

## **Censorship and cyber-thought crimes in Bangkok and Rangoon**

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A court in Rangoon on March 5 sentenced three men who didn't know each other to a decade's imprisonment for a crime that they never committed—or rather, for a crime so nebulous that if any of them had ever used a computer, he wouldn't know if he had committed it or not.

The three, Win Maw, Zaw Min and Aung Zaw Myo, were accused of sending news about the September 2007 protests in Burma through the Internet. All were already in jail for other purported crimes.

The next day, police in Bangkok came to one of Thailand's few outspoken and credible media outlets, Prachatai, searched the premises and arrested its director, Chiranuch Premchaiporn. She is accused of having failed to patrol, censor and delete the comments that readers left on a news website.

The police have charged Chiranuch under the Computer Crime Act 2007, which is only an “act” to the extent that the assembly of handpicked military stooges that passed it could be considered a legislature. According to this law, the importing of “false computer data, in a manner that is likely to cause damage” to a third party or the public or “is likely to damage the country's security or cause a public panic” can land the accused a five-year jail term.

Now let's compare that with Burma's Electronic Transactions Law 2004, which is better described as an executive decree rather than a law. According to this law, whoever does “any act detrimental to the security of the State or prevalence of law and order or community peace and tranquility or national solidarity or national economy or national culture” with a computer can be put away for up to 15 years; the minimum term is seven.

Although the law in Burma is more exhaustive in its categories of offence and harsher in its penalties, it is fundamentally the same as the one in Thailand. The two are being applied in considerably different contexts and with different specific features, but they have a shared subtext.

First the different contexts: A closed court inside the central prison in Rangoon tried the three accused there in the absence of lawyers or relatives. The police had no credible evidence. It didn't matter, because the case was decided before it was begun. The trial and its outcome went unreported inside the country, which is still a technological backwater despite a big uptake in Internet use during the last few years.

By contrast, a court released Chiranuch on bail. She has received strong local and global support. She will be tried in public, with lawyers, journalists and human rights defenders present. The police might be able to lodge the charges against her with a few scraps of randomly acquired evidence, but once hearings begin, they will need more than this.

Thailand is one of the more technologically advanced countries in Southeast Asia. It is home to many millions of savvy computer users. Even accounting for its declining civil and political rights in the last decade, especially since 2006, it is still—in comparison to the majority of its neighbors, not least of all Burma—an open society.

Second, the common subtext, which runs as follows: You as a computer user may do something we don't know about and don't understand. We don't respect you and are afraid of this

technology. We don't know what to expect and therefore we have drawn up a category of wrongdoing that can encompass any conceivable use of the Internet, and we will decide what does or doesn't fall within its boundaries, case by case.

Win Maw, Zaw Min, Aung Zaw Oo and Chiranuch in reality all stand accused of the same crime: a commitment to free speech. Their offences have nothing to do with the technology after which the draconic instruments they purportedly transgressed have been named. The medium offended no one. The stuff that passed through it apparently did. These are not cybercrime laws at all. They are thought-crime laws.

In his most recent report to the UN Human Rights Council, the special envoy on Burma has written that the Electronic Transactions Law violates a raft of international standards. He has called upon the government to review and revise this and other laws to lower the incidence of systemic rights abuse in Burma. There is no such envoy on Thailand, but were there one—and perhaps it would not be a bad idea—the same would be written.

Although the scale of abuse in Burma and vengefulness of its government far exceed that of Thailand, the computer crime laws in the two countries are not substantively different. They are in every respect an affront to human rights, and in their deliberate indeterminacy run contrary to legality itself. They are un-legal laws. They are an insult to the millions of Internet users who deserve to be treated better, not least among them, Win Maw, Zaw Min, Aung Zaw Oo and Chiranuch Premchaiporn.

