CDT Objects to Conviction of Thai Webmaster as Threat to Free Expression

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Cynthia Wong - Direct of CDT's Project on Global Internet Freedom

Today's criminal conviction [1] of a webmaster in Thailand based merely on her hosting of other people's speech directly threatens online expression and the development of Thailand's Internet economy, according to the Center for Democracy & Technology.
In a case that drew widespread international attention and criticism, Chiranuch "Jiew" Premchaiporn, Director of the Thai news site Prachatai.com, was put on trial [2] and faced up to 20 years in prison based on 10 comments deemed insulting to Thailand's monarchy that were posted to Prachatai's comment boards. Although Premchaiporn removed all of the offending comments from the site long before her arrest, today a court in Bangkok found Ms. Premchaiporn guilty for not taking down one of the comments fast enough. She was fined and received an eight-month suspended prison sentence.

"Today's guilty verdict for Ms. Premchaiporn is a serious setback for freedom of expression and sends a chilling signal to Internet intermediaries throughout Thailand: you are responsible for anything your users say," said Cynthia Wong, Director of CDT's Project on Global Internet Freedom. "Punishing a webmaster for merely hosting user-generated content is not only unjust—she is only the messenger, after all—but also threatens user expression, since it encourages other web sites to aggressively take down any user posts if there's even the slightest chance they might violate the law, or to simply not host user-generated content at all."

"We are deeply thankful that Ms. Premchaiporn will not have to go prison, but the fact that she was found guilty at all leaves the threat of imprisonment hanging over the proprietor of any and every Thai web site that allows users to express themselves," said Kevin Bankston, Director of CDT's Project on Free Expression. "By holding a webmaster criminally responsible for speech that wasn't hers, Thailand is threatening its own information economy by sending a signal to every home-grown site and every international Internet company: offering a Web 2.0 service in Thailand could land you in jail."

Premchaiporn was convicted under Thailand's Computer Crime Act, passed in 2007. CDT recently released a report [3] criticizing recent draft legislation currently being considered by Thai authorities that would replace and expand the CCA.

Added Bankston, "This ruling demonstrates the danger that Thailand's computer crime law poses to online free expression and innovation, which makes it all the more worrisome that Thai authorities are currently considering amendments to the law that would grant them even more power to prosecute Thai citizens and online service providers."

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