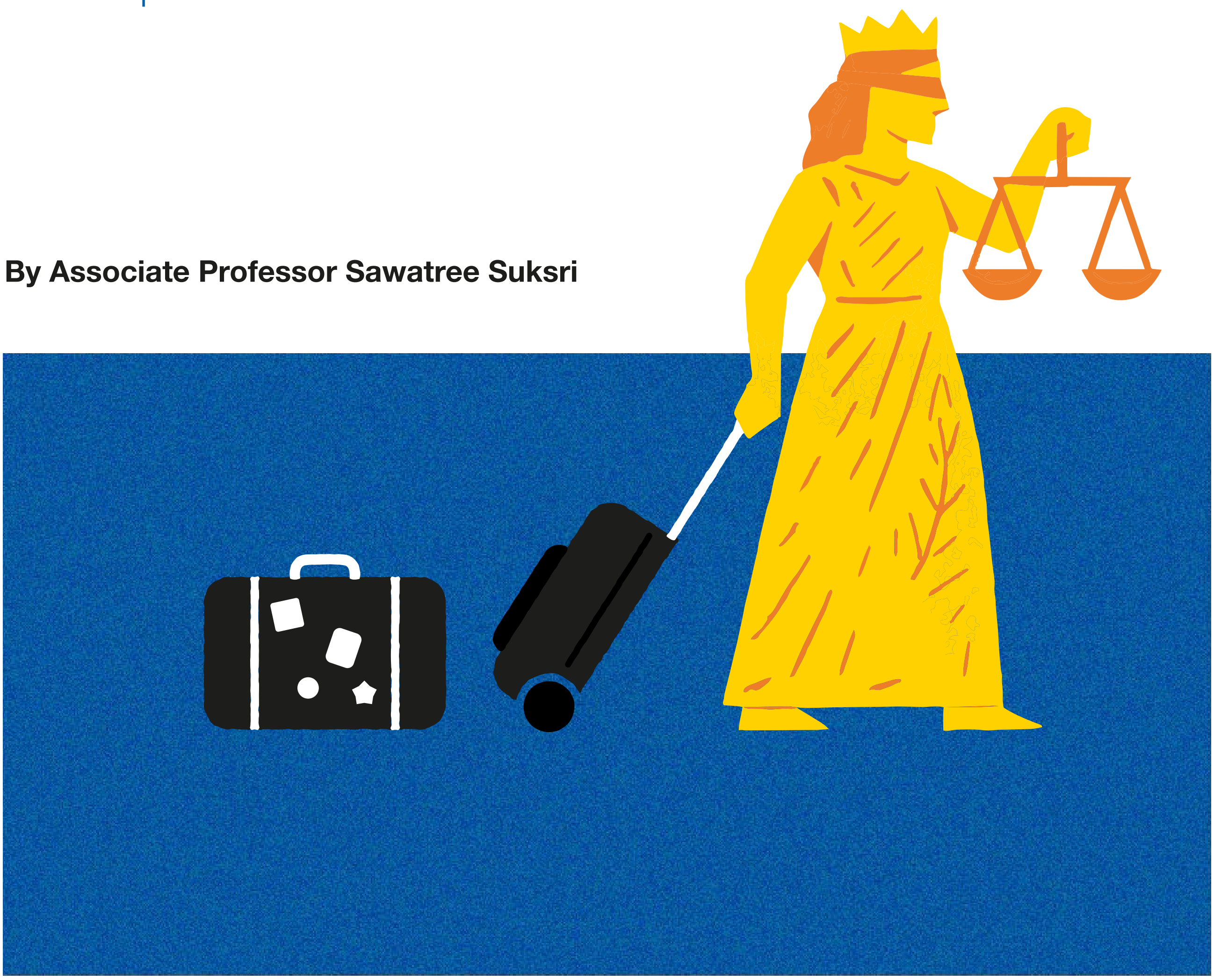
THAI LAWYERS FOR HUMAN RIGHTS
ศูนย์ทนายความเพื่อสิทธิมนุษยชน

Geography of (In)Justice

The Problem of Remote Prosecutions: Examining the Law, the Impacts, and Proposals for Reform

By Associate Professor Sawatree Suksri



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Contents

1. Executive Summary

This report examines the phenomenon of "remote criminal complaints or prosecutions," meaning the initiation or pursuit of criminal proceedings in a locality far from the accused person's domicile, or from the place that is genuinely connected to the facts of the case. It analyzes this issue as a structural problem within the criminal justice system, rather than merely a technical question of investigative or judicial jurisdiction.

Statistical data monitored by Thai Lawyers for Human Rights (TLHR) indicate that since 2020, remote complaints or prosecutions—particularly in cases involving the expression of political opinions online—have expanded significantly and display characteristics distinct from ordinary criminal cases. The choice of venue is often not based on considerations such as the convenience of collecting evidence or proximity to the locus of the offense. Instead, venues are selected in ways that force accused persons to shoulder burdens relating to cost, time, health, and their ability to defend themselves from the very early stages of the process.

Empirical data further show that remote complaints do not occur randomly; rather, they follow recurring patterns, especially in cases under Section 112 (lèse-majesté) of the Criminal Code in conjunction with the Computer Crime Act B.E. 2550 (2007), which constitute the largest share of the cases reviewed. Many complainants are not direct victims but are groups or individuals driven by political or ideological motivations that differ from those of the accused. As a result, remote complaints or prosecutions function as a form of "punishment by process," without having to await a court judgment.

An analysis of Thai law finds that the provisions most directly relevant to this issue include Sections 18, 22, 23, and 26 of the Criminal Procedure Code, as well as the Royal Thai Police Regulation on the Transfer and Consolidation of Cases B.E. 2565 (2022), which governs judicial and investigative jurisdiction and the transfer or consolidation of criminal cases. These frameworks are designed primarily to facilitate the state's convenience, flexibility, and efficiency in criminal prosecution, rather than to place the suspect's or defendant's right to a fair defense at the center as a guiding principle for the exercise of power. Consequently, safeguards for the rights of the accused tend to appear as "ex post remedies," dependent on the discretion of courts or officials, rather than as preventive mechanisms to avoid undue burdens from the outset.

When assessed through international human rights standards—particularly Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)—the structuring of proceedings in a manner that pulls accused persons away from their domicile, social support networks, and access to legal counsel may undermine the core of the right to a fair trial, the principle of equality of arms, and the right to effective participation in proceedings, even where such practices do not directly violate domestic law.

The report concludes that remote complaints and prosecutions in Thailand reflect the strategic use of criminal law and the justice process as instruments of power, rather than a good-faith effort to seek truth fairly or to protect the rights and freedoms of individuals who must be presumed innocent until proven guilty by a court (the principle of presumption of innocence). If this structural problem persists without reform, it will erode fair trial principles and, in the long term, public confidence in the justice system.

On this basis, the report proposes reforms at the levels of law, official practice, and the role of the courts. It calls for stronger controls over venue selection from the earliest stage, the elevation of human rights principles as binding criteria in jurisdictional determinations, and the creation of safeguards against the instrumentalization of the justice process for political ends—so that Thailand's criminal justice system can genuinely maintain a balance between state efficiency and the dignity and fundamental rights of individuals.

2. Relevant Legal and Human Rights Frameworks

This chapter sets out the legal and human rights frameworks that form the basis for analyzing the problem of remote criminal complaints or prosecutions. It begins with the relevant Thai legal framework—at the constitutional level, within the Criminal Procedure Code, and in internal regulations of the Royal Thai Police—in order to highlight the structure and underlying intent of the legal mechanisms governing venue selection in criminal proceedings. It then links these domestic rules to international human rights standards, in particular the fair trial guarantees under the International Covenant on Civil and Political Rights (ICCPR) and the principle of respect for the human dignity of persons deprived of liberty under the Nelson Mandela Rules. These provisions are used as analytical tools to assess, in structural terms, the extent to which organizing criminal justice processes in the form of remote proceedings aligns with—or conflicts with—the fundamental rights of suspects and defendants.

2.1 Thai Law Relevant to the Problem of Remote Criminal Proceedings

The integration of technology into criminal justice processes is a global trend. Over the past decade, Thailand's systems for receiving criminal complaints and conducting criminal proceedings have been continuously developed—whether through the acceptance of complaints outside the relevant locality, the filing of complaints via information technology systems, or the management of criminal cases linked to conduct in the online sphere. These mechanisms are often framed as enhancing state "efficiency" and "facilitating access" for members of the public who are victims.

However, comparative experience and human rights scholarship indicate that legal technologies are neither neutral nor inherently conducive to justice. Their effects depend on existing power structures and the state's discretion in designing and implementing them in practice. In many instances, the use of such mechanisms has generated wide-ranging principled debates—particularly where complaints are filed or criminal proceedings are pursued in locations far from the accused person's residence, community, or the resources necessary to mount a defense. Such practices are inconsistent with principles of procedural fairness and may, in a systematic way, increase the burdens imposed on the accused in defending the case.

2.1.1 Rights of Suspects and Defendants in the Criminal Justice Process under the 2017 Constitution

Although the Constitution of the Kingdom of Thailand B.E. 2560 ("2017 Constitution") does not expressly use the term "fair trial," the underlying principles are reflected in a systematic way across several provisions—most notably Sections 26 and 29. These provisions operate both as (i) general principles constraining the exercise of state power through law, and (ii) core safeguards for the rights of suspects and defendants in the criminal justice process.

Section 26 provides that any law enacted, or any exercise of state power, that restricts rights and freedoms must comply with the rule of law; must not impose undue burdens or restrictions beyond what is justified; and must not affect a person's human dignity. This principle is significant in the context of criminal procedure: it serves as a benchmark for controlling not only procedural laws themselves, but also the interpretation of those laws and the exercise of discretion by officials and courts—so that criminal justice processes are not used in ways that impose excessive burdens on the accused and thereby undermine procedural fairness.

Meanwhile, Section 29 directly guarantees key elements of fairness in criminal proceedings, including the presumption of innocence until a final judgment; the privilege against self-incrimination; the principle that detention or confinement must be used only to the extent necessary; and the right to apply for provisional release (bail). These guarantees reflect a constitutional commitment to protecting a defendant's ability to defend the case and to preventing the exercise of state power in the name of law enforcement from becoming a violation of fundamental rights—an essential component of fair trial principles under international standards as well.

In assessing the constitutionality of laws or state actions, it is necessary to consider both substantive and structural impacts, rather than examining only formal legality. Moreover, the interpretation of "fair trial" in the Thai constitutional context should align with international understandings that fairness in criminal cases cannot be confined to the court hearing alone. It also encompasses pre-trial stages in which the state exercises power over individuals—such as investigation, summons, the imposition of conditions, and the overall structuring of the process.

