uploaded, each with 10,000 to 45,000 views. The clip with the most views was “BKK and periphery flood situation (Oct. 19)” posted on October 19th 2011, which received more than 45,000 views (surveyed December 15th 2011).

Straightforward explanations and analysis without difficult technical terms made Mr. Sasin the very first person to come
forward and state that Bangkok might be flooded while the government was still being secretive about the worst-case scenario.

Simple explanations along with his unique ‘easy-going’ look made Mr. Sasin famous in no time. His personal Facebook account, Sasin Chalermlarp (ศศิน เชลิมลร์) received almost 5,000 more subscribers.

Due to his popularity on social networks, mainstream media such as TNN News and ThaiPBS news invited Mr. Sasin to demonstrate his analysis and a free magazine ‘A Day Bulletin’ put him on the cover.

1. BKK and periphery flood situation (Oct. 19)

Figure 32. A video analysis of the flood situation by Mr. Sasin on YouTube (bit.ly/pXqrTw)
3. Flood Warning (น่าขึ้น ให้รีบบอก)

A Facebook page, ‘Flood Warning’, was created in October 2011 by a postgraduate student of Kasetsart University whose house was located in Rangsit, Pathum Thani. The purpose of the page was to have people report the flood situation in their own area. Reports could be posted on the page, on a web-board, through video clips or pictures, including updated water levels through the ‘Gamling’ application which was especially developed to report the flood situation and available on the iPhone and Android system. Currently, the page has 280,940 ‘likes’ (surveyed December 7th 2011).
1. Flood Warning T-shirt
   Princess Pa Foundation
   Thai Red Cross Society

2. Flood Warning > Gamling

Figure 34. A Facebook page demonstrating how to use the Gamling application

4. SiamArsa (อาสาสมัครฟื้นฟูประเทศไทย)

SiamArsa was established in 2010. The description of the Facebook page is “SiamArsa is an information and activity centre and a group of volunteers ready to sacrifice their time and strength for Thai society, to help our country in every possible way with the purpose of making our home presentable...” Apart from a Facebook fan page, SiamArsa also has a Twitter account @SiamArsa
and website www.SiamArسا.org to receive and disseminate news of activities of public interest, requests for help, and information needed in the flood crisis.

During the crisis, many people needed help from volunteers, and at the same time, there were volunteers who wanted to help people but did not know where to start, SiamArسا’s role, therefore, was a channel for communication between people in need and volunteers.

SiamArسا has 111,640 ‘likes’ on Facebook, 5,650 registered volunteers on its website, and 33,738 followers on Twitter (surveyed December 22nd 2011).

5. Thai Flood

www.thaiflood.com was established on October 19th 2010 with the help from Poramate Minsiri, webmaster of www.kapook.com, where he gathered useful and comprehensive information during flood crisis such as and people’s reports on water levels at Google locations, hotlines, evacuation centres, missing persons, parking information, help requests, volunteer recruitment, etc. Thai Flood also used Skype for communication among volunteers. In 2010, Thai Flood created a Facebook fan page with the description ‘flood relief information centre’, and in 2011 registered a Twitter account @thaiflood. (45) Thai Flood was one of two organizations working with Flood Relief Operation Center (FROC) in 2011.

Aside from gathering flood data, Thai Flood also scrutinized the government’s work on behalf of the public as reflected in the third statement issued from Thai Flood warning Bangkokians to
prepare for flooding and demanding that the government reveal true information to the people.

Later on October 22\textsuperscript{nd} 2011, www.bangkokbiznews.com reported that Thai Flood had withdrawn cooperation from FROC for the reason that FROC did not accept people’s participation and imposed censorship. On the other hand, FROC claimed that Mr. Poramate was just dissatisfied because he was not allowed to participate in a FROC conference due to the fact that Thai Flood did not have any authority. (46)(47)

6. Volunteer Connex

Volunteer Connex (อาสาประเทศไทย) used the name Volunteer Connex (Vconnex) on Facebook, Twitter, YouTube, and a website to “connect volunteers together” where it focused on the publication and dissemination of information on activities of public interest. During the flood crisis, a Twitter account @Vconnex was created especially to publicize voluntary activities and useful information. Apart from activity information its website had video clips demonstrating preparation for the floods and cold. On the front page, there was information on locations and activities needing volunteers, and also on a page ‘Cheer for Thailand’, a board for posting photos of people giving moral support for others.

7. Samutprakarn Twitter: @b8tv

Twitter account @b8tv described itself as “Samut Prakan people’s Twitter for reporting information from every corner of the city. Contact 0889795730 24hours, B8TV crew.”
In the flood crisis when everyone was worried whether flood had come near their houses, those who lived in Samut Prakan ‘tweeted’ to @b8tv reporting their house situation. The account @b8tv would then ‘retweet’ the message on condition that the report clearly stated date, time, and location.

These reports from @b8tv on rainfall, level of water in the canals, level of water on the streets, weather, etc., had helped Samut Prakan people keep updated on the floods.

8. Mobile phone application

Throughout the 2011 flood crisis, many mobile phone applications were created to share reports and updates on the situation. (48)

8.1 ‘Thai Flood Reporter’ for iPhone was useful for reporting water levels in each area where users could choose from a levels option provided, then the GPS would send location, time, and level information to be automatically ‘tweeted’ with a hashtag #Thaiflood. This application was also able for sending photos to be posted on Twitter and help requests to MICT. (49)

8.2 ‘Bangkok Canal Status’ was an application used in updating the water level in Bangkok’s main canals where the information would be provided by Department of Drainage and Sewerage (dds.bangkok.go.th/Cana) and displayed in real-time graphics. (50)
8.3 ‘FightFlood: where to find things’ was an application for receiving reports of areas of food shortages during flooding through Twitter account @cpcuthaiflood where the information could be viewed from FightFlood.com and a Facebook fan page ‘where to find things’ as well as the Twitter. (51)

Statistics of mobile phone usage rose during flood crisis (52)(53)

The three major mobile service providers in Thailand; AIS, DTAC, and True, revealed that mobile phone usage increased significantly during the floods, especially in flooded provinces.

The AIS network was used on both mobile phones and internet most frequently in the third week of October in many provinces. Usage was 70% higher than the previous week for flooded provinces such as Ayutthaya, Pathum Thani, Nonthaburi, and Lopburi. Overall, traffic on AIS increased by 2-3% while phone calls on DTAC increased 12% compared to September. 3G Truemove H network use increased 200% and mobile phone use on Truemove and Truemove H increased 35% in the same period.

