Thailand Internet Liberty Report 2010

Thai Netizen Network

December 2010

This report is the summary of the Internet in Thailand throughout 2010 regarding both the positive impact on the freedom of Internet users, such as the growth of Internet users and emergence of new services, and the negative impact on the freedom of Internet users, such as the arrests and website blockages.

For the positive aspects, 2010 is the year that showed a strong growth in the number of Thai Internet users that continuously increased by 15.52% (estimated by the growth of bandwidth). The broadband usage rate increased by 22% approximately. Despite the problem of 3G licensing, Internet connectivity through wireless networks increased for both Internet use on the 2G network as well as the 3G trial network and TOT 3G network that services only a limited area.

A marked phenomenon is the number of social networks, especially Facebook, which has resulted from their popularity in foreign countries. As of November 29, 2010, Thai Facebook users approached 6,579,700 accounts, a 3.35 times increase from the 1,963,560 accounts in 2009. Further, social networks like Facebook, Twitter and YouTube played an important role in the unrest during April - May 2010 as the "Citizen's media" reported the movements in areas unreachable by mainstream media.

For the negative aspects, 2010 is the year that Thailand faced harsh political problems. The Emergency Decree on Government Administration in States of Emergency B.E. 2548 (2005) was promulgated, which empowers the authorities to block sites without a court order. It is deemed as another political tool besides the Computer Crime Act B.E. 2550 (2007), which has been criticized as there is a problem of enforcement.

The political situation has closed up to 43,000 sites and five Internet users were arrested in accordance with the Computer Crime Act. All cases were related to the political activity of the Red-shirt protesters.

Part 1: Internet Access

Number of Internet Users

Statistically, the number of Internet users in Thailand is estimated by the National Electronics and Computer Technology Center (NECTEC) and that number is published annually . However, by the time of preparation of this report, the official statistics for 2010 have not been published yet.

The National Electronics and Computer Technology Center has assessed the amount of data or bandwidth to quantify the number of Internet users each year. [1] The calculation formula is as below;

The increasing rate of Internet users = the growth rate of the outbound bandwidth/3

Therefore, we can roughly estimate the number of Thai Internet users from the amount of bandwidth growth available on the NECTEC site. Latest statistics of the published amount of bandwidth was as of 18 August, 2010 where the outbound bandwidth amount increased to 158,680 Mbps or 51.71% from 2009 and at that time there were 18,300,000 Internet users.

Therefore, **the number of Internet users in Thailand as of 18 August 2010 should be approximately 21,140,000 users,** increasing from last year by 15.52%.

Note: This figure is not officially confirmed. Reconfirmation should be made with the official statistics of the National Electronics and Computer Technology Center.

Number of Broadband Internet Users

The technology of Broadband Internet Access, which provides higher data connection speeds than a dial-up connection, is becoming more popular. Currently, competition in the broadband market is very high. Every service provider offers the lowest Internet speed at 6 Mbps with a minimum cost of 590 Baht per month.

The statistics of the Office of the National Telecommunications Commission (NTC) has indicated that as of 1 September 2010, Thailand has 2,474,867 Broadband Internet subscribers representing a growth of 22.87% compared to the same quarter year on year.
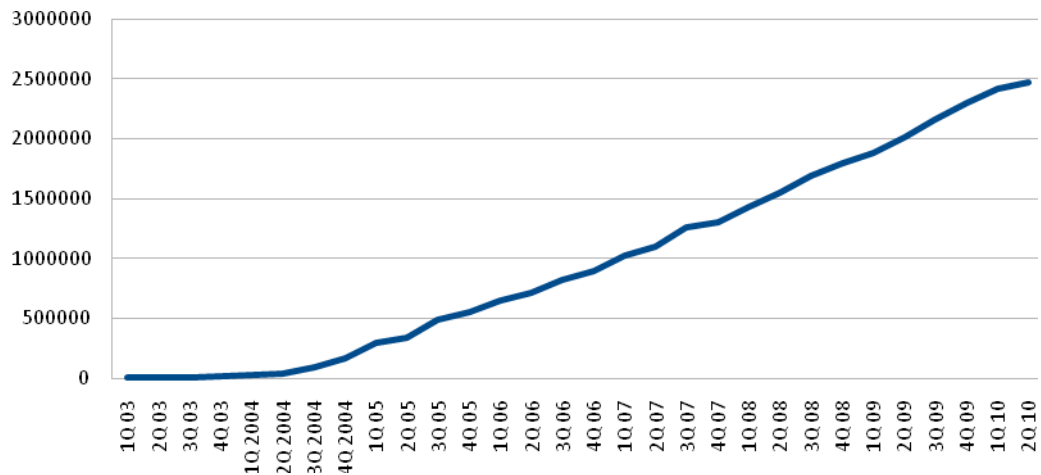
Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
2009	1,877,980	2,014,181	2,156,380	2,295,553
2010	2,411,479	2,474,867	-	-
Growth	28.41%	22.87%	-	-

Statistics of broadband Internet subscribers during the last two years

(Source: NTC, as of September 1, 2010).