### **Thailand's censorship madness**

In December 2008, a campaign group opposing Internet censorship released a list of 1,303 new website addresses that, it claims, are among those a government ministry has blocked. Freedom Against Censorship Thailand notes with concern that most of the pages on the Ministry of Information and Communication Technology blacklist are being kept under wraps with the aid of the courts and a new cybercrime law.

The list includes chat pages on the sites of local independent media agencies like Prachatai and Fah Diew Kan, which are both subject to constant monitoring and police harassment, and a couple from The Economist. But by far the largest number of pages is from YouTube and other video sharing sites.

What the banned addresses have in common is that, predominantly, their subject matter is the royal family.

The Economist articles, for instance, both blamed the royalty and antiquated laws protecting it from head to foot for much of Thailand's current turmoil. "It cannot be good for a country to subscribe to a fairy-tale version of its own history in which the king never does wrong," one said.

Although the magazine has not been banned in Thailand, the edition with the two offending pieces was not available on the stands after distributors reportedly declined to import or release it. Even then, the Bangkok Post printed a bland rejoinder from a former foreign minister who unsuccessfully bid for the top job in the United Nations, without publishing any part of the article to which he was responding. Perhaps it expected readers to find their way around the online barricade so as to read what all the fuss was about anyway.

The list accounts for only some of the total number of sites in the ministry's bad books. The newest minister has been quoted as saying that so far 2,300 such web addresses have been sealed off from the Internet-using public of Thailand, and that at least 400 more will soon get the same treatment.

The ministry has been devoting increasing energy to the blocking of sites for a number of years, and it was in October last year that a former minister announced the new firewall to stop content deemed critical of the royal family, which apparently takes precedence to pornography or material inciting religious or racial hatred.

But this latest round of censoring comes amid high uncertainty about the country's future, and together with a flurry of other reports about attempts to curtail free speech in Thailand.

Within the last few weeks, the chief privy councilor reportedly asked the military to monitor and act against websites offensive to the monarchy, which the army chief had already ordered be done anyway; supporters of ousted prime minister Thaksin Shinawatra were accused of committing an offence by placing the royal couple's image against an inappropriate slogan, and a new criminal complaint has been lodged against a British Broadcasting Corporation correspondent for a report suggesting links between the palace and the crowds that barricaded themselves into Government House and the airports last year.

Then there are opinion pieces like the one in Matichon Daily last month urging friends or relatives of someone showing signs of listening to the king's critics to take the person promptly for psychological treatment.

The suggestion that people showing less than undying gratitude to His Majesty might be deranged would be funny were the author—a former police general—not serious, not writing in a major newspaper and not speaking to deeply entrenched prejudices.

Whereas to people in the West the implication that critics of orthodoxy may be mentally unsound recalls the sinister practices of past decades in the Soviet Union and earlier periods of religious zealotry in Europe and the New World, in Asia it has its origins in ancient India.

Old tales with their genesis in some of the most stratified and hierarchical societies the world has known reiterate how ordinary persons who challenge the established order, who attempt to rise above or move outside the place assigned to them, go crazy in their folly.

These stories and their values continue to weigh heavily on people in countries that have inherited and interpreted them, including Thailand. After all, its king is still the great caste-assigned ruler the Maha Kasatriya, even if millions of his subjects would prefer to live in a country plugged into Sanook.com rather than one anchored to the Indus shoreline.

Bangkok's blocking of YouTube, Prachatai and The Economist is as much about ancient madness as modern censorship. To get past the latter requires only a little ingenuity and any of the growing number of computer programs designed to befuddle the Net police.

To get over the former requires a rejection of the idea that there remains anyone anywhere who is wholly above criticism. This, surely, is an idea whose time has come and gone.

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This article consists of edited text from several issues of a UPI column entitled 'Rule of Lords', [http://www.upiasiaonline.com/Human\\_Rights/](http://www.upiasiaonline.com/Human_Rights/). The author's work can also be read at his blog, <http://ratchasima.net/>.