Service providers also believe that part of the increase was due to followers of both private and government voluntary groups accessing social networks.

Mr. Jake Wengroff, Global Director of Social Media Strategy and Research for Frost & Sullivan, stated that this phenomenon was clearly a strategic indication for social networks in Thailand which became the primary means of communication during the floods.
3. Credulous liking and sharing of a “photo story” incident during the 2011 flood crisis

During flood crisis in October 2011, information without any source given was shared on social networks mostly related to Royal family statements or activities regarding the floods. This sharing often carried photos accompanied by unrelated captions.

The sharing was carried out without references, source links, date, time, or location.

Nevertheless, it is notable that despite the lacking of sources, Thai social network users shared, liked, and commented to compliment and praise without questioning the veracity of the content.

Case study of credulous liking and sharing

1. Publication of a statement claimed to be by King Bhumibol “If the Phranakhon area is flooded, let the water come through Chitralada Royal Palace, don’t block it.”

In the late morning of October 19th, a statement, claimed to be said by The King’ to the Prime Minister, was posted on social networks such as Facebook and Twitter;

“If the Phranakhon area is flooded, let the water come through Chitralada Royal Palace, don’t block it.”
1. The King ordered “If the Phranakhon area is flooded, let the water come through Chitralada Royal Palace, don’t block it.” Long live the King
2. The King of the Thai people
3. And 453 others like this

Figure 35. Post of the King on Facebook with a caption claiming to be by the King “If the Phranakhon area is flooded, let the water come through Chitralada Royal Palace, don’t block it.”

This post was shared without any sources or date and time reference. The statement was published in many forms including posts with the King’s photo with the caption, or with only the statement, with thousands of comments “Long live the King”. What was notable about this incident was the fact that no one expressed scepticism on whether such statement was true or not.
The statement spread wider when re-tweeted by Twitter account @suthichai of Nation Multimedia Group executive and editor Suthichai Yoon.

1. RT @XXX: The King ordered “If the Phranakhon area is flooded, let the water come through Chitralada Royal Palace, don’t block it.” Long live the King.

Figure 36. A picture of Mr. Suthichai Yoon’s re-tweeted statement claimed to be by the King and re-tweeted by 100 people.

On the evening of October 19th, Mr. Ratanavudh Vajarodaya, Special Advisor to the Bureau of the Royal Household, gave an interview stating that the statement was not likely to be by the King. (54)

Nevertheless, despite this denial, people on social networks still liked and shared the statement.
2. The case of the caption on a photo of Princess Sirindhorn giving out relief aid

On October 12th, a photo of Princess Sirindhorn handing out relief aid was posted on a Facebook page ‘Lonklaow’ without any related information given with the caption:

“Princess Sirindhorn personally helped people in flood crisis but there was no news about it even in the royal news.”
1. This year the Princess is helping people without telling anyone. No news, even in the royal news. (The photo is very hard to find)

“Everyone, the Princess was very worried about the people. She visited citizens and tasted the food given to people without any objection. She also coordinated with local organizations by herself. In front of the media, we are already grateful that she cares. Who knows, without the media, how many good things has she done.”

Long live the Princess

Photo Note+ Let me explain about the photo mistake

This is an old photo of princess Sirindhorn helping people in Chaloem Phra Kiat District, Nakhon Ratchasima Province in 2010. The mistake was made by the admin while posting the photo. My apology.

Figure 37. A post on Lonklaow page with a photo captioned Princess Sirindhorn handing out relief aid and later its admin clarified that it was on old photo in 2010

The post had almost 9,000 likes and was shared almost 4,000 times (surveyed October 12\textsuperscript{th} 2011), but Google Image Search matched it with a post in suthichaiyoon.com on the topic “Princess Sirindhorn gives a boat for flood relief” dated December 26\textsuperscript{th} 2010 (55) which implies that this photo was not taken that year (2011) and Lonklaow was matching an old photo with an unreliable caption.
1. Princess Sirindhorn donates a boat for flood relief. October 26th 2010

2. Princess Sirindhorn donated a boat to help Lopburi people. Water from the Chao Phraya overflowed Nonthaburi, Pathum Thani, and Bangkok. Sukhumbhand confirmed without more rain, Bangkok will not be flooded. He also suggested ‘pak takrai’ around Bangkok. While water from Khorat-Chaiyaphum flowing into the Mun River flooded Ubon Ratchathani, the governor ordered 25 communities evacuated.

Figure 38. A news picture posted on suthichaiyoon.com showing Princess Sirindhorn donating relief aid.
Later, after some protests that the photo did not fit with the caption about the flood crisis in 2011, the Lonklaow page added an explanation;

Photo Note+ Let me explain about the photo mistake

This is an old photo of Princess Sirindhorn helping people in Chaloem Phra Kiat District, Nakhon Ratchasima Province in 2010 due to a mistake by the admin while posting the photos. My apology (56)

Even though admitting that the photo was not taken in 2011, the admin of the page did not explain the source of information in the caption

The matching of the photo with the caption without any reliable source was the only example that has been disseminated on social network in the manner of;

“...personally helped people in the flood crisis so there was no news about it even in the royal news.”

The subject of this statement was changed to other Royal family members without any reference.

3. The caption of a photo of Prime Minister Yingluck Shinawatra using a mobile phone in a helicopter with cheerful expression, “See, the PM acted like she was working hard, but in the end, she was just fooling around. She has no common sense at all” which resulted in wave of criticism of the Prime Minister. (57)
Online power against rumours

After incidents of unverified information circulating freely on social networks, a Facebook page ‘Thailand Anti-Hoax Centre’ appeared on October 20\textsuperscript{th} 2011.

The page description is “‘We hold the belief that anyone can criticize but it must be done on the basis of truth.’ A fan of this page can send rumours about the flood situation to the page to have the page investigate and publish the facts about the rumours. The four cases above were also investigated by this page.

4. Prime Minister Yingluck’s Twitter account hacked

What happened: On October 2\textsuperscript{nd} 2011, the Twitter account @PouYingluck of Prime Minister Yingluck was hacked. Three days later, MICT brought the culprit to a press conference stating that
he was caught by his IP address and charged under Section 7 of the Computer Crime Act.