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[1] Thaweesak Koanantakool, Important Internet Statistics of Thailand, http://internet.nectec.or.th/document/pdf/20070824_Important_Intenet_Statistics_of_Thailand.pdf

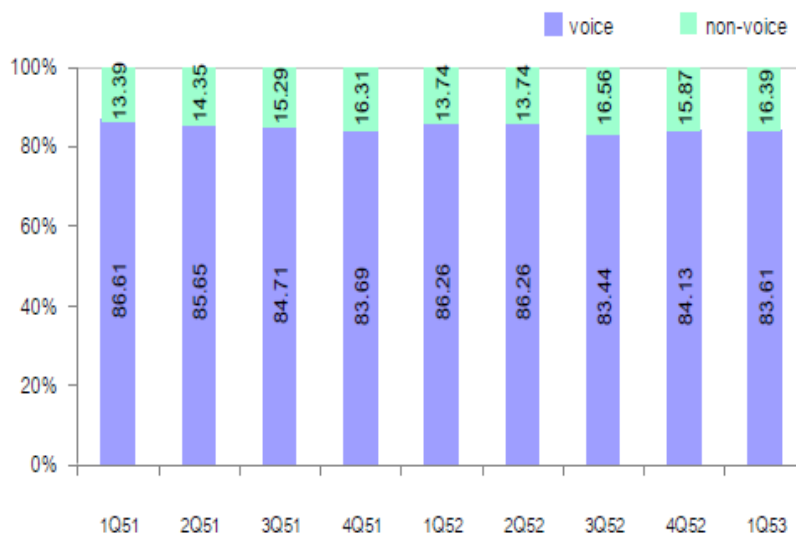*Graph shows the growth of broadband Internet subscribers in Thailand.*

(Source: NTC, as of September 1, 2010).

Number of Internet users via mobile phone

In addition to Internet access via telephone lines like dial-up Internet connection, broadband or leased line, at present, mobile phone users also connect to the Internet via wireless service.

The service of Internet access via mobile networks is divided into two sub-services i.e. 2G and 3G connection. The 2G connection employs GPRS (General Packet Radio Service) or EDGE (Enhanced Data Rates for GSM Evolution) technology. These kinds of service provide a slower data transfer rate. However, there is an important point regarding the network coverage that the three major mobile operators provide GPRS/EDGE service nationwide. Almost all mobile phone networks support this type of Internet connection.
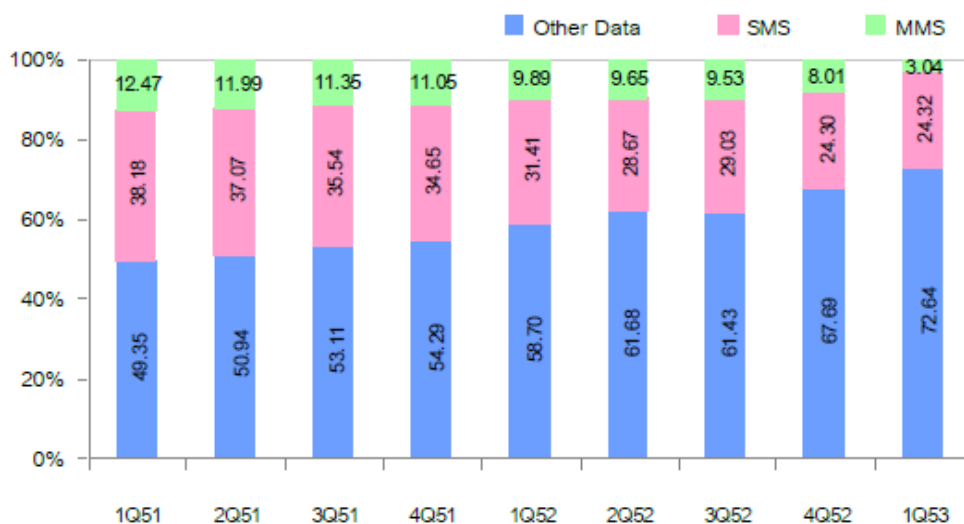
The Voice to Non-voice service ratio for 2G mobile phones in Thailand is quite stable. The non-voice service is approximately 16% of the total value of mobile phone usage.