In the context of remote complaints or prosecutions, the presumption of innocence—and the prohibition on treating a person as guilty prior to a final judgment—has particular structural importance. It serves to prevent the state from using legal process as a form of advance punishment. Accordingly, where the state structures proceedings in a way that forces the accused to bear punitive burdens before any court judgment—such as significant costs, long travel distances, or heightened risks of restrictions on liberty—serious questions inevitably arise as to compatibility with Section 29.

Whether such burdens are proportionate under Section 26 requires a proportionality assessment: restrictions on rights and freedoms must comply with the rule of law, must not exceed what is necessary, and must not impair human dignity. A restriction is constitutionally permissible only if (1) it pursues a constitutionally legitimate objective; (2) the measure is suitable to achieve that objective; (3) no less rights-restrictive alternative is available; and (4) the impact on rights is not excessive in relation to the public benefit gained. Applied to remote complaints or prosecutions, this proportionality test suggests that although Thai law contains several mechanisms intended to support fairness for both parties—particularly rules on investigative jurisdiction, court jurisdiction, case transfer, and case consolidation—problems arise because the statutory design, conditions for use, and prevailing interpretations do not align with the principles that ought to govern them or with international standards. In practice, they can impose disproportionate burdens on the accused, failing the proportionality test and potentially affecting human dignity.

Finally, constitutional fairness in criminal cases does not mean only having an independent and impartial court. It also entails the accused person's practical ability to access counsel, legal assistance, and resources for case preparation on an equal footing. Thus, the structuring of processes or the creation of conditions at any stage that place defendants at a systematic disadvantage, or undermine the principle of equality of arms—for example, by limiting access to competent or trusted lawyers, creating obstacles to obtaining legal aid, or hindering effective access to evidence—strikes at the substance of the fair trial principle.

In remote complaint cases, the state and the complainant largely determine the venue, the procedure, and the timing of the case, while the accused must continually adapt and bear the resulting burdens throughout the proceedings. If the state ignores or allows such conditions to persist without reform, it risks eroding fair trial guarantees in structural terms, even where no formal, overt rights violation is apparent.

2.1.2 Criminal Procedure Code

Sections 18 and 19 of Thailand's Criminal Procedure Code are foundational provisions governing investigative jurisdiction at the outset of criminal proceedings. They correspond to the rules on court jurisdiction under Section 22. Taken together, they establish that an inquiry official has jurisdiction to investigate an offense in the locality where the offense occurred, where the suspect resides, or where the suspect is arrested. The "place where the offense occurred" also encompasses situations where it is "alleged or believed" to have occurred. This wording, however, is not a blank check for unfettered discretion: an allegation or belief must be supported by "reasonable preliminary information," such as facts about the incident, witnesses, or circumstances that plausibly connect the alleged offense to that locality. Accordingly, legal commentaries explain that the "place alleged" refers to the area where a complainant reports to an inquiry official that an offense occurred within that officer's jurisdiction, while the "place believed" refers to a locality that the inquiry official has preliminarily investigated and for which there are grounds to believe the offense occurred there.[1]

[1] Narong Jaihan, หลักกฎหมายวิธีพิจารณาความอาญา [Principles of Criminal Procedure Law], Vol. 1, 16th ed. (Bangkok: Winyuchon, 2025), 142.

Nevertheless, Section 18, paragraph 3—which designates the inquiry official in a given locality as the "responsible inquiry official"[2]—reflects the premise that the "place of occurrence" is the primary locus of investigative jurisdiction. By contrast, the suspect's place of residence and the place of arrest are framed as supplementary bases, intended to "facilitate" certain cases.[3] The logic is that relevant evidence is ordinarily located at or near the scene; evidence collection is therefore more convenient, swift, and effective when the investigation is conducted where the offense occurred.

In addition, an offense committed in a particular locality directly affects public order and the well-being of the community in that area. This provides a further rationale for the case to be investigated and handled where the incident occurred. Meanwhile, extending investigative jurisdiction to the place of arrest or the suspect's domicile serves to facilitate questioning of the suspect and enables appropriate checks of the suspect's background and prior history.[4]

It should also be noted that Section 18 addresses situations where an offense occurs in only "one locality." Where an offense is "connected to multiple localities"—for example, because it is unclear in which of several localities the offense occurred, because elements of the offense overlap across areas, or because the incident occurred while the suspect or victim was travelling—Section 19 applies.

Section 19 provides that inquiry officials in any of the relevant localities have jurisdiction to investigate. This approach is grounded in practical realities: many offenses cannot be clearly localized at the outset. If jurisdiction were defined too rigidly, there would be a risk of delay in gathering evidence or the loss of evidence, undermining the overall effectiveness of the criminal justice process. That said, because such cases involve overlapping or uncertain *loci*, Section 19, paragraph 3, does not designate the inquiry official in the place where the offense occurred, is alleged, or is believed to have occurred as the "responsible inquiry official." Instead, it assigns responsibility to the inquiry official in the locality where the suspect is arrested; if the suspect has not yet been arrested, the locality where the offense is "first discovered" is responsible for compiling the file and forwarding an opinion to the public prosecutor.

Section 22 of the Criminal Procedure Code governs court jurisdiction over ordinary criminal offenses. While Section 22 does not state as explicitly as Section 18 that the "place where the offense occurred, is alleged or believed to have occurred" is the primary basis of jurisdiction—with other bases operating as supplementary or exceptional grounds—judicial interpretation largely follows that approach. Courts have explained that other localities—namely where the defendant is domiciled or resides, or where the defendant is arrested (Section 22(1))—may be grounds on which the court has discretion to refuse to accept the case (Supreme Court Decisions Nos. 516/2548 and 5312/2560). Section 22 further extends jurisdiction to the court in whose area

[2] As a matter of criminal investigation principles, in a single case there may be several inquiry officials, or inquiry officials in several localities, who are competent to conduct the investigation. However, the "responsible inquiry official" is the inquiry official, or the inquiry official in the locality, whom the law intends to bear responsibility for summarizing the case file, collecting all evidence obtained from the inquiry officials (whether several officials or officials in several localities), and submitting an opinion to the public prosecutor under Sections 140, 141, and 142 of the Criminal Procedure Code.

[3] Khanit Na Nakhon, กฎหมายวิธีพิจารณาความอาญา [Criminal Procedure Law], 9th ed. (Bangkok: Winyuchon, 2018), 501.

[4] Jean Pradel, *Procédure Pénale* (Paris: Cujas, 2002), 85; cited in Pokpong Srisanit, "ฎีกาวิเคราะห์: คำพิพากษาฎีกาที่ 3952/2551" [Supreme Court Judgment Analysis: Supreme Court Judgment No. 3952/2008] (2010) 1 *Thammasat University Law Journal* 157–163.

the inquiry official conducted the investigation, even if the place of investigation lies outside that court's jurisdiction.

Section 23 proceeds from the premise that a single criminal case may fall within the jurisdiction of more than one court. This is a consequence of Section 22, which ties jurisdiction to the place of occurrence, the suspect's residence, the place of arrest, and the place of investigation. Within this structure, Section 23 is designed as a mechanism to manage overlapping jurisdiction. Its central purpose is to ensure the "correct forum" for adjudication. Under paragraph one, the prosecutor or the defendant may request transfer of the case to a court in whose jurisdiction the offense occurred, where the case has been filed in a court which—on the face of the indictment—does not have a meaningful connection to the alleged place of offense. This principle aims to correct errors in forum selection and to prevent parties from being tried in a court that is not appropriately connected to the case. Ordinarily, where an offense occurs in a particular locality, calling relevant witnesses is more convenient and potentially quicker because witnesses are located in that area. It may also serve a general deterrent function within the community where the incident occurred.[5]

Section 23, paragraph two reflects a further rationale: the "convenience of justice." It empowers a court to transfer a case to another competent court if it considers proceedings in the other court to be more convenient, even where the defendant objects. This reflects a foundational view of criminal procedure in which courts are not merely technical arbiters of jurisdictional rules, but also institutions responsible for managing proceedings to achieve justice effectively. Systemically, Section 23 therefore mitigates rigidity in jurisdictional rules by allowing judicial discretion to align procedure with the factual realities of the case—such as the place of occurrence, the parties' domicile, and the location of evidence.

Section 26 establishes a special mechanism for transferring criminal cases in "exceptional circumstances." It empowers the President of the Supreme Court to order transfer to another court where, due to the nature of the offense, the status or number of defendants, prevailing local public sentiment, or other reasons, there may be interference with the preliminary examination or trial; or where there are grounds to fear unrest, danger, or impacts on other important state interests. This provision was amended by the Criminal Procedure Code Amendment Act (No. 31) B.E. 2559 (2016), with the purpose of providing a special tool enabling the justice system to manage highly sensitive cases, or cases that may affect public order and societal confidence if proceedings continue in the original locality.[6]

Structurally, Section 26 differs from the ordinary transfer mechanism under Section 23, which is grounded in jurisdiction and convenience. Section 26 is aimed at exceptional situations that go beyond ordinary inconvenience—such as social tensions, pressure arising from local public sentiment, or risks to the safety of parties and the court. It is therefore a form of transfer designed for "system-level prevention," rather than a case-by-case adjustment of jurisdiction for the convenience of the court or the parties.

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[5] Khanit Na Nakhon, *supra* note 3, at 602.

[6] Act Amending the Criminal Procedure Code (No. 31) B.E. 2559 (2016), *Government Gazette*, Vol. 133, Part 22 Kor.

The central focus of Section 26 is the protection of public order and overall public interests, rather than the design of safeguards to secure the defendant's right to a fair defense. Although Section 26 allows a defendant to request transfer, the statutory considerations remain anchored in security, safety, and public confidence in the justice process. The provision does not set out criteria that take account of burdens relating to access to court, proximity to the defendant's residence, or the defendant's practical ability to prepare a defense. This illustrates that, in this part of Thai criminal procedure, stability and institutional efficiency are prioritized over treating the rights of suspects and defendants as the primary guiding framework from the outset.

Viewed together, the underlying intent of Sections 18, 19, 22, 23, and 26 suggests that these provisions were not designed with the "right of suspects to a fair defense" as their conceptual foundation. Rather, their principal purpose is to ensure the flexibility and continuity of the state's criminal justice process—both at the investigative stage and at trial—by allocating powers to officials and courts so they can efficiently handle offenses connected to multiple localities. Although Section 23 provides defendants with a channel to request transfer in certain circumstances, this mechanism operates largely as an ***ex post*** remedy after proceedings have already begun, rather than as a preventive safeguard. In other words, the rights of suspects and defendants in matters of investigative and court jurisdiction are not established as binding principles governing the exercise of state power from the start, but are instead expected to be addressed on a case-by-case basis through subsequent discretion by officials or courts. Meanwhile, Section 26 is centered on protecting public order and overarching public interests rather than on safeguarding defendants' fair trial rights. These structural limitations form an important basis for the report's subsequent analysis of remote complaints and prosecutions, and of the resulting implications for the right to a fair trial under international human rights standards.