How it happened: On October 2nd 2011 at 10.22 a.m., eight consecutive messages appeared on the twitter account @PouYingluck of Ms. Yingluck, attacking the government, at intervals of one to five minutes:

Message 1 at 10.22 a.m.
“This country is a business. We do things for ourselves, not for the Thai people. We do things for those who support us, not the ones who disagree with us.”

Message 2 at 10.25 a.m.
“Where is the opportunity for poor people? We trick poor people. We give them hope for their votes that will benefit our lot.”

Message 3 at 10.26 a.m.
“Where is the sustainability? Fixing the flood problem is not only dealing with flooded areas but rather mobilizing those with knowledge and understanding to deal with it sustainably.”
Message 4 at 10.29 a.m.

“Is it time for our country to change into something better, not just image-building for your own company, family, and interest group.”

Message 5 at 10.35 a.m.

“In this country, the most important thing is education. Why put a free tablet PC in the policy without amending the curriculum or supporting teachers’ salaries?”

Message 6 at 10.37 a.m.

“Why think of megaprojects like land reclamation and building the highest building in the world? There is no knowledge about any of this in this country at all.”

Message 7 at 10.43 a.m.

“Thailand needs change. It’s time for everyone to wake up. Ignorance must go.”

Message 8 at 10.45 a.m.

“If you can’t even protect your Twitter, how can you protect this country? You guys think about it.”

It was not until 10.50 a.m. that another message appeared on Ms. Yingluck’s Facebook account: “Please note that right now Twitter @PouYingluck has been hacked, any messages appearing are not from Prime Minister Yingluck.”

October 3rd 2011, www.bangkokbiznews.com reported that Grp. Capt. Anudith Nakornthap, Minister of Information and Communication Technology, had given a statement that hacking
Twitter @PouYingluck was considered an offence under Sections 5, 7, 9, and 14 of the Computer Crime Act which has a maximum sentence of five years in prison and 100,000 baht fine. He warned that internet users see this, they must not share the information because it would also be considered an offence. Grp. Capt. Anudith also stated that he had prepared an amendment to the Computer Crime Act for submission to the cabinet to be clearer over liability for information theft. In pursuing the culprit, officials had coordinated with the telephone service provider and Twitter service provider abroad to acquire the log files, and now had a lead on the person. (1)

October 4th 2011, one day after the incident, Grp. Capt. Anudith gave an interview stating that MICT had already acquired adequate evidence and was ready to arrest the culprit within one or two days. He also insisted that there would be no mistake in identifying the suspect. (2)

October 5th 2011, www.thairath.co.th reported that Grp. Capt. Anudith together with Pol. Maj. Gen. Panya Mamen, Deputy Chief of the Central Investigation Bureau held a press conference with Mr. Ekawit Tongdeevorakul, age 22, a student, who had turned himself in. Grp. Capt. Anudith stated that officials had spent only one day to acquire the IP address and summon for investigation the suspect who matched the information from MICT. The suspect had confessed and turned himself in to the judicial process. However, Grp. Capt. Anudith refused to reveal how officials tracked down the suspect for the reason that it
would benefit evil-doers. He also added that he would have Mr.Ekawit use his knowledge in working with MICT, while Mr. Surapol Navamavadhana, MICT advisor, stated that MICT was able to find the suspect from a search of his gmail information by Google and using a gateway to connect from True Internet Co., Ltd. until they found the suspect’s name. (58)

The officers stated that Mr.Ekawit had committed an offense under Section 7 of the Computer Crime Act “If any person illegally accesses computer data, for which there is a specific access prevention measure not intended for their own use available, then he or she shall be subject to imprisonment for no longer than two years or a fine of not more than forty thousand baht or both.” After the conference, TCSD took Mr.Ekawit for prosecution.

Observations and demands on the case

On October 2nd 2011 at 12:39, Thai Netizen Network published an article “Prime Minister Yingluck’s Twitter is hacked – Learn how to protect yourself – and Section 14” where stated in part that investigating officers should be very careful in locating the culprit because identifying the culprit from an IP address is not an accurate method and can lead to the arrest of the wrong suspect and violation of an innocent person’s rights.

The charge under the Computer Crime Act should rather have been under Section 5 on wrongfully accessing a computer system, Section 9 on revising, modifying or adding computer data, and possibly also Section 8 on intercepting and transmitting computer...
data to steal a cookie, rather than Section 14 which is related to the dissemination of information or content deemed “false computer data” (Section 14 (1)) since the intent of Section 14 (1) is to refer to forgery of computer data to cause misunderstandings, such as making a false website page look like the original.

“False computer data” in Section 14 (2) should be interpreted more narrowly to refer only to the false statement of facts, not including opinions. This reflects the problem that Section 14 can be interpreted without limit until it has become a political tool. However, if content in these eight messages constitutes an offense, then other laws, such as the Criminal Code, should properly apply.

It is not clear whether the posting of the eight messages could be considered theft of the identity of Ms. Yingluck because the last message states “If you can’t even protect your Twitter, how can you protect this country? You guys think about it.” This should have made clear that the Twitter account @PouYingluck had been hacked by another person without permission which means the culprit might have had the intention to cause injury to Ms. Yingluck but might not have intended to pretend to be Ms. Yingluck.

At 18:37 the same day, Mr. Cheewin Mallikamarl, lecturer from the Department of Law, Faculty of Social Science, Kasetsart University, published an article “Section 14 of the Computer Crime Act and the case of messages appearing on @PouYingluck” on a Facebook account, IT.Law talk, where he made the observation that this action could constitute an offence under Section 14 (1)
(entering forged or false computer data) due to the fact that the hacker of Ms. Yingluck’s account posted messages as though Ms. Yingluck posted them, therefore can be viewed as the posting of false information. With respect to the liability under Section 14 (5) of those who re-tweeted the messages or copied the screenshots and disseminated them on Facebook, then considering the principle of criminal law that an offence must be an act committed intentionally, if those who re-tweeted, posted, or shared did so without knowing such information to be false, their actions would be considered as without intent and they should not be liable under Section 14 (5). (59)

Statement from Thai Netizen Network on the case of unauthorized access to Prime Minister’s Twitter account.

From approximately 10:23 to 10:44 on October 2\textsuperscript{nd} 2011, the Twitter account @PouYingluck of Prime Minister Yingluck Shinawatra was accessed by another person and disseminated eight consecutive messages with content criticizing the government’s public policy.

Thai Netizen Network has the following opinions toward the incident:

1. The incident was clearly a computer crime for it was a crime committed against a computer system or computer data by unauthorized access (Section 5) and changing a password (Section 9).
2. The state must take care in identifying the suspect because an internet IP address or mobile phone number alone cannot do so accurately. A suspect may be falsely arrested, violating the rights of an innocent person.

