

Criminal Court  
Ratchadaphisek Rd., Chom Phon,  
Chatuchak  
Bangkok 10900  
THAILAND

January 29, 2024

**Re: Lawyers for Lawyers Letter Supporting Arnon Nampa's Defense and Bail Application to the Criminal Court**

Dear Chief Justice of the Criminal Court,

Lawyers for Lawyers (L4L) expresses deep concern about the conviction of Thai human rights lawyer Arnon Nampa, who faces significant obstacles in both his quest for justice and the pursuit of his legal profession. L4L is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their profession. L4L was granted Special Consultative status with the United Nation Economic and Social Council in July 2013.

According to our information, on January 17, 2024, Arnon Nampa was sentenced to four-year prison term for purported royal insults (Black Case Number Aor. 2804/2564), [in addition to the existing four-year sentence he had been serving since September 26, 2023, for remarks questioning the role of the monarchy](#) (Black Case Number Aor. 2495/2564). Arnon Nampa has been held in detention in the Bangkok Remand Prison since September 26, 2023, where he faces 12 additional charges under Article 112 (lèse-majesté) of the Criminal Code. Since then, Arnon has submitted four bail requests (on September 26, 2023, October 12, 2023, November 1, 2023, and December 14, 2023). All requests were consistently denied on similar grounds. The court justified its decision by stating that Arnon's actions had negatively affected the democratic form of government with the King as the head of state, considering it a serious matter. Due to the gravity of the charge and the imposed four-year prison term, the court expressed apprehension that Arnon Nampa might flee if released.

Arnon Nampa is a resolute human rights advocate, renowned for his dedication to advancing justice and championing political and royal reforms in Thailand. His commitment to addressing human rights abuses, particularly those associated with the monarchy, [established him as a prominent figure in the 2020 democracy movement that staged protests in Bangkok](#). This brave advocacy, characterized by a steadfast commitment to challenging established power structures, has exposed Arnon Nampa to heightened scrutiny and, regrettably, legal consequences that jeopardize the very principles he strives to uphold.

Already serving a four-year sentence for advocating a public debate on the monarchy's role in a speech during the 2020 rally, Arnon Nampa has recently received an additional four-year sentence for royal defamation related to three 2021 Facebook posts in which he wrote that Thai citizens should be able to criticize and speak the truths about the Thai monarchy. Both convictions are based on Thailand's *lèse-majesté* law, specifically Article 112 of the Thai Criminal Code, which broadly criminalizes comments about the monarchy or the royal family. This law, with its extensive scope, suppresses dissent and obstructs open discussions about the monarchy's role in the country. The *lèse-majesté* law is considered as an [extreme](#) measure that deviates from international norms, as it imposes severe jail sentences of up to 15 years for each alleged royal insult. This provision thus led to Arnon Nampa receiving consecutive sentences, ultimately resulting in an eight-year term.

The sequence of events surrounding Arnon Nampa's [disbarment proceedings](#), arrest, conviction, and subsequent sentencing deeply trouble L4L and emphasize the difficulties he is facing in carrying out his professional duties while exercising his fundamental right to freedom of expression. This underscores the critical importance of upholding the principles outlined in the United Nations (UN) Basic Principles on the Role of Lawyers. These principles are crucial to guarantee that lawyers, such as Arnon Nampa, can fulfil their professional responsibilities and express their views without the constant threat of reprisals. In this context, three of these principles bear significant relevance.

First, Article 23 of the UN Basic Principles states that: *“Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.”* The right to freedom of expression is further safeguarded in international human rights law, notably by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party. The UN Human Rights Committee, responsible for monitoring the implementation of the ICCPR, has emphasized that the protection of freedom of expression extends to political discourse, commentary on public affairs, canvassing, and discussions on human rights.<sup>1</sup> The Committee particularly underscores that in public debates concerning public figures and institutions, the value placed by the Covenant on uninhibited expression is exceptionally high. It clarifies that the mere fact that certain expressions may be considered insulting to public figures does not justify the imposition of penalties. Even individuals holding the highest political authority, such as heads of state and government, are legitimately subject to criticism and political opposition.<sup>2</sup>

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<sup>1</sup> Human Rights Committee, General comment no. 34, Article 19, Freedoms of opinion and expression, 12 September 2011, CCPR/C/GC/34, para. 11, available at: <https://undocs.org/CCPR/C/GC/34>.

<sup>2</sup> *ibid* para. 38.

Furthermore, Article 12 of the UN Basic Principles underscores this concept by affirming that lawyers possess the right to draw public attention to issues related to public affairs, both in their official and private capacities. This is emphasized in recognition of their responsibility to “*at all times maintain the honor and dignity of their profession as essential agents of the administration of justice.*”

Lastly, Article 26 of the UN Basic Principles emphasizes the necessity of establishing codes of professional conduct for lawyers “*by the legal profession through its appropriate organs, or by legislation, in accordance with national law and custom and recognized international standards and norms.*” The presence of such clear and ethical guidelines ensures adherence by legal professionals, thus safeguarding the integrity and fairness of legal proceedings.

In view of the principles highlighted from the UN Basic Principles and considering the concerns regarding the situation of Arnon Nampa, L4L calls upon the Criminal Court to take the following actions:

- Dismiss all criminal proceedings against Arnon Nampa which violate his right to freedom of expression.
- Ensure that Arnon Nampa’s right to bail is fully respected as he appeals his convictions.
- Ensure that lawyers can participate in public discussions without facing professional restrictions, respecting their right to express views on matters concerning the law, administration of justice, and human rights.
- Interpret the *lèse-majesté* law to align with international human rights standards, fostering an environment where freedom of expression is respected.

Yours sincerely,

**Lawyers for Lawyers**

**Sophie de Graaf**

*Executive Director*