2.1.3 Royal Thai Police Regulation on the Transfer and Consolidation of Cases B.E. 2565 (2022)

The Royal Thai Police Regulation on the Transfer and Consolidation of Cases B.E. 2565 (2022) is a subordinate piece of executive legislation—an internal regulation issued by the Commissioner-General of the Royal Thai Police pursuant to Section 119(4) of the Royal Thai Police Act B.E. 2547 (2004), which authorizes the Royal Thai Police to issue regulations governing internal rules and working procedures. Promulgated on 28 September 2022, the Regulation therefore operates primarily as an administrative instrument that binds police officials in the investigative chain of command, rather than as a law intended to create rights or duties for persons outside the organization.

In terms of legal structure, the Regulation functions as subordinate legislation that supports and coordinates the implementation of the Criminal Procedure Code—particularly the provisions on investigative and court jurisdiction under Sections 18–23—and is consistent with the statutory mandate of the Royal Thai Police as an investigative authority under the Royal Thai Police Act.[7] Its purpose is made explicit in the preamble, which states that the Regulation is issued to ensure that criminal investigations comply with the Criminal Procedure Code and to enable investigative work to deliver justice to the public efficiently.

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[7] *See* Sections 18–23 of the Criminal Procedure Code, together with the Royal Thai Police Act B.E. 2547 (2004).

The Regulation sets out key definitions to clarify its application. It defines “case transfer” as the transfer of an investigation file together with the objects of the case from one unit to another, for the purpose of conducting the investigation correctly, expeditiously, and efficiently. “Case consolidation,” in turn, refers to bringing together criminal cases that are legally connected—such as cases arising from the same act or involving the same persons or events—under the responsibility of a single unit. The term “unit,” as used in the Regulation, covers organizational levels from police stations to divisions and bureaus, thereby ensuring flexibility in line with the command structure of the Royal Thai Police.

With respect to “case transfer,” the Regulation provides that transfers must be carried out “subject to” Sections 18 and 19 of the Criminal Procedure Code. It permits transfer where there are reasons of investigative appropriateness, both in terms of territorial facts and institutional capacity. For example, where most witnesses, victims, suspects, or key evidence are located in another locality, transferring the case to that locality may facilitate a more convenient, economical, and timely investigation. Similarly, where a case requires specialized expertise—such as information technology-related offenses—it may be appropriate to transfer the case to a unit with specialized competence, such as the Technology Crime Suppression Division.

The Regulation also accommodates cases whose underlying causes or impacts span multiple provinces, by allowing transfer to units at the divisional or bureau level that can coordinate cross-jurisdictional work effectively (Regulation Clauses 7–9). In parallel, it establishes a structured approval process and hierarchy of authorization for transfers, differentiated by the level and scope of the transfer. For instance, transfers within the same province fall under the authority of the Provincial Police Commander or other designated supervisors, whereas inter-provincial or inter-bureau transfers require review by the Regional Police Commissioner and, in some cases, approval up to the level of the Commissioner-General. Taken together, these features demonstrate that the Regulation is designed as an administrative mechanism to organize criminal investigations in a manner appropriate to the facts of the case and the institutional structure of the police, rather than as a punitive tool or a direct means of controlling parties to proceedings.

As for “case consolidation,” the Regulation is intended to address situations in which criminal cases are factually connected or connected by the conduct alleged therein—particularly where multiple complaints are filed in relation to the same act or a continuous course of conduct. This is common, for example, where the same online post or publication is reported to multiple police stations or across several provinces. If separate investigations were to proceed in each unit, this would create duplication and impose unnecessary burdens on both suspects and witnesses. The Regulation therefore allows such cases to be consolidated under the responsibility of a single lead unit, with other units required to transfer their files and relevant evidence to that lead unit. Assigning a lead unit to handle the consolidated file thus plays a significant role in promoting efficiency, fairness, and an appropriate balance between law enforcement and the protection of the rights of those involved in the investigative process.

2.2 International Principles and Standards as the Analytical Framework for Remote Criminal Proceedings

2.2.1 The Right to a Fair Trial and Access to Court under Article 14 of the ICCPR

Article 14 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to a fair trial in both criminal cases and civil proceedings concerning rights and obligations. It emphasizes equality before the law and provides that everyone is entitled to a hearing by a competent tribunal established by law that is independent and impartial, and that proceedings must be conducted fairly and publicly.[8]

A central guarantee under Article 14 is the presumption of innocence—namely, that anyone charged with a criminal offense must be presumed innocent until proved guilty according to law (Article 14(2)). This foundational principle places the burden on the prosecution to prove each element of the charge and prohibits treating a suspect or defendant as guilty before the court has made such a determination. Article 14(3) further sets out a range of minimum guarantees for persons charged with criminal offenses, including: the right to be informed promptly and in detail of the nature and cause of the charge in a language the person understands; the right to adequate time and facilities to prepare a defense and to communicate with counsel of one's choosing; the right to defend oneself in person or through legal assistance of one's own choosing; the right to examine prosecution witnesses and to obtain the attendance and examination of defense witnesses; the right to the free assistance of an interpreter where needed; and the right not to be compelled to testify against oneself or to confess guilt. Courts must also ensure proceedings are not subject to undue delay, and where a person is convicted, the individual must have the opportunity to have the conviction and sentence reviewed by a higher tribunal according to law.[9]

Article 14 also safeguards "real and effective access to justice," requiring that rights be practical and effective, not merely formally guaranteed in legislation. The UN Human Rights Committee (HRC) has elaborated the content of Article 14 in a systematic manner in General Comment No. 13 (1984),[10] and developed and refined that understanding further in General Comment No. 32 (2007).[11] The Committee has emphasized that States parties have an obligation to organize courts and procedures in ways that genuinely enable individuals to

8 *International Covenant on Civil and Political Rights* (ICCPR), art. 14(1).

9 ICCPR, art. 14(5)-(7).

10 Human Rights Committee, General Comment No. 13: Article 14 (Administration of Justice) (1984).

11 Human Rights Committee, General Comment No. 32, ICCPR art. 14, U.N. Doc. CCPR/C/GC/32 (2007).

exercise their rights—whether in terms of access to court, preparation of the defense, equality between the parties, or effective participation in proceedings. For the purpose of analyzing remote complaints or prosecutions, the following elements are particularly relevant:

1. Equality of Arms

One key component of the fair trial guarantee under Article 14 is the principle of equality of arms. This requires that all parties have a real opportunity to present facts, legal arguments, and evidence under conditions that do not place one side at a substantial disadvantage vis-à-vis the other. The Human Rights Committee has explained that this principle is at the heart of a fair trial and covers, inter alia, access to case materials, adequate time and facilities to prepare the case, and the effective use of legal assistance. In criminal proceedings, structural asymmetries between the state—as the coercive authority—and the individual accused make equality of arms particularly critical. The Committee has therefore stressed that a state may not organize proceedings in a manner that increases burdens or obstacles for the defense to a degree that impairs the ability to contest the case, even if such arrangements are justified on grounds of convenience or state efficiency.

2. Effective Participation and Presence

Article 14(3) guarantees the right of an accused person to be tried in their presence and to defend themselves, either personally or through legal assistance.[12] General Comment No. 32 clarifies that "presence" is not merely formal; it must entail effective participation. This means the accused must be able to understand the charges and proceedings, communicate with counsel, and meaningfully present arguments. Any process that separates the accused from the court, from counsel, or from communications necessary to mount a defense may undermine the substance of Article 14 rights—even where such procedures remain formally permissible under domestic law. This principle makes factors such as location, timing, and the modalities of proceedings central to fair trial analysis.

3. The Right to Communicate with and Receive Assistance from a Lawyer

The right to legal assistance is a core safeguard under Article 14(3)(b) and (d), which guarantees adequate time and facilities to prepare a defense and to communicate with counsel of one's choosing.[13] General Comment No. 32 states that the right to consult counsel must be free from interference or unnecessary restrictions and must be ensured from the earliest stages of criminal proceedings. In principle, the HRC considers that constraints on contact with counsel—such as procedures that make meetings or communications unreasonably difficult—may undermine both equality of arms and the right to an effective defense. For this reason, the right to counsel must be assessed in light of practical and geographic factors in the justice process, rather than through an abstract focus on whether a formal legal avenue exists.

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[12] ICCPR, art. 14(3)(b), (d).

[13] ICCPR, art. 14(3)(b), (d).

2.2.2 Contact with the Outside World and Proximity to Home under the Nelson Mandela Rules

The Nelson Mandela Rules, formally known as the United Nations Standard Minimum Rules for the Treatment of Prisoners, are internationally endorsed standards that establish "minimum rules" for the treatment of persons deprived of liberty, with human dignity as the core interpretive principle.[14] Although they are not a legally binding treaty, they are widely accepted as authoritative soft law and are frequently used as a reference framework for interpreting States' obligations under the ICCPR and other human rights instruments.

1. Rule 58: Contact with the outside world as a fundamental right of persons deprived of liberty

Rule 58(1) provides that persons deprived of liberty must be allowed to communicate with their family and friends "at regular intervals," subject to such restrictions and supervision as are necessary. Communication may take place through written correspondence, telecommunications or digital means (where available), and visits.[15] This reflects the basic premise that deprivation of liberty does not entail complete severance from the outside world; rather, it limits freedom only to the extent necessary for the purposes of detention. UN explanations of Rule 58 treat it as safeguarding both human dignity and the right to family life. Maintaining contact with family, lawyers, and external support networks is not only of humanitarian value; it is also important in preventing ill-treatment, torture, and abuses of state power. Rule 58 further reflects a procedural justice perspective: contact with the outside world—especially access to and communication with legal counsel—is a precondition for effective access to justice for persons under state control. This principle is therefore relevant in assessing the extent to which decisions about place and modalities of detention facilitate or obstruct the right to justice.

[14] United Nations, *Standard Minimum Rules for the Treatment of Prisoners* (Nelson Mandela Rules), GA Res 70/175 (2015).

[15] Nelson Mandela Rules, Rule 58 (1).