3. The offender has expressed opinions critical of the public policy and administration of Pheu Thai in seven messages and expressed clearly in the last message, “If you can’t even protect your Twitter, how can you protect this country? You guys think about it”, that the messages were from someone else and not Ms. Yingluck. Therefore, this action should not be held to be an offence under Section 14 because the messages do not constitute “false computer data” but rather opinions, and also are not “forged computer data” because the offender has both directly and indirectly expressed that these messages were not from the account’s owner and also because these actions occurred consecutively within approximately 20 minutes.

4. Society should be aware that enforcement of the Computer Crime Act (2007), which was passed during the administration of the Council of National Security (CNS), especially Section 14 (entering computer data into a computer system), Section 15 (liability of service providers), and Section 20 (blocking the distribution of computer data), which deals with dissemination of content, for the past four years involved cases of rights violations.
5. The primary problem of the Computer Crime Act arises partly from the wording in the provisions such as “public panic” (Section 14 (2)) and from enforcement where the authorities are allowed broad interpretations of the law such as in the case of “forged computer data” (Section 14 (1)). The fact that almost every offence is non-compoundable also makes them a tool for causing hardship to political dissidents as reflected in the cases of a social activist, a patient rights activist, and a member of labour union.

6. What happened should be a lesson for internet users, service providers, and systems developers to realize the importance of protecting the rights of internet users including the Prime Minister whose rights in this case were violated. All sides should realize that safety on the internet is not the responsibility of one side and cases must not be used to validate the restriction of the rights of the people.

For online freedom,
Thai Netizen Network
October 4th 2011
5. The ‘peasant-noble’ debate between Nattawut Saikua and Korn Chatikavanij

What happened: The ‘peasant-noble’ debate on the Facebook pages of Mr. Nattawut Saikua, who at the time was one of the leaders of the United Front for Democracy against Dictatorship (UDD), and Mr. Korn Chatikavanij, then Minister of Finance, caused a broad wave of criticism from social network users.

How it happened: On May 7th 2011, at 21:48, Mr. Korn posted a Facebook comment on Mr. Nattawut.

“A moment ago, I had dinner with my wife at a restaurant near Thonglor and the guy on the next table told me that five minutes before, Nattawut Saikua and family had left the table I was sitting at. I couldn’t help thinking that a person who called himself ‘peasant’ would live a life not much different from those whom he called ‘noble’.”

Figure 41. Message from Korn Chatikavanij’s Facebook page on May 7th 2011. (Facebook: Korn Chatikavanij: bit.ly/un7Hrb)

At 23:17, Mr. Nattawut responded on his Facebook page.
“This evening, I took Gam [his wife] to dinner at a restaurant she likes. Chang-noi [their son] was also there. I could not have foreseen that Korn Chatikavanij would pick on this by saying he didn’t expect someone who declared oneself a peasant to have a life style similar to his. Listen to me, Korn. Because this country has people who think like you, oppression exists. Why is it a rule that peasants must be poor and stupid, and accept disparity? Why cannot a peasant dine in the same restaurant as a capitalist? Long live the people.”

Figure 42. Message from Nattawut Saikua’s Facebook page on May 7th 2011. (Facebook: ณัฐวุฒิ ใสยเกื้อ: bit.ly/u6k2be)

Mr. Korn Later posted an additional statement.

“Let me explain what I have said in my post. If you read it well, you will see that my point was that, why agitate social unrest since our ways of life are no different? I have never seen that Thai people have differences and that was the crucial point.”

Moreover, Mrs. Vorakorn Chatikavanij also posted a message on her own Facebook page.

“At a restaurant on Soi Thonglor this evening, a noble man and woman shared a bottle of Thai beer, while ‘a peasant and his wife’ were draining expensive wine as a nanny took care of their child.”
The issue of peasant and noble, beer and wine were shared among supporters of Mr. Korn and Mr. Nattawut through Facebook causing a controversy on cyber space.

The mainstream media then publicized the issue. In the May 13th-19th 2011 issue of Matichon Weekend had photos of Mr. Korn and Mr. Nattawut on the cover with a caption “upper class drink beer” and, inside, three columns criticizing the incident. It featured in a domestic column “upper class drink beer”, Kam Phaka’s column “Peasant vs. Noble”, and A fly in an orchard column “Hi-so news at Thonglor: When ‘peasants’ pretend to drink wine in the same restaurant as a noble and wife”. (61) As a result of this incident, Sombat Boonngamanong, a redshirt activist, was inspired to hold a “Peasant food festival” on Soi Thonglor”.

6. Internet vigilantism: The case of Praewa and the van accident (62)

What happened: In December 2010, there was an accident involving a sedan and a passenger van. After a photo of an underage female known as Praewa, the driver of the sedan, using her Blackberry phone was posted with a false caption and disseminated throughout social networks, claiming that the girl had no conscience toward the accident, internet vigilantes attacked her. A Facebook fan page was created to share information about Praewa and follow minute-by-minute progress in the case. Most comments on the incident contained foul language and threatened assault or death.
How it happened: On December 27th 2010, a passenger van was hit by a sedan on the Don Muang elevated motorway in Bangkok. The van driver and eight passengers were killed. Five passengers were injured. Meanwhile the underage female driver of the sedan, Praewa with a prestigious family name, escaped with only minor injuries.

Police officers charged the girl with negligent driving causing injury and death but made no conclusions about the cause of the accident. After filing the charge, police released the underage girl for the reason that she wanted to formally turn herself in.

On December 27th 2011, www.dailynews.co.th published photos of the accident including one of a teenage girl leaning on the wall of the motorway beside a wrecked car, using a Blackberry phone. The photo was publicized on twitpic.com, a photo sharing website for Twitter users.
1. 57 days ago
   It was an accident... No one would want it to happen...!

180 days ago
   Heartless

300 days ago
   Fabulous, how could she... No sign of panic + regret for the deaths at all.

301 days ago
   Don’t know how to sympathize her because the photo already says “no conscience at all”

Figure 43. A photo of Praewa using a Blackberry phone after the accident published on twitpic.com

Because in the photo, the girl’s hand is on the phone as though she was chatting, most comments from Twitter users expressed condemnation that despite the accident she was still worried about chatting with her friends.

