



Arnon Nampa's right to continue to practice as a lawyer at risk

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Lawyers for Lawyers (L4L) is concerned about the ongoing harassment of human rights lawyer Arnon Nampa, who is being targeted for his legitimate work as a lawyer and the exercise of his right to freedom of expression. He has repeatedly been prosecuted and convicted for under Thailand's lèse-majesté law and has been facing [disbarment proceedings](#) since 2020, when the Assistant Minister to the Prime Minister filed a complaint motion to the Lawyers Council of Thailand. While these disbarment proceedings are still pending, L4L was informed that Arnon Nampa now risks being pre-emptively barred from continuing his legal practice by the Bangkok Criminal Court, in apparent contradiction to Thai law.

Arnon Nampa is a human rights lawyer and founding member of Thai Lawyers for Human Rights (TLHR). He provides free legal assistance, including representation in litigation, to individuals in vulnerable situations, and in highly sensitive cases. Arnon Nampa has repeatedly been prosecuted and convicted for exercising his right to freedom of expression under Section 112 of the Thai Criminal Code, otherwise known as the lèse-majesté law. Most recently, on 25 July 2024, he was [sentenced](#) to four years imprisonment, based on two Facebook posts critical of the Thai monarchy dating back to 2021. Adding this to previous convictions on similar grounds, Arnon Nampa's cumulative prison term now amounts to 14 years and 20 days.

According to information received, the Bangkok Criminal Court intends to prohibit Arnon Nampa from acting as defence counsel in Black Case No. Aor. 1308/2562 based on an alleged breach of the Regulation on Professional Conduct. While Arnon Nampa has been detained at Bangkok Remand Prison since his first conviction on 26 September 2023, he has continued to represent clients in court. According to Thai law, Arnon Nampa retains the right to practice law as the Lawyers Council of Thailand has not yet ruled on his disbarment proceedings and his lawyer's license has not been revoked. The Bangkok Criminal Court, and the judge overseeing Black Case No. Aor. 1308/2562, however, allege that Arnon Nampa has breached the Regulation on Professional Conduct (the 'Regulation'), based on the ongoing disbarment proceedings and non-compliance with the dress code. It is alleged that by wearing a brown prison uniform, Arnon Nampa is not complying with Rule 20 of the aforementioned Regulation.

The Thai Lawyers Act B.E. 2528 (1985) regulates the legal profession in Thailand and governs the issuance and revocation of lawyer's licenses. Under this law, a first-instance conviction, including in lèse-majesté cases, does not automatically justify revoking a lawyer's license; Section 69, paragraph 1, requires a *final* judgement to imprisonment to initiate deliberation on removal from the lawyers' register. Even then, the Professional Conduct Committee may decide against removal if the offence is not deemed an 'evil act, an act that indicates that the lawyer is untrustworthy and lacks honesty, or an act that is disgraceful to the honour of the profession' (Section 69, para. 2). Lawyers registered with the Lawyers Council of Thailand must adhere to its Regulation on Professional Conduct (Section 51), and breaches of this regulation can result in penalties ranging from probation to disbarment (Section 52). In the ongoing disbarment proceedings against Arnon Nampa, however, the Professional Conduct Committee has yet to determine whether he breached the Regulation. As such, the fact that disbarment proceedings are ongoing does not provide a legal basis for



prohibiting Arnon Nampa from continuing to practice law. This conclusion is also reflected in two letters sent by the Thai Lawyers Council to the judge in Black Case No. Aor. 1308/2562.

Since Arnon Nampa's detention at Bangkok Remand Prison, the court has repeatedly denied him bail. Each request was rejected on similar grounds, with the court citing the gravity of the charges under the lèse-majesté law and the flight-risk related to the lengthy prison sentences. As a result, Arnon Nampa reportedly represents clients in court while ankle-shackled and wearing a mandatory brown prison uniform, which precludes him from adhering to the dress code prescribed by the Professional Conduct Regulation. The next hearing in the case (Black Case No. Aor. 1308/2562) is due to take place on 25 November 2024 at the Bangkok Criminal Court.

The events surrounding the ongoing disbarment proceedings and continued criminal prosecution and detention of Arnon Nampa remain of great concern to Lawyers for Lawyers. It underlines the difficulties faced by Arnon Nampa in carrying out his professional duties and the exercise of his fundamental right to freedom of expression, protected under international and Thai law. Furthermore, it underscores the importance of upholding the United Nations Basic Principles on the Role of Lawyers, which state that 'lawyers like other citizens are entitled to freedom of expression, belief, association and assembly' (Principle 23). In addition, the Principles stipulate that 'no court or administrative authority before whom the right to counsel is recognised shall refuse to recognise the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles' (Principle 19).

Lawyers for Lawyers urges the Thai authorities to uphold the UN Basic Principles on the Role of Lawyers and respect international human rights law standards, particularly those pertaining to the right to freedom of expression, the right to a fair trial, and the treatment of prisoners (Nelson Mandela Rules). All lawyers in Thailand should be able to conduct their professional duties and exercise their right to freedom of expression free from intimidation, harassment or undue interference.