2. Rule 59: Proximity to home and social reintegration

Rule 59 states that prisoners should be allocated, “to the extent possible,”[16] to prisons close to their homes or to places of social rehabilitation. It recognizes geographic proximity as a key factor in maintaining family ties, accessing legal assistance, and preparing for eventual reintegration into society. While Rule 59 uses language that allows some discretion (“to the extent possible”), academic commentary does not treat it as a mere policy preference. Rather, it is understood as a general principle that the state must seriously consider whenever deciding on placement or transfer. Departures from the proximity principle therefore require clear and reasonable justification, and cannot be based solely on administrative convenience or institutional efficiency. Structurally, Rule 59 also reflects an understanding of persons deprived of liberty as members of society who retain social relationships and roles, rather than as mere objects of punishment. Proximity to family and community is thus integral both to human dignity and to the longer-term aims of the criminal justice system.

Read together, Rules 58 and 59 set out a coherent framework linking place of detention, contact with the outside world, and access to justice. This framework is not limited to the post-conviction prison context; it also carries value for evaluating the justice process from the pre-trial stage—particularly in situations where the state exercises power in ways that affect access to counsel and social support networks.

[16] Nelson Mandela Rules, Rule 59.

3. The Situation of Criminal Complaints or Prosecutions Brought in Localities Far from Defendants' Domicile (Remote Criminal Complaints or Prosecutions)

This chapter presents an overview of the situation in which criminal complaints are filed or criminal prosecutions are initiated in localities far from the accused person's domicile, during the period 2020–2025. Drawing on systematically monitored case data, it aims to reflect the patterns, trends, and shared features of this phenomenon in practice. The analysis is not limited to a descriptive statistical account. Rather, it seeks to demonstrate how "venue" is used as a strategic element within the criminal justice process—through a categorization of cases by charges, complainants, and time periods—leading to the observation that remote complaints or prosecutions in the context of political cases and online expression are not coincidental or isolated irregularities, but instead represent a structural pattern of criminal law use that affects, in systemic terms, the right to defense and freedom of expression.

This chapter relies primarily on cases monitored and legally assisted by TLHR, which largely involve assemblies and political expression. The dataset does not cover all types of remote criminal proceedings in Thai society—for example, environmental cases in which businesses sue communities or villagers, or disputes between private individuals, some of which may also involve proceedings brought far from the parties' domiciles. However, this scope limitation does not diminish the analytical value of the chapter; rather, it provides a framework that makes it possible to identify, with particular clarity, the use of "venue" as an instrument of power in a context where such dynamics are most pronounced.

3.1 The Situation of Remote Complaints or Prosecutions Based on Empirical Data (2020–2025)

From a temporal perspective, even before 2020 there were some cases with the characteristics of remote complaints or prosecutions—for example, certain cases under Section 112 of the Criminal Code in the 2000s (B.E. 2550s). However, cases during that earlier period tended to be exceptional and did not yet appear as a clear trend or as a geographically dispersed practice. A significant shift occurred after 2020, when both the number of cases increased and the venue of proceedings became continuously more dispersed across regions, such that a structural pattern of employing remote complaints or prosecutions can be clearly identified.

Based on case data monitored by TLHR, from 2020—when large-scale demonstrations took place and people associated in one way or another with political demands during that period began to face criminal complaints—through October 2025 (B.E. 2568), there were at least 66 cases in which complaints were filed in areas far from the domicile of the person reported, or far from the place where the reported person "acted" in ways that formed the basis of the complaint. In these cases, "distance" does not refer merely to being outside a particular jurisdiction, in a neighboring province, or elsewhere within the same region. Rather, it involves the filing of complaints "across regions." Examples include the "Tee–Wanwaree and Friends" case, in which three students domiciled in Bangkok were reported to inquiry officials at Mueang Chiang Mai Police Station, based on their posting on Facebook a photo of themselves holding protest signs at Siam Square, Bangkok;[17] the "Pornchai" case, involving a Pgak'nyau (Karen) man from Mae Hong Son Province who was living in Bangkok but was reported to inquiry officials at Bannang Sata Police Station in Yala Province and at Mae Jo Police Station in Chiang Mai Province, based on livestreams and social media posts critical of the King;[18] and the "Arm" case, in which a complaint was filed at Mueang Kamphaeng Phet Police Station over a video clip posted on TikTok, even though Arm resided on Koh Phangan, Surat Thani Province,[19] among others.

Viewed against the backdrop of political conflict and the public controversies that have unfolded since 2020, the pattern of remote complaints or prosecutions reflects not only a geographical "venue" anomaly within the justice process, but also deeper structures of power, ideology, and state–society relations that enable criminal law to be used as a "tool" against political dissent. To illuminate these irregularities more clearly, the analysis below presents the complaint data from three perspectives, as follows:

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[17] Appendix 1, Case No. 6 ("Tee–Wanwaree: 3 students posted a photo holding signs at Siam Square").

[18] Appendix 1, Case No. 8 ("Pornchai: posted 4 Facebook messages").

[19] Appendix 1, Case No. 37 ("Arm: disseminated a TikTok clip").

3.1.1 Viewing Remote Complaints Through the Lens of the "Charges" Alleged

Charge	No. of Cases	Proportion (%)	Observations
Section 112 in conjunction with the Computer Crime Act	53	80	This is the "core" of the remote complaint/prosecution phenomenon. Complainants include both unaffiliated members of the public and individuals affiliated with political/ideological groups opposed to the accused.
Section 116 in conjunction with the Computer Crime Act	3	5	Only a small number. Some complaints were filed as early as 2020, but the cases were not pursued until 2021.
Computer Crime Act	4	6	All cases were initiated by state agencies or their representatives.
Defamation/insult by means of publication	6	9	Politicians filed complaints or brought cases in provinces that constitute their own political power bases.
Total	66		

When cases are disaggregated by charge, the data show that out of 66 remote complaints/prosecutions, the most frequently used charge is Section 112 of the Criminal Code in conjunction with the Computer Crime Act, amounting to 53 cases—80 percent of the total. This is followed by Section 116 of the Criminal Code (3 cases, 5 percent), offenses under the Computer Crime Act alone (4 cases, 6 percent), and defamation and insult by publication (6 cases, 9 percent).

Viewed through the lens of strategic use of the justice process (a strategic litigation pattern), these figures indicate that cross-regional complaints do not occur randomly or by coincidence. Rather, they arise in a targeted manner in cases with a political dimension and connected to public controversies during periods of political crisis. Section 112 is an offense against the State that allows any member of the public to file a complaint against another person. Moreover, the conduct giving rise to these complaints occurs online, where content can be accessed and "displayed" anywhere that a person opens and views the relevant post or clip. The online sphere is thus used as a form of "territorial power base": even if the content is posted from one location, the mere fact of viewing it in another location can be invoked to justify filing a complaint or initiating prosecution against the poster in that other place. As a result, "forum choice" can become a "tool" to punish those who express views on matters of public concern (whether or not the legal elements of the offense are ultimately met) through "punishment by process," without having to wait for a court conviction.

From a policy and human rights perspective, this statistical picture also clearly reflects a trend of "using criminal cases to control expression." The very high proportion of Section 112 and Section 116 cases suggests that remote complaints are not primarily aimed at protecting a direct "victim." Instead, they function to impose costs and burdens on the defense and to generate psychological pressure on the accused, while simultaneously sending a deterrent message to the broader public: "do not follow suit." One basis for this analysis is that both Section 112 and Section 116—among the main charges used in remote proceedings—treat the "State" as the injured party. The State is therefore able, in principle, to pursue proceedings against the accused anywhere within the Kingdom. Under due process principles, which require the State to treat individuals fairly under law and to protect fundamental rights and freedoms, bringing a case in the accused person's domicile or place of residence would be the most straightforward option. In practice, however, the State accepts complaints and proceeds in the locality where the complaint is filed, without meaningfully taking fair process considerations into account.

It might be argued that "harm to the State is harm to the people," because under democratic theory the State and the people are one and the same; therefore, to facilitate public participation, individuals who encounter such content should be able to file complaints wherever is convenient for them. Yet this argument becomes immediately questionable when the subsequent prosecutorial stage is considered. Despite the State's acceptance of complaints in cases where the State is the alleged injured party—producing at least 53 remote cases in this dataset—there appears to be no meaningful effort to use existing legal mechanisms to transfer such cases to a more appropriate forum in a manner that takes the accused's right to an effective defense into account. Moreover, there are instances where courts have refused transfer even after the accused has requested it in order to be able to defend the case fully.[20] Nor does this account for cases in which the State itself has expended both personnel and public resources to transport the accused to the distant locality—despite the fact that, in principle, the case could have been pursued anywhere within the Kingdom.[21]

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20 Appendix 1, Case No. 10 ("Chaichana: posted 4 Facebook posts").

21 Appendix 1, Case No. 34 ("Phong: posted 6 Facebook messages"), 36 ("Singto: Facebook comment"), 41 ("Jiradee: replied by tweet"), 51 ("Watcharapong: commented in the Talad Luang group"), 52 ("Kittipong: posted 2 posts"), 53 ("Thanaphat: accused of administering a page that disseminated images of a sports day parade").

3.1.2 Viewing Remote Complaints Through the Lens of the "Complainant"

Affiliation / Status	Complainant(s)	No. of Cases	Charge(s) Filed	Where Complaints Were Filed	Observations
1. "Monarchy protection" groups / aligned volunteer networks	Songchai Niamhom (Prachaphak Pitak Sathaban), Sukit Dechkul (Thai Pakdee), Thawee Intha (The Royal Monarch Alert Protection Network), Anon Klinkaew and Kanchbongkot Mekapraphatthanakunsakon (People's Center for the Protection of the Monarchy), Jetsada Thankaew and Watcharin Niwat (former PDRC)	23	Section 112 + Computer Crime Act	Dispersed across complainants' domiciles—mainly South (Phatthalung, Songkhla, Yala, Trang, Surat Thani) and North (Chiang Mai)	Cross-regional complaints targeting posters in Bangkok / Central / Northern Thailand. Some cases involve deliberate online monitoring and repeated complaints against many individuals for online expression.
2. Unaffiliated individuals filing 2+ cases	Pasit Chanhua-thon, Siwaphan Manitkul, Uraporn Sunthornphoj, Chumphon Srivichai-pak	17	Section 112 + Computer Crime Act	Filed in the complainants' domiciles (Samut Prakan, Phatthalung, Kamphaeng Phet)	Pattern of "online surveillance" and repeated complaints; although unaffiliated, the complaint behavior resembles monarchy-protection groups.
3. Unaffiliated individuals filing 1 case	e.g., Thanomsak Boonphakdee; Nattawat Chonphakdee	12	11 of 12 cases: Section 112 + Computer Crime Act	Filed in the complainants' domiciles	Not systematic monitoring; rather, when encountering content conflicting with their beliefs, they promptly file a complaint—showing that ordinary individuals can use Section 112 to punish speech they perceive as challenging their beliefs.
4. State agencies / state officials	Ministry of Digital Economy and Society, Constitutional Court, Royal Thai Army	9-10	Computer Crime Act	Primarily Bangkok (TCSD, Nang Loeng Police Station)	Filed in the name of state agencies; often relates to criticism of state institutions or agencies.
5. Politicians / public figures	Saksiam Chidchob, Suchart Chomklin, Rienthong Naenna	6	Defamation / insult / Computer Crime Act	Lawsuits or complaints filed in provinces that are their political bases (e.g., Buriram, Chonburi)	A "cluster" of politically charged cases against members of the public who criticize their work.