Proportion and trend of service value for Voice and Non-voice services since the first quarter of 2008 to the first quarter of 2010.

(Source – Policy and Regulatory Development, National Telecommunications Commission).

However, within the Non-voice services, it can be seen that the growth rate of Internet connection (Other Data) has increasing every year, and the first quarter of 2010 accounted for 72.64% of the total Non-voice service.

Non-voice service ratio since the first quarter of 2008 to the first quarter of 2010

(Source: IDC Thailand)

Internet access service via the 3G connection provides higher data transfer speed. However, the problem of NTC's 3G spectrum auction during the middle of 2010 has limited the three major service providers just to run a 3G trial service only in limited areas. The largest service provider in

Thailand is the TOT Public Company Limited that initially released the service in December 2009 covering Bangkok and its perimeter[2]. Service data is as of the end October 2010 when there are 212,845 subscribers.[3]
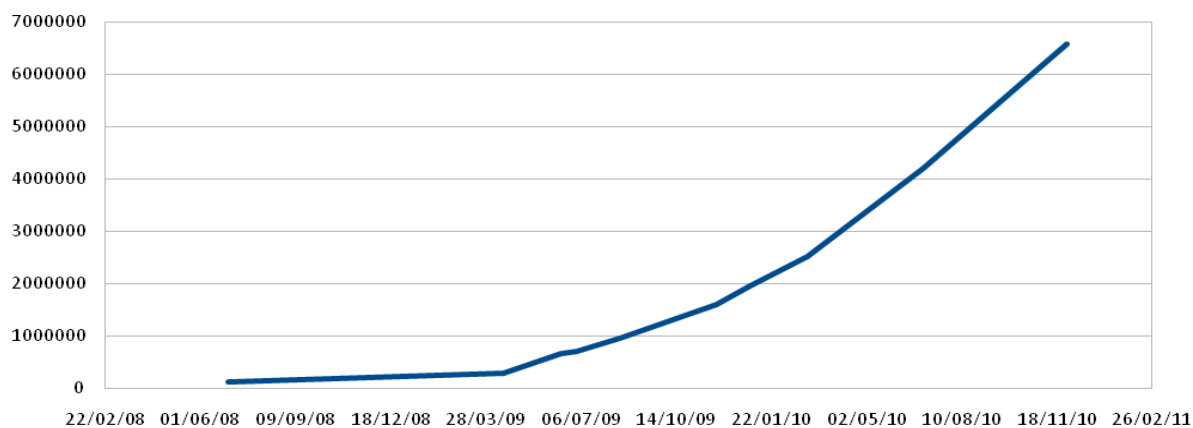
Social Networks

Social networks such as Facebook and Twitter provide a service that has been very popular over the past few years and played a significant role in the violent incidents during April - May 2010 as Internet users within the protest areas could use a mobile phone to take photos and distribute live reports about the situation through Facebook, YouTube and Twitter. It is considered as a "Citizen's media".

Also in 2010, governmental, private and media organizations used social networks more widely to promote and publicize their work, events, news and information.

It is quite difficult to assess the statistics for Twitter users in Thailand because Twitter does not regulate users nor identify their country, while Facebook user statistics can be found in the advertisement contact page on the Facebook Thailand page.[4]

As of December 31, 2009, there were 1,963,560 Facebook users indicating that they live in Thailand. As of November 29, 2010 the number of Facebook users increased to 6,579,700 users, or 3.35 times, or a 235% growth. We can say that 2010 is a major growth year in the number of social network users in Thailand.

The growth rate of Facebook subscribers from 2008-2010

(Data compiled by the Siam Intelligence Unit)

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2   TOT 3G, Help & Support, http://www.tot3g.net/help_detail.php?helpID=1

3   " GMM Grammy to expand into mobile phone service in partnership with state-owned TOT (*in Thai*), Telecom Journal, November 12, 2010, http://www.telecomjournal.net/index.php? option=com_content&task=view&id=4022&Itemid=42

4   Advertise on Facebook, http://www.facebook.com/ads/create

Part Two: Arrests and Internet Censoring.

The status of the Internet in Thailand in 2010 regarding the freedom of expression through the Internet can be divided into two options by virtue of the Computer Crime Act B.E. 2550 (2007) allowing for arrest of offenders and blocking of websites and services on the Internet, and the Emergency Decree on Government Administration in States of Emergency B.E. 2548 (2005).

Cases and arrests

In 2010 there are five cases related to the Computer Crime Act B.E. 2550 (2007) as follows.