Later, a comment appeared from a twitpic user;

“Ouch, I just hit the van. Don’t know how many are dead, haha. So excited, let me upload it on Facebook for you.”

This tweet was re-tweeted more than 600 times, not including modified versions (the twitter user later tweeted an apology and admitted that the tweet was only meant to satirize Praewa).

Afterward, the tweet was modified into a conversation between two girls:
“Praewa: Lame, my car just scraped a van.
Friend: Upload it on Facebook now.
Praewa: Done, the van photo too. This is just like in the movies.
Praewa: Almost. My dad is still dealing with the press.”

Twitter users added the hashtag #WeHatePraewa in their tweets to express hatred. The hashtag became the most popular in Thailand at the time.

Later, Praewa’s personal information such as photo, phone number, and e-mail were disseminated widely through forwarded e-mails and a Facebook fan page Confident that over 1 million Thais disapprove Praewa which has more than 300,000 likes (surveyed January 2011). Moreover, there were rumours that Praewa had fled the country, etc.

In the offline world, Praewa’s parents stated in an interview that Praewa had received multiple death threats by phone and internet which made them decide to change Praewa’s hospital three times because someone tried to break into her room. Also, family members had to change both home and personal phone numbers.
7. Campaign on Paying Loyalty toward the King on Twitter on the King’s Birthdays in 2010 and 2011.

What happened: On King Bhumibol’s birthday in 2010, a group of Twitter users attempted to manipulate ‘Twitter Trend’, a popularity ranking program of the website, to have a hashtag honouring the King ranked on the world Twitter Trend. However, the media exaggerated the movement with false information. There was no question critical of the incident. On the King’s birthday in 2011, there was a second more systematic attempt to have a hashtag glorifying the King listed in the world trend.

How it happened:

2010 (63)

Many famous people participated in building this Twitter trend such as Suthichai Yoon, Editor-in-chief of the Nation Group, who campaigned to have his fans tweet a glorifying statement with a tag #weloveking to his Twitter account @suthichai, and Jetrin Wattanasin, a former famous singer, @jjetrin, etc.

However, on the evening of December 5th, Twitter users who attempted to create this trend found that they could not push #weloveking into the world Twitter Trend rankings and concluded that Twitter’s system had mistaken #weloveking for spam. Jetrin stated “Whoever is good at English please contact Twitter to tell them that #weloveking is not spam”.

As the attempt did not succeed, a new campaign initiated by Jetrin decided to change the hashtag to #hismajesty.
1. 170,000 #WeLoveKing and 4,000 #HisMajesty ... We will make them equal!!

Figure 44. A statement on the Twitter campaigning to express loyalty to the King on December 5th 2010

Suthichai later tweeted that he wanted the world to know that the attempt was not spam but expressions of loyalty toward the King and ended his statement with #hismajesty.

Mr. Jetrin and Mr. Suthichai then told their followers to use the tag #hismajesty as frequently as they could to get this tag ranked in the worldwide trending. It was notable that many tweets with the tag had unrelated content.

1. It’s ten minutes to the birthday of my idol. #hismajesty

Figure 45. A tweet with the #HisMajesty hashtag and unrelated content
At 22:15 on December 5th the tag #hismajesty was ranked number one in Twitter’s worldwide trending.

Jon Russell, a specialist on social networks, explained that #hismajesty was ranked on top while #weloveking was not because the trend system of Twitter focuses on tags frequently tweeted during a short period of time rather than tags tweeted throughout the day. #hismajesty was of the former kind while #weloveking the latter. (64)

How the media reported it

On December 6th, The Nation newspaper reported that the tag #weloveking was the most popular on Thai Twitter where it had been tweeted more than 170,000 times at 21:00. (65)

Kom Chad Luek through the Nation channel interviewed four famous people on Twitter under the topic “Loyal Power of Online People” to discuss the glorifying tag campaign and how it could be repeated next year. Throughout the program Ms. Jomkwan Laopetch, the moderator never mentioned the hashtag #weloveburgerking.

On December 5th 2010, www.thairath.co.th of Thairath newspaper reported the incident with the headline “Thais love the King #hismajesty ranked first in world Twitter” where the content emphasized that all Thai Twitter users had unanimously participated in the #weloveking campaign to pay loyalty to the King and succeeded at 20:29 but later the tag was banned from Twitter for being confused with the tag #weloveburgerking. However, Thai
Twitter users switched to campaigning on the tag #hismajesty and finally succeeded in ranking the tag number one in the worldwide trending at 22:11. (66)

The news contained three mistakes:

1. Tag #weloveking was never ranked in the worldwide trending throughout 2010.
2. Tag #weloveburgerking did not cause the tag #weloveking to be removed from the ranking.
3. The Twitter system never mistook #weloveking for spam.

2011

Experience from 2010 made preparations for the 2011 campaign more systematic. Starting in early December 2011, there were discussions among celebrities on Twitter about which tag should be used, due to a protest that #weloveking was not grammatically correct. The result was to use #welovetheking as the hashtag for the campaign.

On December 4th, the Twitter account @thaitrend, an account of lab.in.th/Thailand/, a website for evaluating Thai tweets as trending topics of Thailand gave advice on how to make a worldwide trending:
1. Thaitrend would like to suggest how to rank a topic in worldwide trending. From the experience of #WeLoveKing and #HisMajesty last year, we found that tweets with constant frequency tended to make it harder to make worldwide trending. Looking at #HisMajesty which made it to worldwide trending, the frequency of tweets ‘rose’ by hundreds within an hour. Looking at #HisMajesty which made it to worldwide trending, the frequency of tweets ‘rose’ by hundreds within an hour. On the other hand, #WeLoveKing was tweeted all day long lowering its frequency over a short period of time and failing to make worldwide trending. Therefore if you want #WeLoveTheKing to count in worldwide trending, I suggest you to specify the time to start tweeting. Best to make it a single moment.

Figure 46. Tweets from @thaitrend on December 4th 2011 suggesting how to rank a topic in Twitter worldwide trending (from the bottom up)
On December 4th, celebrities on Twitter such as Jetrin Wattanasin @jjetrin tweeted a message telling his followers to start tweeting with the tag #welovetheking to show loyalty to the King and also re-tweeting the tweets with this tag from his followers. The messages were re-tweeted by Jetrin’s followers endlessly until the tag #welovetheking was ranked number one in Thai trending.