Beyond the types of charges, this phenomenon can also be examined through the lens of the "complainants," who are key actors driving the process. Analyzing the issue through complainants is both important and necessary because it helps reveal the underlying intent, motivations, and patterns of legal mobilization embedded in the practice. It may also help answer the central question of whether remote complaints are genuinely aimed at protecting victims and seeking legal redress, or whether they serve other ulterior objectives. The data show immediately that "monarchy-protection" groups and aligned volunteer networks, together with individuals who have no formal affiliation but repeatedly monitor online content and file multiple complaints (two or more cases) based on the same types of accusations, are the principal drivers of remote complaints. Combined, these groups account for more than 60 percent of all cases. A further group of more than 10 individuals filed one case each on similar charges, accounting for 16 percent, while a smaller number of cases were brought by state agencies and politicians using defamation law and the Computer Crime Act to protect personal reputations. Those reported are predominantly activists, movement organizers, and ordinary citizens who express political views on social media from Bangkok or other regions. Interpreting the data from this perspective reinforces the conclusion that remote complaints do not occur "naturally," but are generated by specific actors—particularly groups with political motivations, actors mobilized around the monarchy as an institution, and state power.

The term "monarchy-protection groups" is widely used in Thailand's socio-political context to describe individuals or citizen networks that strongly assert support for the monarchy under various names, including Prachaphak Pitak Sathaban, the People's Center for the Protection of the Monarchy (ศปปส.), the Association of Thai Constitutional Protection Organizations, the Legal Assistance Centre for Those Harassed Online (ศชอ.), and the Rubbish Collection Organization, among others.[22] These groups commonly define themselves as "protecting the Nation, Religion, and Monarchy." They tend to operate as ideology-driven activist networks resembling citizen watchdog groups. They are present across multiple provinces through regional networks, and their members are mostly ordinary citizens rather than state officials—often volunteers rather than large, party-like organizations with formal structures—frequently organized in loose provincial groupings. In recent years, they have played a visible role in policing online opinion. Many members actively monitor social media, collect posts, and file complaints—typically invoking Section 112 or Section 116 in conjunction with the Computer Crime Act—in their own localities. Following the 2020 political protests, these networks assumed a particularly prominent role in Section 112 complaints, especially cross-regional complaints. The choice to file in a distant locality may be motivated by convenience, confidence that officials will accept the complaint, or an intention to impose travel burdens and practical hardship on the accused throughout the process.

As for unaffiliated private complainants who nevertheless file multiple cases, examples include Siwaphan Manitkul, who filed at least seven complaints, and Pasit Chanhua-thon, who filed at least eight complaints against individuals from different regions at a highly distant venue—Su-ngai Kolok Police Station in Narathiwat Province. In all of these cases, the charge invoked was Section 112 in conjunction with the Computer Crime Act. This suggests that such complainants share ideological commitments similar to monarchy-protection networks and exhibit "online surveillance" behavior—pursuing complaints against multiple individuals rather

[22] Thai Lawyers for Human Rights (TLHR), "เมื่อกฎหมายเป็นอาวุธ: ทบทวนคดี ม.112" [When the Law Becomes a Weapon: Reviewing Section 112 Cases] (19 February 2025), accessed 12 November 2025, available at: https://tlhr2014.com/archives/73063.

than filing in an ordinary, incidental manner based on personal belief. The pattern points to a deliberate use of criminal process for political ends: to control expression and to exert pressure on those who criticize the state or the monarchy, rather than to seek justice in good faith.

For ordinary individuals with no affiliation who file only a single Section 112 complaint, the pattern differs. They may not engage in systematic political "pursuit" or proactive monitoring, and their complaints may be filed spontaneously in their own locality. Yet the fact that 11 out of 12 such cases involve Section 112 in conjunction with the Computer Crime Act indicates that Section 112—combined with the territorial logic of online conduct—is also being used as a form of "individualized political channel" for members of the public. That individuals who may lack legal expertise or sustained political intent can nonetheless push another person into a criminal process carrying severe penalties—without regard to the disproportionate burdens the accused will face during the proceedings—highlights how Thailand's legal structure allows ordinary people's political emotions or personal loyalties to be converted into the coercive power of the state without meaningful filtering.

Where complainants are state officials or state agencies, ideological conflict may be less salient, but the problem shifts to power imbalance: when the state is the complainant, asymmetries are built into the process. Moreover, as these cases are often centralized at the Technology Crime Suppression Division or the Cyber Crime Investigation Bureau, they tend to be pulled into Bangkok even when the accused resides in the provinces. Remote proceedings can therefore take two directions: filing in a distant province so that a Bangkok-based accused must travel to defend the case, or filing in Bangkok so that a provincial accused must bear the burden of travelling to the capital.

For politician-complainants, cases are often filed against members of the public in the politician's own "power base" province—such as Buriram or Chonburi, or the politician's home province. This can create a "home-court advantage," placing the complainant in a stronger position and forcing defendants to travel to a venue that is not truly neutral. Complaints or lawsuits filed by politicians therefore heighten risks to the impartiality of the justice process and enable the choice of venue to be used as a tool of power to silence public criticism.

Finally, it should be made clear that the number of cases and names of complainants presented in this chapter reflect only what TLHR has been able to identify and monitor in practice. The figures should therefore be understood as a minimum number of cases for which information is available, rather than the total number of cases that occurred. It is possible that additional cases did not appear in the public domain, or that inquiry officials determined that the allegations did not constitute an offense and therefore did not proceed to formal charges. In addition, the report's categorization of complainants by whether they are "affiliated" or "unaffiliated" is based on officially available information and should not be interpreted to mean that those described as unaffiliated necessarily lack ideological or networked connections to political groups or activist movements.

3.1.3 Characteristics of Remote Complaints When Examined Over Time

If remote proceedings are disaggregated by the year in which the complaint was filed, based on TLHR's case monitoring since 2020, certain notable features emerge in the patterns of prosecution during those years,[23] as follows:

Year	Key Characteristics of the Phenomenon	Pattern of Venue Selection	Approx. No. of Cases	Structural Significance
2020	The initial emergence of cross-regional remote complaints linked to online expression—especially Section 112 + Computer Crime Act cases.	Venue chosen based on the complainant's location, even where it was neither the locus of the offense nor the place where the accused acted.	2	• Opened the door to "venue weaponization." • Established an early template for imposing long-distance travel burdens on the accused.
2021	• The year with the highest number of remote cases. • Many complaints were filed by the same person and concentrated in the same police station/locality (e.g., Bang Kaeo PS, Su-ngai Kolok PS, or in Chiang Mai). • Some stations became "case production hubs." • Ordinary individuals began learning how to file remote complaints. • Politicians sued critics.	• Venue chosen based on complainant's location. • 7–10 cases filed in a single venue. • Politicians filed in their own political "power-base" provinces. • State agencies/officials filed in Bangkok.	≈ 30 or more	Created wide-ranging impacts affecting large numbers of accused persons.
2022	• No longer tied to a single locality. • Growth in remote complaints filed by unaffiliated individuals.	Venue chosen based on complainant's location.	≈ 7–10	Remote complaints increasingly became a broader "social phenomenon," not confined to one particular group.
2023	The year associated with Songchai Niamthong (Prachaphak Pitak Sathaban).	Venue chosen based on complainant's location, with repeated complaints against many people across several southern provinces—especially Phatthalung.	≈ 6–8	• Venue used to "defend ideology and the monarchy," rather than to remedy concrete harm. • Structural control of political discourse.
2024–2025	Continued prominence of Songchai Niamthong and monarchy-protection networks.	Venue chosen based on complainant's location.	≈ 6–8	• Clearer intent to use proceedings as "punishment." • Lack of screening, questioning, or remedial response by receiving officers (same complainant filing against many people across regions).

[23] For the purpose of determining the relevant time period in each case, the primary reference point is the date on which the accused acknowledged the charge.

The year 2020 may be regarded as the "starting point" of the phenomenon. It began with cases involving posting, sharing, or commenting online, where complaints were filed in provinces far from the domicile of the person reported—clearly "across regions"—and in every instance the charge invoked was Section 112 of the Criminal Code in conjunction with the Computer Crime Act. The statistical information that can be identified for 2020 suggests that the complaints that year were initiated by a single individual, Siwaphan Manitkul, at Bang Kaeo Police Station in Samut Prakan Province.

This development indicates that the emergence of remote prosecutions was not the result of any officially declared state policy. Rather, it appears to have begun as an "individual experiment" in legal mobilization—taking advantage of structural gaps in Thai criminal law, in particular: (i) the fact that anyone may lodge a complaint under Section 112, and (ii) the "online space" logic that allows the place where content is viewed to be treated as a place where the offense is "found," and thus as a place where a complaint may be filed. These features made it possible to push online expression into the criminal process in a locality far from the accused person's domicile. The first set of cases in 2020, which could be generated by one complainant alone, may also have served as a "precedent in practice" for others. When individuals observed that such complaints were accepted by state officials—followed by investigation and the issuance of summonses or arrest warrants—this sent a signal that the approach was both "doable" and "procedurally proper." In turn, the model was expanded in the following year by both the same complainant and others, while the legal system lacked effective early-stage safeguards to prevent disproportionate uses of criminal process.

In 2021, remote complaints expanded nationwide. It was also the year of "cluster" filings—where the "venue of complaint" was used in a genuinely strategic way, turning particular localities into de facto intake centers or "case production hubs." In other words, many accused persons from different regions were reported by the same complainant (or the same network of complainants), based on similar conduct: posting or expressing political opinions online. Even where such postings did not cause direct harm in the locality where the complaint was filed, they were nevertheless reported in places far from the poster's domicile—for example at Bang Kaeo Police Station in Samut Prakan by Siwaphan Manitkul, or at Su-ngai Kolok Police Station in Narathiwat Province by Pasit Chanhua-thon. While the accused persons in the Su-ngai Kolok cases shared the same basic characteristics as those reported at Bang Kaeo, the burdens imposed were significantly greater: the venue lay in the Deep South border area, which may heighten safety concerns, and travel costs were far higher—especially for defendants travelling from the North or Central regions.