1. The arrest of Mr. Pornwat Thongthanaboon alias "K-Thong" in March 2010.

Mr. Pornwat Thongthanaboon, alias "K-Thong", was the personal aide of Major General Khattiya Sawasdipol, alias Sae Daeng, a leader of the Red Shirts (Major General Khattiya died on May 17, 2010 during the Red Shirt protests. The incident happened after the arrest of Mr. Pornwat. Mr. Pornwat served as the spokesman for the Khattiya Tham Party registered since 2009 by Major General Khattiya, and he also acted as a player by posting messages on the sae-dang.com site. He is also a radio presenter.

Mr. Pornwat was subject to search and arrest warrants that are not related to the Computer Crime Act. However, he was earlier charged with an offense under Section 18 of the Computer Crime Act B.E. 2550 (2007) for presenting a program through online video threatening bomb attacks in Bangkok via Camfrog video chat in the Voice of Change room.

On March 3, 2010, the Commander of the Central Investigation Bureau, Pol. Lt. Gen. Tha-ngai Pratsachark-Satru took out a search warrant from the South Bangkok Criminal Court, warrant No. Kor.53/2553 dated March 3, 2010 to raid the Internet Center of CAT Telecom PCL and seized the Voice of Change chat room server for investigation. The server owner, Lieut. Kanlapat Chooprateep, a military officer of Armed Forces Development Command, was interrogated.[5]

Mr. Pornwat was arrested on March 6, 2010[6] and prosecuted on the April 21. The investigation process will begin in December.

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[5]   Arrest warrant sought for "K-Thong" (*In Thai*), Manager Online, 3 **มีนาคม** 2553 http://www.manager.co.th/Crime/ViewNews.aspx?NewsID=9530000030518

[6]   Police arrest K-Thong while seated inside a military van parked in the Crime Suspension Division. (*in Thai*), Khao Sod Newspaper, March 7, 2010, http://www.khaosod.co.th/view_news.php?newsid=TUROd01ERXdNVEEzTURNMU13PT0=

2. The arrest of Mr. Tantawut Taweewarodomkun, webmaster of NorPorChorUSA.com

On April 1st, 2010 the police charged Mr. Tantawut Taweewarodomkun, 37, known as "Red Eagle", the webmaster of www.norporchorusa.com and www.norporchorusa2.com., a Red Shirts supporter website. The charge was for posting messages that encroach and cause great malice to the highest institutions of the nation around 10 am on March 13-15, 2010. The alleged offender initially admitted the accusation.

Mr. Tantawut faced a lese majeste charge for insulting or threatening the King, Queen, Consort, Heir-apparent and Head of State of foreign countries and importing a computer system of any computer data related to an offence against the Kingdom's security according to the Criminal Code or being a service provider intentionally supporting or consenting to an offence according to the Penal Code, Section 112, Computer Crime Act, Section 14 (3) (5) and section 15. [7]

The defendant denied the charge in court. The Court allowed the defendant to have an additional hearing appointment from one to two appointments. The plaintiff witness interrogation will be conducted on February 4, 8, 9, 2011 and the defendant witness interrogation will be conducted on February 10 and 11, 2011.

3. The arrest of Mr. Vipat Raksakulthai, a Facebook subscriber.

On April 30, 2010, Mr. Tharit Pengdit, Director General of the Department of Special Investigation (DSI), made a statement about the arrest of Mr. Vipat Raksakulthai or Kong, 37, an apartment owner in Rayong province. The defendant published inappropriate messages on Facebook that were within the scope of national security offenses and are malicious to the highest institutions of the nation.

The detail of the petition states that on April 29, 11:15 am, DSI officers arrested the suspect according to the arrest warrant issued by the Criminal Court No. 913/2553, dated April 8, 2010 for the offense of insulting or threatening the King and Queen according the Criminal Code, Section 112, and Computer Crime Act B.E. 2550 (2007) Section 14 (3) (5) and importing a computer system and computer data related to an offence against the Kingdom's security according the Criminal Code and disseminating or forwarding computer data already known to be an offence. On March 19 to April 12, 2010, the accused insulting the King by posting inappropriate images and messages on

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[7] Redshirt webmaster arrested for lèse majesté cybercrimes *(in Thai)*, Prachatai, April 22, 2010,
    http://www.prachatai3.info/journal/2010/04/28655

his Facebook account in the name of Vipat Raksakulthai.[8] At present, the case has not been prosecuted.