Nevertheless, at approximately 21:00 on December 5th, the tag #welovetheking was still not ranked in worldwide trending. A group of royalists then began to use a new tag #fatherofthailand. Jetrin later told his followers to tweet with #fatherofthailand instead of #welovetheking.

In total, on December 5th 2011, there were 19,006 #welovetheking tweets from 13,601 accounts which was only 11% of 170,000 #weloveking tweets that The Nation reported in 2010.

1. Number of tweets from Hashtag

Graph 1. Number of tweets sorted by Hashtag showing that #welovetheking was tweeted many times before midnight
on December 5th and the frequency of #fatherofthailand tweets increased as #welovetheking decreased.

However, despite changing the tag, the royalists were still unable to rank #fatherofthailand in worldwide trending and the loyalty campaign of 2011 was not reported by any mainstream media.

Thailand trending reported that there were a total of 2,355,736 tweets from Thai users on December 5th compared to a daily figure of only 1.5 millions.

1. Thailand Twitter data Yesterday (05-12-2011)
   Total tweets: 2,325,736 tweets
   Number of tweeters: 123,114 users
   Most popular tag: #WeLoveTheKing
   Most mentioned person: @YouTube
   Most popular word/phrase: Long live the king
Chapter 3

Right to participate in decision making related to the internet

3.1 Overall Picture of Internet Policy and People’s Involvement

Part of the policy statement by the Yingluck Shinawatra administration to Parliament focused on information and communication infrastructure and accessibility and computer equipment for children, which was considered fundamental for any government to develop and improve the information and communication infrastructure of the country. The success of these policies will be observed in the future. Policy on rights, in contrast, seemed to lag behind. Even though a number of people have been demanding amendment of the Computer Crime Act to better respect rights and freedom, the Pheu Thai administration failed to respond to these demands and continued to push forward policies which undermine freedom of expression of the Thai people.

The issue of state administration on the internet was already discussed in Chapter 1

Details of internet-related projects and state policy on the internet

1. Cyber Scouts

Cyber Scouts is the general name of a project for civilian volunteers inspecting “inappropriate” websites. The primary targets
of the project are websites that may contain lèse majesté content. Once observed by cyber scouts, they will be reported to the authorities by procedures the cyber scouts have been trained in.

**Project Name:** Recruiting Cyber Scouts on Internet Network

**Project by:** MICT and Ministry of Education

**Objective:** To create cyber scout volunteers with an ethical conscience in creative use of the internet and able to take care of themselves online, and to build a network to support “love and unity within the nation” where cyber scout volunteers observe and inspect “information threatening to the monarch, including national security” on the internet.

The Cyber Scout project was established during the Abhisit Vejjajiva Administration with cooperation from MICT and the Ministry of Education with help from the Research and Consultancy Institute, Thammasat University in initiating the programme with students as the target group.

The programme includes training of at least 1,000 leading instructors from among teachers in each target school where each leading instructor will be able to train cyber scout volunteers from schools and communities with a target of 100,000 cyber scouts in one year. 1,000 of these volunteers will be selected for training in cyber scout camps as leaders in building a cyber scout network. The duty of cyber scouts is to observe and inspect “threats” to online society. (67)
In late November 2011, Grp. Capt. Anudith Nakornthap, Minister of ICT, extended the project with two new programs, A.T.C. and Executive Cyber Scout, which provided training for middle-ranking and chief executives of MICT in scouting, to be steadfast in the democratic form of government with the King as Head of State in the administration of State affairs, and to respect the three main national institutions: nation, religion and monarchy. Graduates from the programs will receive the position of Scout Inspector of the National Scout Organization of Thailand and will lead cyber scout network management. (68)

www.cyberscout.in.th of MICT was created for dissemination of project information and cyber scout meetings through a webboard. The website provides membership registration at both leader and volunteer level with a star system to rank members. The project also has social network accounts to communicate with its members, including a Facebook fan page Cyber Scout. in.th created on February 17th 2011, as the primary channel of communication with members. News and photos of programmes and activities were also posted on the page. Right now, the page has 2,517 likes (surveyed December 23rd 2011). Cyber Scouts also has a YouTube account to post videos of activities. Google location was used in demonstration schools enlisted in the project. Lastly, a Twitter account @CyberScout is used to publicize information from MICT, project activities, instructions on dealing with inappropriate websites and other technology news. Right now, the account has 55 followers (surveyed December 23rd 2011).
Project Name: Building Cyber Scouts on Computer Networks

Project by: Ministry of Justice and MICT

Objective: To build an online network of online volunteers with a conscience to protect the monarch, and to train volunteers to be able to use the internet in a “rightful direction” and “observe threats disguised in forms of media” including building a “good conscience” among minors. (69)

Activities of the project include theoretical and practical training on four subjects, the monarch, law and ethics, computers and other related matters, to build an online network that has an ethical conscience and helps take care of “lèse majesté websites” (70)

2. Ministry of Information and Communication Technology’s Policy Under Yingluck Shinawatra Administration

The policy statement of the Yingluck Shinawatra administration of 23rd-24th August 2011, included the following policy on information and communication technology (excerpt from “Policy Statement of the Council of Ministers delivered by Prime Minister Yingluck Shinawatra on Tuesday 23rd August 2011” published in www.rsunews.net): (71)


Urgent policies to be implemented in the first year

1.15) Procure tablet PCs for schools by initially distributing tablet PCs to first-year primary school students for the 2012
academic year, as well as expeditiously developing appropriate content in accordance with the approved curriculum that can be installed into the tablet PCs. Provide wireless internet services free-of-charge in public areas and educational institutions.

Policies to be implemented over the four-year term

3) Economic Policy

3.6 Information Technology Policy

3.6.1 Develop information technology infrastructure by accelerating the establishment of a hi-speed communications network that is broad based, accessible, adequate, reliable and reasonably priced, with fair competition. This will enable Thailand to become a knowledge-based society with wisdom, innovation and creativity, while helping to reduce the disparities between urban and rural communities, facilitate access to news and information, improve the quality of education, enhance human resource development, promote the reduction of energy consumption which is environmentally friendly, and increase competitiveness of the country in the long run.

3.6.2 Promote free access to and appropriate use of the Internet in public areas. Encourage the National Broadcasting and Telecommunications Commission (NBTC) to:

1. Use the NBTC Research and Development Fund for public benefit;

2. Provide free Internet access in public areas, government offices and designated educational institutions; and
(3) Set broad based coverage as a condition for telecommunications service providers.