These cluster-style complaints underscore their irregularity when compared to "ordinary" criminal complaints, where the complainant is a person genuinely affected by the act and reports the alleged offender in the locality where the offense occurred, with the aim of prevailing on the legal merits to obtain punishment or redress. By contrast, in cluster complaints the complainant is often not a direct victim of the alleged conduct, selects the venue of complaint, and files against five to 10 individuals whose conduct is independent of one another. This supports the inference that the complainant's aim is not to prevail on the legal merits, but rather to use criminal process to "punish" (punishment by process) by imposing costs in time, money, health, and liberty.

2021 was also the year with the highest volume of remote complaints and greater diversity in both charges and complainants. In addition to charges under Sections 112 and 116 and the Computer Crime Act, there were also defamation cases and other charges beyond the category of “content crimes.” Complainants included state agencies, politicians, and private individuals with political or ideological positions opposed to those of the accused. It is worth noting that even where some cases did not plainly use “distance” primarily to impose travel costs as a direct punitive goal, a significant number still reflected a strategic pattern of litigation—often best understood as “political retaliation” cases. Examples include: the case against Wachira for intruding into the Constitutional Court’s website, initiated by the Constitutional Court; the case in which a representative of civil servants sued eight members of the public in Udon Thani for sharing content related to “Kharatchakan Plod Aek” (Civil Servants for Freedom); and cases in which Saksayam Chidchob filed a defamation and insult complaint in Buriram against members of the public in the “Kui/Chakrit/Got” case, as well as a Computer Crime Act case against “C” (in which the court dismissed the case).

Strategic or political retaliation cases differ from ordinary criminal cases in that, in ordinary cases, the complainant is a “direct victim” and pursues the case to seek justice or redress for personal harm. Even where, at the level of “facts,” the Constitutional Court or civil servant representatives might claim injured-party status under law, analyzing these cases at the level of “intent in using the law” and “power structure” shows that the outcome is not straightforwardly that of an ordinary criminal case. In the Constitutional Court website intrusion case, for example, a DDoS attack, hacking, or intrusion is a breach of computer system security, and under Section 5 of the Computer Crime Act the system owner is the injured party; as the “system controller,” the Constitutional Court can be considered directly harmed. In the “Civil Servants for Freedom” sharing case, sharing criticism of civil servants could arguably amount to defamation of an agency, enabling representatives or juristic-person actors to assert injured-party status. Yet in terms of legal intent, the purported harm can be shown to function as a “pretext,” rather than the genuine objective.

In the Constitutional Court case, there were indications that the intrusion was connected not to personal gain but to criticism of state power or opposition to political institutions; moreover, the prosecution did not primarily aim to mitigate harm or “restore the system,” but rather to suppress resistance to state institutions while simultaneously signaling that state power is “not to be touched.”

In the “Civil Servants for Freedom” case, seven individuals who shared the post were prosecuted, yet the court ultimately dismissed the case, finding that their intent was to encourage scrutiny and public participation in oversight, and that the expression constituted good-faith comment and fair criticism. In this context, defamation law became a mechanism to “silence structural criticism,” rather than a means of personal reputational repair in the ordinary law-of-torts sense.

A structural reading therefore suggests that, in politically charged cases, actors who can position themselves as “injured parties” under law may leverage that status—together with criminal process—as a weapon to control political space or suppress criticism of systems and entrenched power structures, generating a broader chilling effect on freedom of expression. Political retaliation cases are therefore not cases with “no victim”;

rather, they are cases in which the status of being an “injured party” can be deployed as a justification for power-driven objectives.

The Saksayam Chidchob cases reflect a different pattern and set of impacts, even though they similarly invoked “harm.” Saksayam was not an ordinary private person but a national-level minister. While defamation law is available to anyone who claims to have been harmed, constitutional accountability principles suggest that politicians should tolerate a higher level of scrutiny than private individuals. Yet Saksayam chose to sue members of the public who criticized him in Buriram—his political stronghold and the power base of the Chidchob family network. Defendants residing in Bangkok or other provinces were therefore forced to defend themselves in a province where the complainant had substantial influence. Even where some cases were dismissed (because the speech was protected as legitimate comment on matters of public concern), the punishment had already been inflicted: defendants had already expended time and resources in defending the case. Saksayam’s cases thus exemplify political retaliation through elite power, using law to compel critics to retreat or submit (elite retaliation).

A similar dynamic has emerged more recently, from late 2025 onward, in a set of remote defamation cases that TLHR is monitoring: the case of (former) Phayao MP Thammanat Prompao, who reportedly filed nearly 300 complaints in Phayao against members of the public and media outlets, alleging defamation arising from criticism linking him to “grey” businesses and online scam networks.[24]

In 2022, remote cases decreased in number, and the “cluster hub” pattern was no longer evident. Complaints were filed by individual complainants and dispersed across their home provinces. Rather than seeing seven to 10 cases concentrated at Bang Kaeo or Su-ngai Kolok, cases were more scattered. One possible explanation is “diffusion of knowledge”: members of the public increasingly recognized what kinds of online posts could be subjected to criminal complaint and that remote complaints could produce socially “satisfying” outcomes. Individuals sharing ideological commitments similar to monarchy-protection networks (without necessarily being part of the same group or connected to one another) learned to use this mechanism themselves.

2023 marked a period in which “full-form ideological litigation” became especially visible, with monarchy-protection actors and networks clearly emerging as central players. A key example is Songchai Niamhom of Prachaphak Pitak Sathaban, who began filing a sustained series of complaints against many individuals in this year and continued for at least two further years, totaling no fewer than fifteen cases. This series used Phatthalung Province and other southern provinces as principal venues.

This trend became even clearer in 2024–2025, as monarchy-protection groups increasingly acted as main drivers using the criminal justice process as a tool to “punish” individuals from other regions. For example, Songchai Niamhom did not confine complaints to Phatthalung but began spreading filings across Trang, Krabi, Surat Thani, and Songkhla. In another example, Anon Klinkaew of the People’s Center for the Protection of the Monarchy filed a complaint against an individual domiciled in Chiang Rai through a central unit, the

[24] TLHR, “ตำรวจพะเยาออกหมายเรียกประชาชนข้ามจังหวัด: กรณีธรรมนัส” [Phayao Police Issue Cross-Provincial Summonses to Members of the Public: The Thammanat Case] (26 November 2025), accessed 12 November 2025, available at: https://tlhr2014.com/archives/80235.

Technology Crime Suppression Division. This geographical dispersion indicates that "distance" is being used as a deliberate and central component from the outset of the case.

Finally, beyond the principal timeframe analyzed in this report, additional cases with similar characteristics have been reported after B.E. 2568—particularly a set of defamation and insult-by-publication cases linked to online expression and pursued in Phayao Province, publicly referred to as the "Thammanat cases."[25] Their key shared feature is that the accused are members of the public from many provinces, domiciled far from the police station or court where proceedings are pursued, while the factual basis of the case is not uniquely connected to Phayao but stems from online expression accessible from anywhere.

Crucially, the choice of such a distant venue—considered alongside the complainant's public statements—suggests that "distance" is not merely a product of technical jurisdictional rules or discretion, but is being used as an element to impose burdens and costs on the accused, including financial expenses, time, and reduced ability to access justice from the earliest stage. The "Thammanat cases" therefore operate as a "trend-indicator" that reinforces this chapter's core observation: filing complaints or bringing prosecutions in distant localities can form part of a broader litigation strategy and generate "punishment by process," even in private defamation cases.

3.2 Data-Based Observations and Trends in Remote Complaints or Prosecutions

Based on the collection and analysis of case data on criminal complaints or prosecutions pursued in distant localities as presented in Section 3.1, the following data-driven observations can be synthesized as particularly significant for understanding the phenomenon in overall terms.

First, remote complaints or prosecutions do not occur in a scattered manner or as isolated, accidental incidents. Rather, they display a recurring and continuous pattern from 2020 onward, both in terms of when cases arise and how venues are selected. The data show that a substantial number of cases are initiated in places that are significantly distant from the accused person's domicile—especially through cross-regional venue selection—which contrasts with ordinary criminal proceedings that typically anchor jurisdiction to the locus of the offense or the parties' place of residence.

Second, the charges deployed in remote complaints or prosecutions are distinct and highly concentrated. The data clearly indicate that the majority of cases involve Section 112 of the Criminal Code in conjunction with the Computer Crime Act B.E. 2550 (2007), at a proportion markedly higher than other charges. This

[25] This report uses this designation as it commonly appears in the media and in public discourse, solely for ease of reference and not as a legal characterization of the case.

suggests that remote complaints are not evenly distributed across all categories of offenses, but instead occur with particular intensity in cases concerning political expression and public debate in online spaces.

Third, complainants in many remote cases are not direct victims of the underlying conduct. Instead, they are ordinary individuals, groups of individuals, or—in some cases—state agencies, invoking offenses categorized as offenses against the State. This observation appears consistently across multiple cases and is directly linked to the fact that complainants do not need to have any meaningful connection to the venue they choose for filing a complaint or initiating proceedings, nor do they need a factual or territorial relationship to the accused.

Fourth, the venues selected for filing complaints or bringing prosecutions are characteristically far from the accused person's domicile and social context. The practice is not limited to neighboring provinces or locations within the same region; rather, it frequently involves venues that are clearly distant in geographic terms. The recurrence of "distance" across the dataset indicates that geographic remoteness is not incidental but is a repeated and defining feature of this phenomenon.

In addition, when the dataset is considered as a whole, at least three core patterns of remote complaints or prosecutions can be identified:

(1) Cross-regional complaints filed by ordinary individuals who are not direct victims, relying on the "display" or accessibility of online content as the basis for alleging the place where the offense occurred;

(2) Proceedings initiated by state agencies or their representatives in venues with greater institutional capacity, even where the accused has no meaningful connection to those venues; and

(3) Venue selection in provinces with particular power dynamics or specific political contexts, where the chosen locality carries strategic significance beyond evidentiary or practical considerations.

This typology is not intended to assess complainants' motivations or the legality of proceedings in any individual case. Rather, it helps demonstrate that remote complaints or prosecutions are not a single, uniform phenomenon; instead, they exhibit variation in form, reflecting the complexity of how "venue" is used in practice within Thailand's criminal justice process.

Moreover, the persistent patterns in the data support a broader trend analysis: remote complaints or prosecutions are not necessarily confined to Section 112 cases. They have the potential to expand to other categories of online-related offenses with similar structural features—namely, offenses that do not require an individualized victim, that treat accessibility or visibility of content as a basis for alleging venue, and that allow either private individuals or state agencies to invoke criminal process without any meaningful territorial connection to the accused. Under these conditions, remote proceedings can become a tool that is not limited to targeting social movement actors or political activists. Ordinary social media users, journalists, influencers, and academics may also become vulnerable to remote complaints or prosecutions to a similar extent.