4. The arrest of Mr. Wiset Pichitlamken, a Facebook subscriber.

On September 15, 2010 an Immigration officer arrested Mr. Wiset Pichitlamken according to the Criminal Court arrest warrant No. 1295/2553, dated June 17, 2010 on charges of insulting or threatening the King and Queen according to the Criminal Code, Section 112, and Computer Crime Act B.E. 2550 (2007) Section 14 (3) (5) for importing a computer system and computer data related to an offence against the Kingdom's security according to the Criminal Code while he was about to travel to Singapore. Mr. Wiset was taken to the DSI for further action.[9]

5. The arrest of Ms. Chiranuch Premchaiphorn, the webmaster of prachatai.com.

On September 24, 2010, Ms. Chiranuch Premchaiphorn, the Director of Prachatai.com was detained at the immigration checkpoint, Suwannabhumi Airport after returning from the Internet at Liberty 2010 Conference, Hungary. The lawsuit is Case No. 4371/2551, Aug. 11th, 2008 by the Superintendent of Khon Kaen Muang district police station and charged that the webmaster and users contravened Section 14 and Section 15 of the Computer Crime Act. The warrant indicated that abusive messages were posted on April 27, 2009 and specified the crime scene as Khon Kaen. The arrest warrant was dated September 8, 2009 with Pol. Maj. Gen. Chatpong Pongsuwan, the Khon Kaen police investigator, overseeing the case.[10]

Ms. Chiranuch has been released on bail of 200,000 Baht in cash. Upon investigation, she denied all allegations. Earlier in 2008, Ms. Chiranuch was arrested for the charge of violating the Computer Crime Act B.E. 2550(2007). The first case is now in court while the latter case in 2009 is still under litigation.

Both cases concerning Ms. Chiranuch are very much in the public's attention as the charges were laid against the "medium" or the site administrator or server, not directly against the person posting the messages.

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[8] Apartment owner in Rayong arrested for lèse majesté cybercrimes *(in Thai)*, Khao Sod, May 1, 2010, http://www.khaosod.co.th/view_news.php?newsid=TUROd01ERXdOREF4TURVMU13PT

[9] Alleged offender arrested for lèse majesté before flying abroad *(in Thai)*, Prachatai, November 19, 2010, http://www.prachatai3.info/journal/2010/09/31148

[10] Prachatai Director detained at Suvarnnabhumi for violating the Computer Crime Act, Section 14-15 *(in Thai)*, Prachatai, September 24, 2010, http://www.prachatai3.info/journal/2010/09/31237

Internet Blockage

Blockage or censorship of the Internet in 2010 is different from previous years because during the Red shirt protest in April-May, Prime Minister Mr. Abhisit Vejjajiva promulgated the Emergency Decree on Government Administration in States of Emergency B.E. 2548(2005) authorizing the Director of the Centre for Resolution of the Emergency Situation (CRES) to shut down any website without requiring a summons. During the preparation of this report, the Emergency Decree is still effective in the area of Bangkok.

The enforcement of the Emergency Decree on Government Administration in States of Emergency provides the government with more tools to block websites in addition to the existing Computer Crime Act B.E. 2550(2007).

As of June 2010, unofficial statistics suggest that approximately 2,200 sites were blocked by the Ministry of Information and Communication Technology (MICT) on orders from the Centre for the Resolution of the Emergency Situation (CRES). . However, Internet blockage by CRES blocks only the site but does not prosecute the wrongdoer.[11]

The number of websites censored by the Ministry of Information and Communication Technology, the Ministry of Culture and the Ministry of Justice **as of June 2010 was 43,000 sites, an[12]** increase from the 9600 websites blocked as at August 2009.

Mr. Peerapan Saleeratwipak, the Minister of Justice gave an interview in a press release that "The Ministry of Justice has been ordered to shut down 43,000 sites presenting insults against the royal institutions and another 3,000 sites more are subject to the shutdown process. There are also continuous arrests of many individuals offending in such cases. We would like society to have a mutual understanding that the royal institutions in Thailand are different from other countries' institutions, as in Thailand, the royal institutions are protected by a section of the Criminal Law regarding State security. Therefore, these fact must be informed correctly through the Internet". [13]

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[11] Number of agitating websites shutdown by CRES soars *(in Thai)*, Prachatai, June 15, 2010, http://www.prachatai3.info/journal/2010/06/29976

[12] ICT shutdown 500 football gambling sites, Ministry of Justice shutdown sites insulting royal institution *(in Thai)*, MCOT, June 17, 2010, http://www.mcot.net/cfcustom/cache_page/68175.html

[13] "ICT, Ministry of Justice, Ministry of Culture revealed the shutdown of 43,000 sites *(in Thai,* ASTV Manager Online, June 17, 2010, http://www.manager.co.th/QOL/ViewNews.aspx?NewsID=9530000083385