3.6.3 Promote the most effective use of frequencies, which are a national asset, in the best interest of the country and the people, and preserve the legitimate rights of the country in using telecommunications technology in outer space.

3.6.4 Promote the use of the public and private sector radio and television media, as well as conversion from analog to digital systems, with a view to maximizing the benefits for the country and people. Encourage NBTC to coordinate with relevant government agencies on these matters.

3.6.5 Promote and support the development of software, hardware and related industries and establish funding mechanisms for small and medium sized information technology enterprises. Improve the quality of human resources to meet the required standards and respond to the needs of the industry with a view to making Thailand a regional hub for information and communications technology.

Overview of Demands to the State Sector on Internet Administration

Society’s opinion and demands to the state sector on the Computer Crime Act can be roughly divided into two sides: one wants stricter law enforcement especially as it relates to Section 112 such as lèse majesté websites; the other views the Act as problematic and calls for amendment to relieve the restrictions
on the rights and freedoms of the people and make the law to be more consistent with the principles of human rights.

A group of the disadvantaged calls for the state to manage telecommunications in an accessible and just manner, to allow the equal participation of everyone in internet policy, and to effectively protect consumers whose rights are violated.

Specialists call on the government to review, modify, or research the policy of handing out tablet computers to first grade students before implementation.

Details of Demands from the People’s Sector toward Internet Management Policy

1. Thai Netizen Network’s demands for amendment of the Computer Crime Act

   i. Thai Netizen Network’s observations on the flaws of the Computer Crime Act

   i.i Liability of intermediaries

   Section 15 treats service providers or intermediaries (such as information centres, internet service providers, search engines, social networks, web-boards, and web-logs) as though they were editors of newspapers in charge of filtering content before publication. However, one of the characteristics of the internet that makes it useful today is the fact that information can flow smoothly. Intermediaries are, therefore, only a “data tube” or mere conduit of content. If Thai law enforcers hold intermediaries liable for all
the content passing through them, it means that the intermediaries must then filter all content before publication, which is almost impossible without affecting the operations of the internet and computer systems considering the speed and quantity of data.

i.ii “Nationwide” area of the crime

Section 15 refers to the offences under Section 14, especially entering computer data that causes “damage to national security or causes a public panic”. These criminal offences enable any person to file a complaint with the authorities at any place because the content can be accessed anywhere on the internet. The law can thus be used to impose hardship upon others, for example, by filing complaints of defamation at locations far away from the accused.

i.iii Intermediaries become “scapegoats” when the real culprits are not found

In cases that prosecuted “intermediaries” such as Ms. Chiranuch Premchaiporn, the court never ruled whether the content in question was illegal or not. Also only one poster was prosecuted. The state should not be so negligent in finding the culprit. The real culprits, the posters, must be identified and proven guilty before the prosecution can determine whether the intermediary had the intention to support or allow the crime of the real poster.

Burden of complying with the law, the resources for contesting court cases, including time spent in travel, together with state officials’ focus on arresting intermediaries, require intermediaries to bear unreasonable costs and risks and lead to
self-censorship on the principle of “safety first” or elimination of the burden by prohibiting user-generated content such as webboards, which affects many other innocent users.

ii. Proposal to the state on enforcement of the Computer Crime Act with respect to intermediaries

ii.i Officials should attempt to arrest culprits not intermediaries or service providers. Attempts to impose restrictions on intermediaries will cause negative economic, societal, and cultural effects, and also make more difficult the arrest of culprits, which undermines public interest.

ii.ii Suspects must be treated as innocent as stated in the constitution. Confiscation, seizure, and copying computer equipment must be done according to the same standards whichever law is applied (criminal, defamation, obscenity, copyright, computer, etc.). Seizure and copying must apply only to relevant objects and content and respect the right to privacy. The most important thing is all dealings must be formal with written documentation.

ii.iii Oversight must be based on facts without fear or presumption. Society should view cyber space, computer games, and internet cafés as normal activities which are safe to varying degrees. The assumption that the internet or computer games are the source of every problem precludes the opportunity to find out the truth and fix the problems.

iii. Proposal on amendment of Section 15 of the Computer Crime Act
The facts stated above reflect that Section 15 of the Computer Crime Act is currently enforced in a way that harasses and restricts intermediaries who play a prominent role in communication and the exchange of opinion, which is a foundation of democracy.

Thai Netizen Network holds that Section 15 threatens the rights and freedoms of the people, and proposes the following amendment to the Computer Crime Act, 2007:

iii.i Consider and treat intermediaries only as path or channel of data or as cache or buffer, and realize the nature of the internet where information flow is constant and rapid such that filtering and monitoring may not be worthwhile and will cause more harm than good.

iii.ii Consider intermediaries to be innocent by default by recognizing that they are merely channels of information until there is evidence that the intermediary had the intention to support or conspire to commit a crime when this can be proved in court.

iii.iii If the court has not yet ruled that the content is in fact illegal and/or the perpetrator under Section 14 (the person posting the content) is in fact guilty, prosecution of the intermediary under Section 15 will not be initiated.

iii.iv If the court has ruled that the intermediary intended to commit a crime, the punishment of the intermediary must differentiated in proportional severity among offender, supporter, those who do not cooperate with the authorities, etc.

iii.v A written provision such as an ancillary law of the
Computer Crime Act must specify a notice and takedown procedure as a safe harbour for intermediaries. For example, a web administrator who receives a formal notification from the authorities and fails to comply will be liable.

iv. The Computer Crime Act overlaps with other laws on content-related offences.

Section 14 of the Computer Crime Act overlaps with laws on defamation and other criminal laws but has higher degree of punishment and is non-compoundable because it is considered to be a crime against the nation.

Nevertheless, the state should view the internet as a channel of publication no different from other means of publication such as television, newspapers, or radio. Passing a law to control content specifically on the internet with longer jail terms than more direct basic laws is unsystematic and inappropriate.

Thai Netizen Network proposes that Section 14 of the Computer Crime Act should be amended by eliminating all content-related provisions (such as defamation, fraud, obscenity, causing trouble or nuisance, offences against public order, good morals and national security, causing public panic, etc.) to focus only on computer systems or pure computer crimes such as phishing, and to remove the provision from the set of non-compoundable criminal offences so that it can be compounded and may be both a civil and criminal offence.
2. Opinions and Proposals from Other Civil Society Groups

In 2011, there were attempts to draft a computer crime law by civil organizations such as the Thai Webmasters Association and Thai Internet Reporters Association, but the most outstanding was by My Computer Law, a project of Thai Netizen Network, the Internet Law Reform Dialogue (iLaw), and Amnesty International, Thailand.