Taken together, these data-based observations indicate that remote complaints or prosecutions in Thailand are not merely occasional anomalies within the justice system. They constitute a phenomenon with clearly identifiable patterns and shared characteristics—across the types of charges invoked, the profile of complainants, and the selection of venue. These observations provide an essential evidentiary foundation for the next chapter's analysis of impacts on the right to defense and the principle of a fair trial, which will be examined in detail in the following section.

4. Impacts on Accused Persons and the Criminal Justice System

This chapter analyzes the impacts of remote criminal complaints or prosecutions on accused persons, their families, and the criminal justice system as a whole. It demonstrates that pursuing cases in localities far from an accused person's domicile produces far more than mere practical inconvenience. Rather, it generates cumulative harms across multiple dimensions, including access to legal counsel, economic burdens, family relationships, physical and mental health, and the ability to defend oneself effectively. The chapter argues that these impacts are not incidental side effects, but flow directly from the structural design of venue selection—enabling the criminal justice process to function as "punishment by process" even before any final judgment is rendered. In turn, this undermines fair trial principles and, over time, erodes the legitimacy of the justice system.

4.1 Impacts on the Right of Access to Legal Counsel and Case Preparation

The right to legal assistance is a core safeguard of the right to a fair trial under Article 14(3)(b) and (d) of the ICCPR. In criminal proceedings, the right to mount a full defense necessarily includes a genuine opportunity for a suspect or defendant to retain counsel—or other forms of legal support—freely and in accordance with their wishes. In practice, accused persons typically seek a lawyer they trust[26] (for example, a family lawyer, a human rights lawyer, or counsel with relevant experience in similar cases).

Remote complaints and prosecutions, however, often force counsel from Bangkok or from the accused person's home region to undertake long-distance travel. This substantially increases both time and financial costs, including transportation, meals, and sometimes accommodation. For accused persons without sufficient economic means, this can make it difficult to secure legal representation at all. As a result, some may feel compelled to forgo trusted counsel and instead retain an unfamiliar local lawyer, or—more severely—travel to give statements to the police or appear in court without any lawyer, simply because they cannot afford one.

In recent years, many defendants in politically related cases have had to rely on assistance from human rights organizations such as TLHR or networks of volunteer lawyers with relevant expertise. Yet in many instances, accused persons do not know these channels exist, or cannot contact them immediately. At the same time, legal aid organizations may not be able to provide assistance right away when proceedings take place in distant localities, particularly where they lack an established local network. As a result, accused persons may

[26] ICCPR, art. 14 (3) (b), (d).

confront the process without support, due to limited legal knowledge and an inability to exercise their rights effectively. One example is the case of "Nakhon," then a fourth-year student at Chiang Rai Rajabhat University and a freelance makeup artist, who was arrested without a lawyer present and detained during the investigation stage for 10 days at Samut Prakan Central Prison because he did not understand the legal framework and could not access timely legal assistance.[27] Another example is "Udom," who had to urgently travel by train with his wife from Prachinburi to Su-ngai Kolok, Narathiwat, after receiving a summons—without knowing what to do, whom to contact, or having anyone to consult. He later reported that police there provided no meaningful guidance, including on the right to counsel, beyond presenting evidence and formally notifying him of the charges.[28]

It should also be noted that in Thailand, local lawyers willing to take politically sensitive cases—or with experience in human rights and political litigation—remain relatively scarce compared to the demand in this category of cases, particularly in the years following the 2006 coup and amid more than two decades of sustained political conflict. In short, geographic distance from the accused person's domicile—along with distance from Bangkok, where many support organizations are based—and having to defend a case in an unfamiliar locality can create serious barriers to access to counsel and directly impair the right to legal assistance. This is inconsistent with fair trial principles under international standards.

Moreover, as a matter of due process ideals, suspects and defendants should be able to consult counsel from the outset—before giving statements, and before being informed of or questioned about the allegations. In remote cases, however, police commonly instruct an accused person to report to a distant police station at a specified date and time, or the person may be arrested pursuant to a warrant (for example, because they never received the summons),[29] and then immediately transported from their residence to the province where the complaint was filed. In some cases, travel itself may take days.[30] During this period, the accused may be unable to contact a lawyer or legal aid organization, and their regular counsel may not be able to travel immediately—especially where no local lawyer has been arranged in advance.

Consequently, legal consultation before acknowledging charges, or before being transported under such circumstances, is often minimal or effectively absent. This raises serious questions about whether accused persons truly understand the nature of the allegations, their right to make or refuse a statement, and the legal implications of signing documents—matters that are central to the right to a fair trial.

In some cases, even the process of serving summonses can itself undermine the ability to defend against remote prosecutions. For example, in the case of "Thanaphat" ("Poon Thalufah"), a Bangkok-based activist accused by Pasit Chanhua-thon under Section 112 in Su-ngai Kolok, police issued two summonses to his

[27] TLHR, "เปิดแผลใจนคร: จำเลย ม.112 ฝากขัง 10 วัน ก่อนยกฟ้อง" [Opening Nakhon's Wounds: Section 112 Defendant Detained for 10 Days Before Acquittal] (28 November 2023), accessed 18 November 2025, available at: https://tlhr2014.com/archives/61859.

[28] TLHR, "จากปราจีนบุรีถึงนราธิวาส: การเดินทางของอุดม ผู้ถูกฟ้อง ม.112" [From Prachin Buri to Narathiwat: The Journey of Udom, a Section 112 Defendant] (15 July 2022), accessed 18 November 2025, available at: https://tlhr2014.com/archives/46042.

[29] Appendix 1, Case No. 1 ("Theerawat: shared a post from the Khon Thai UK page"), 4 ("Punyaphat: posted 4 messages in the Talad Luang group").

[30] *See* Appendix 1, Case No. 34, "Phong: posted 6 Facebook messages"; Case No. 36, "Singto: commented on a Facebook post"; Case No. 41, "Jiradee: tweeted a reply on Twitter"; Case No. 51, "Watcharapong: commented in the Talad Luang group"; or Case No. 53, "Thanaphat: page showing images of a school sports day parade," among others.

Bangkok address, but he did not receive the documents. A TLHR lawyer, who travelled to Su-ngai Kolok to acknowledge charges in another case, happened to learn that Thanaphat had been summoned and that police were about to seek an arrest warrant because he had not appeared.[31] This further illustrates how "distance" can cause accused persons to lose procedural safeguards in situations where they would otherwise be able to respond appropriately—unless they receive timely legal assistance.

Finally, distance also makes communication and coordination with counsel or legal support teams substantially harder. Reliance on phone calls or online communication may be inconvenient, incomplete, or unable to capture needs and facts as effectively as in-person consultation. This directly affects the Article 14 ICCPR guarantee of "adequate time and facilities" to prepare a defense. The Office of the UN High Commissioner for Human Rights (OHCHR) has emphasized that access to counsel must be continuous and genuinely achievable in practice—not merely nominally recognized in legislation or in theory.[32]

4.2 Economic Impacts

It is widely understood that remote complaints impose a wide range of costs on accused persons, both direct and indirect—most notably travel expenses, food costs, and, in some cases, accommodation—throughout the process, from acknowledging charges and participating in investigations to attending court hearings in a distant locality.[33] In many cases, accused persons must travel across regions—hundreds or even thousands of kilometers—simply to give statements or attend procedural appointments at any stage. Where travel is required from the North or Central regions to the Deep South, the financial burden is especially severe compared with ordinary cases pursued in nearby localities. These costs are compounded by anxieties about safety when travelling to unfamiliar areas, or to locations affected by unrest, such as the Southern Border Provinces.

A clear example is the cluster of Section 112 cases in Su-ngai Kolok District, Narathiwat Province, where Pasit filed more than 20 complaints with the local police station.[34] As a result, many accused persons from across Thailand were forced to undertake long-distance travel to defend themselves. For instance, "Kanlaya," a 27-year-old woman from Nonthaburi accused of sharing posts and commenting critically about the monarchy, had to travel to acknowledge charges and appear before the court in Narathiwat. The Narathiwat Provincial

[31] iLaw, "กล่าวโทษ ม.112 ข้ามจังหวัด: ภาพสะท้อนปัญหาความผิดอาญาแผ่นดิน" [Cross-Provincial Section 112 Complaints: A Reflection of the Problem of Public Offenses] (1 April 2022), accessed 18 November 2025, available at: https://www.ilaw.or.th/articles/10064.

[32] OHCHR, *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers*, Chapter 6 (Fair Trial Part I).

[33] See details of the impacts of these cases in Case Nos. 2–4, 10–14, 16, 17, 23, 24, 26, 33, 35, 37, 40, 42, 43, and 45 in Appendix 1.

[34] *See supra* note 29.

Court sentenced her to six years' imprisonment (she is currently on provisional release pending appeal).[35] Similarly, "Chaichana," a 34-year-old man from Lamphun, was arrested at home and then transferred for detention in Su-ngai Kolok, compelling him and his family to travel more than 1,800 kilometers to defend the case. Each time, Chaichana had to travel with a guardian because he had been diagnosed with schizophrenia.[36]

Another notable case from the Southern Border Provinces is that of "Pornchai," a 38-year-old Pgak'nyau (Karen) man from Mae Hong Son who later moved to Bangkok for work. He was reported under Section 112 in conjunction with the Computer Crime Act at Bannang Sata Police Station in Yala Province by Wacharin, a former member of the PDRC protest movement. At the time, Pornchai was already being temporarily detained at Chiang Mai Central Prison in connection with a previous complaint filed by another former PDRC participant. This led investigators from Bannang Sata Police Station to travel to Chiang Mai Central Prison to notify him of the new charges. After securing bail, Pornchai then had to travel repeatedly between northern and southern provinces to defend multiple cases.[37]

A further cluster of remote cases that generated heavy travel burdens—again stemming from a single complainant—involved Siwaphan, who used Bang Kaeo Police Station in Samut Prakan Province as a key base to file more than 10 complaints against individuals living in different provinces.[38] One example is the case of "Nakhon," accused of sharing a post from the "Kon Thai UK" page. He had to travel more than 800 kilometers from Chiang Rai and spent nearly three years defending the case, only to have both the trial court and the Court of Appeal dismiss the charges.[39] These examples illustrate the scale of financial pressure placed on accused persons who must repeatedly find money to undertake long-distance travel, often many times over.