My Computer Law was formally launched in June 2011 with the purpose of gathering people’s opinions to draft a people’s computer crime law and proposing other related laws (such as a Personal Information Act which has not yet appeared) together with other proposals to improve online society.

My Computer Law was a direct result of the state’s lack of interest in amending the Computer Crime Act to protect the rights and freedom of the people. On the contrary, there were attempts by the government to restrict the rights of the people without the people’s participation.

The project plan was to write a ‘Thai Netizen Manifesto’ distilled from the opinions gathered and use the manifesto as principles for drafting a people’s computer crime law, then gather at least 10,000 signatures to submit it to parliament.

The project also provided a forum for the exchange of opinions among internet users and related agencies, and academic and public seminars, and campaigned to promote knowledge about the internet and the Computer Crime Act in higher education.
institutions such as Chiang Mai University and Ubon Ratchathani University. The project also conducted surveys to gather data from seven undergraduate institutions and eight high schools in Phrae province and from general internet users to write the Manifesto.

• The United Nations demands that Thai government amend Section 112 of the Criminal Code and the Computer Crime Act

Frank La Rue, UN Special Rapporteur on Freedom of Opinion and Expression, issued a statement in Geneva called on the Thai government, as a party to the International Covenant on Civil and Political Rights since 1996, which obliges Thailand to affirm human rights including the right to seek, receive and impart information and ideas of all kinds, to hold broad-based public consultations to amend Section 112 of the Criminal Code and the 2007 Computer Crimes Act because these provisions are vague and carry severe penalties and thus should be amended so that they are in conformity with the country’s international human rights obligations. (72)

• Thai Journalists Association, Thai Broadcast Journalists Association, and Confederation of Thai Journalists demand that the government and legislature refrain from enacting the laws that undermine freedom of expression especially the Computer Crime Act.

The Thai Journalists Association, Thai Broadcast Journalists Association, and Confederation of Thai Journalists issued a
statement on World Press Freedom Day demanding that the government stop the enactment of any law considered to undermine the freedom of expression of the people and media, especially the draft on extending the Computer Crime Act which has no public participation. (73)

- Royal Monarch Alert Protection Network demands that the Ministry of Information and Communication Technology strictly implement the Computer Crime Act and start cracking down lèse majesté websites.

  Mr. Chatchai Phukokwai, secretary of Royal Monarch Alert Protection Network, handed a letter to Grp. Capt. Anudith Nakornthap, Minister of ICT, to give moral support for suppressing websites and social networks that defame the King and for strictly enforcing the Computer Crime Act. (35)

- Children and youth groups, people with disabilities groups and ethnic minority groups demand that the National Broadcasting and Telecommunication Commission support people’s participation in telecommunications

  Children and youth groups, people with disabilities groups and ethnic minority groups demanded that the National Broadcasting and Telecommunication Commission (NBTC) take note of their problems because they have not been protected as telecommunication consumers despite an MICT policy on fair access to telecommunications.
Children and youth groups stated that they have encountered a lack of knowledge on rights to consumer protection which made minors a victim of telecommunication enterprises. Mr. Supoj Ongsuwandeep, coordinator of the children and youth Rabadbai group, made three demands to the government:

1) There must be a push to support for learning in telecommunication technology and appropriate consumer protection to ensure equitable and up-to-date access to avoid exploitation by telecommunication enterprises including enforcement of the Radio Broadcasting, Television Broadcasting and Telecommunications Business Act 2010.

2) Funds must be set up to reflect needs and promote the ability to learn to be up-to-date with the use of frequencies, communication technology, and even technology used for convenience.

3) Safety standard should be announced for the use of telecommunication services by children and youth with regard to equipment, frequency, and, most importantly, content, setting priorities for correct and appropriate use.

With respect to the disabled with problems of access to telecommunication equipment, equipment unsuitable for their physical ability and services in inaccessible locations, Mr. Wirasak Tangphunphan, as a representative of disabled groups, called for support for all types of disability to have access to equipment and services to answer basic needs public social services.
Ethnic minority groups lack local telephone services because service providers did not consider them to be worth the investment. The group called on the NBTC to provide one public phone for 30 houses and community internet including local, easily accessible telecommunication learning and consumer protection centres. (74)

- Demands on Tablet Computer Policy

The National Parents Network Association and Values for Nation Building Club demanded that the government research the effects of the tablet computer policy on rural schools.

Dr. Kamolpan Cheewapansri, in her capacity as President of the National Parents Network Association, demanded that the government conduct a pilot experimental research study on using tablet computers in five remote rural schools that are ready, because remote schools have many problems such as shortages of teachers or parents’ lack of knowledge to advise children. The research on these schools will make the research results most efficient and beneficial.

Mr. Amnuay Soontornchote, in his capacity as President of the Values for Nation Building Club stated that the government should conduct this research on subject before declaring it as a policy and should not conduct the research in schools other than those which are prepared such as Prasarnmit Demonstration School, which are few compared to the entire country. The research should not measure only results in learning performance but also other outcomes such as children’s behaviour, safety after using
tablets. The Office of the Basic Education Commission must be impartial in this, and if the results are negative, then the project must be revised. (75)

- The Publishers and Booksellers Association of Thailand demanded that the government revise the tablet computer policy and give them to seventh grade students instead of the first grade.

  Mr. Worapan Lokitsataporn, in his capacity as President of the Publishers and Booksellers Association of Thailand told the government in a seminar “National reading agenda is gone but ‘One Tablet’ has come instead” to revise the tablet computer policy from first grade students to seventh grade students instead because first grade students are still not able to read, write, and comprehend, and giving out tablets will worsen the problem. (76)

- The President of Dhurakij Pundit University demanded that the government support the policy on reading rather than giving out tablet computers.

  Varakorn Samakoses, President of Dhurakij Pundit University, told the government in a seminar “National reading agenda is gone but ‘One Tablet’ has come instead” to push forward a policy on reading rather than giving out the tablets for three obvious reasons;

  A. Students that can put the tablet to good use must be able to read, write, and interpret.
B. Tablet computers need internet access to be work properly which rural areas may not have and the tablets will be a waste.

C. The content stored in the tablets may not be able to replace books.

Besides, there also are other problems such as maintenance, Attention Deficit Hyperactivity Disorders, and a crisis among publishers. (76)
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