The frequency of travel to police stations or courts in remote cases is typically high and can continue over extended periods, generating cumulative harm to both finances and quality of life. Many political cases take two to three years—or longer—from the investigation stage to a first-instance judgment, and appeals further prolong proceedings. Accused persons may have to report to authorities or attend court hearings countless times throughout this period. For example, "Tee Wanwaree" and two co-defendants had to travel continuously from Bangkok to the Chiang Mai Provincial Court for more than four years, beginning with allegations made in late 2020. This period encompassed acknowledging charges (early 2021), detention and bail proceedings, plea and case-management hearings, disclosure and witness-evidence conferences, multiple witness examination hearings throughout 2022–2023, and the first-instance judgment in late 2023.[40] In practical terms, defendants must repeatedly arrange time off work, pause their studies, or suspend business activities in order to travel to court dozens of times over several years—inevitably losing income and professional opportunities.

35 TLHR, "ชีวิต 'กัลยา' ในวันที่ถูกขังไกลบ้านด้วย ม.112 จำคุก 6 ปี ที่เรือนจำนราธิวาส" [The Life of "Kanlaya" While Detained Far From Home Under Section 112: Six Years' Imprisonment at Narathiwat Prison] (11 December 2023), accessed 21 November 2025, available at: https://tlhr2014.com/archives/62152.

36 TLHR, "ยกฟ้อง 'ชัยชนะ' ผู้ป่วยจิตเวช คดี ม.112: ศาลอุทธรณ์ภาค 9 ยืนตามชั้นต้น" [Acquittal of "Chaichana," a Psychiatric Patient, in a Section 112 Case: Region 9 Court of Appeal Affirms the Trial Court] (15 February 2024), accessed 19 November 2025, available at: https://tlhr2014.com/archives/64849

37 TLHR, "การต่อสู้ของ 'พรชัย': จากคนจรบนดอยสู่จำเลย ม.112" [The Struggle of "Pornchai": From a Wanderer in the Highlands to a Section 112 Defendant] (11 March 2023), accessed 19 November 2025, available at: https://tlhr2014.com/archives/54204

38 *Supra* note 29.

39 *Supra* note 25.

40 TLHR, "จับตาฟังคำพิพากษาอุทธรณ์คดี ม.112 ของ 'ตี้–วรรณวลี' และเพื่อน: คดีเกิดกรุงเทพฯ แต่ถูกฟ้องเชียงใหม่" [Watching the Appeal Judgment in the Section 112 Case of "Tee–Wanwaree" and Friends: The Case Arose in Bangkok but Was Prosecuted in Chiang Mai] (23 July 2025), accessed 19 November 2025, available at: https://tlhr2014.com/archives/77024.

Repeated travel also entails indirect economic burdens: lost earnings and work disruptions for accused persons, and sometimes for family members or friends who travel to provide support or visit during detention. Many families must borrow money to meet these demands, and in some cases community networks and activist groups have had to fundraise or establish support funds so that accused persons can attend court on time and comply with every appointment.[41] These economic burdens may not appear as part of "formal legal punishment," yet they can profoundly affect the livelihoods of accused persons and those around them.

4.3 Impacts on Families and the Right to Maintain Social and Family Relationships

Remote complaints do not affect only the accused person's ability to defend a case or the financial burdens they must bear. They also impose significant impacts on the accused person's family and relatives. In practice, families may be required to travel long distances to visit—incurring transportation, food, and sometimes accommodation costs—while also losing time that would otherwise be spent working or caring for other family members. For many defendants in politically related cases who are detained in provinces far from their domicile—such as prisons in the South or other unfamiliar localities—the combined burden of travel costs and time for visitation can be overwhelming. Some families are able to visit only infrequently, which effectively isolates the defendant from emotional and economic support networks. The family impact also includes emotional distress and anxiety—about the outcome of the case, the family's future livelihood, and the accused person's safety given the need for repeated long-distance travel throughout the proceedings.

According to information collected by TLHR, the nature of these anxieties varies depending on the accused person's role and circumstances. In some cases, the accused is the family's primary breadwinner—for example, "Meechai," who supported both his mother and daughter yet had to travel from Koh Chang, Trat Province, to defend a case in Samut Prakan;[42] or "Chatmongkhon," a security guard from Pathum Thani who was accused in a distant venue as far as Chiang Rai while also needing to care for his mother and grandmother.[43] In other cases, the accused is a child, a patient, or a person with disabilities requiring special care. Examples include "Punyaphat," a person with developmental delay accused at Bang Kaeo Police Station in Samut Prakan, who had to be accompanied by his 57-year-old mother every time;[44] "Thiramet," a person with an intellectual

[41] *See* Appendix 1, Case No. 8 ("Pornchai: requested assistance from the Ratsadonprasong Fund"), and Case No. 12 ("Udom: requested assistance from the Da Torpedo Fund").

[42] TLHR, "รู้จัก 'มีชัย' พนักงานโรงแรมจากเกาะช้าง ผู้ต้องขังคดี ม.112 ที่สมุทรปราการ" [Getting to Know "Meechai," a Hotel Employee From Koh Chang and a Section 112 Detainee in Samut Prakan] (29 November 2024), accessed 19 November 2025, available at: https://tlhr2014.com/archives/71298.

[43] TLHR, "ชีวิต–จิตใจของ 'บอส–ฉัตรมงคล' หนุ่ม รปภ. ผู้เผชิญหน้าคดี ม.112" [The Life and Mental State of "Boss–Chatmongkhon," a Young Security Guard Facing a Section 112 Case] (23 March 2023), accessed 20 November 2025, available at: https://tlhr2014.com/archives/54603.

[44] TLHR, "ความหวังของแม่ 'ปุญญพัฒน์' เมื่อลูกชายผู้ป่วยพัฒนาการช้า ถูกดำเนินคดี ม.112" [A Mother's Hope for "Punyaphat" After Her Son, Who Has Developmental Delay, Was Prosecuted Under Section 112] (20 November 2023), accessed 20 November 2025, available at: https://tlhr2014.com/archives/61492.

disability (Disability Category 5) accused in distant Phatthalung and requiring assistance to travel;[45] and “Kuy,” a resident of Pathum Thani with a psychiatric condition who became a defendant in a libel case filed by Saksayam Chidchob in Buriram.[46]

From a human rights perspective, remote complaints generate harmful consequences that may conflict with relevant international principles in this domain. Most notably, they can run counter to Rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules[47]). Rule 58(1) sets out a clear normative value:

> *“Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals: (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and (b) By receiving visits.”*

The phrase “at regular intervals” is particularly important: contact with family should not be a privilege exercised only when “officials are convenient,” but a right that must be effectively accessible in practice. Where detention is imposed in a province that requires families to travel hundreds—or thousands—of kilometers, or more than a day each way, visit frequency can fall to near zero in practice.[48] To reinforce the real-world implementation of this minimum standard, Rule 59 further provides that the State should place detained persons near their homes:

> *“Prisoners shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation.”*

Illustrations of practices that violate Rule 58 include limiting family visits to only once or twice a year without necessity, prohibiting telephone or electronic communication despite available infrastructure, or transferring detainees to remote facilities in order to make family access difficult.[49]

In Thailand’s context, the problem of remote complaints or prosecutions can lead to Rule 58 being violated in practice. Even where there is no explicit, formal order restricting visits, the sheer burden of distance and related costs can operate as an indirect restriction. This is particularly acute where courts deny bail: suspects may be remanded to prisons in the province where the complaint was filed, or later imprisoned far from home after conviction. The outcome is the same—families cannot visit with any regularity—amounting to a de facto breach of Rule 58 through “distance-based barriers,” which further increases the procedural vulnerability of the accused.

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[45] Prachatai, “อัยการสั่งฟ้องคดี ม.112 ‘เด็กพิเศษ’ ผู้บกพร่องสติปัญญา ก่อนศาลให้ประกันตัว” [Prosecutor Indicts a “Special Needs Child” With Intellectual Impairment Under Section 112 Before the Court Grants Bail] (12 July 2025), accessed 20 November 2025, available at: https://prachatai.com/journal/2025/07/113694.

[46] TLHR, “ปรับ 8,000 บาท จำคุก 30 วัน ก่อนให้รอลงอาญา คดี ‘ศักดิ์สยาม’ แจ้งความ ‘ผู้ป่วยจิตเวช’ ดูหมิ่นฯเหตุคอมเมนท์ภาพชาย-หญิงถอดเสื้อผ้าในเฟซบุ๊ก” [Fine of 8,000 Baht and 30 Days’ Imprisonment, Suspended: In the “Saksayam” Case, a “Psychiatric Patient” Was Reported for Insult Based on a Facebook Comment on an Image of a Man and Woman Undressing] (20 November 2021), accessed 15 November 2025, available at: https://tlhr2014.com/archives/38034.

[47] United Nations, *Standard Minimum Rules for the Treatment of Prisoners* (Nelson Mandela Rules), GA Res 70/175, U.N. Doc. A/RES/70/175 (17 December 2015).

[48] Penal Reform International (PRI), *Making the Mandela Rules a Reality* (2016), 12–15.

[49] PRI, *Guidance Document on Mandela Rules*; UNODC, *Handbook on the Nelson Mandela Rules* (2021).

Indeed, legal-communication constraints—such as difficulties meeting counsel, exchanging documents, or receiving confidential legal advice (as discussed in Section 4.1)—also undermine the purpose of Rule 58 and directly relate to Article 14(3)(b) of the ICCPR, which guarantees adequate time and facilities to prepare a defense.[50]

Of course, the Nelson Mandela Rules are not a treaty and do not create legally binding obligations in the same way as the ICCPR. But the principles at stake are not merely "moral advice" or a matter of discretionary compassion by officials. They are minimum standards reflecting the right of persons deprived of liberty to maintain contact with the outside world—a key aspect of human dignity and of the right to sustain social and family relationships. These relationships are also closely linked to rehabilitation, prevention of reoffending, mental health, and social reintegration—central aims of modern criminal justice systems.

Neglecting this right is therefore not merely an internal prison-management issue; it constitutes a diminution of fundamental human rights. Moreover, when interpreting ICCPR protections more broadly—not only Article 9 on liberty and pre-trial detention but also Article 17, which protects privacy and family life from unlawful or arbitrary interference[51]—the relevance becomes even clearer. The UN Human Rights Committee has explained that "arbitrary interference" is not limited to acts that violate domestic law; it also includes interference that is unnecessary, disproportionate, or unreasonable.[52] Accordingly, transferring or holding a detained person in a location that family members cannot realistically reach—absent security-based or criminal-justice necessity—can amount to a practical restriction on family life and therefore an arbitrary interference under Article 17, even without a direct order prohibiting visits.

When returning to the remote cases monitored by TLHR, it is evident that among the 66 cases, there are multiple instances in which accused persons were detained at various stages in places far from their domicile because bail was denied—for example, "Pornchai," who lived in Bangkok but faced allegations in both Chiang Mai and Yala;[53] "Phong," from Phuket, accused by a member of the People's Center for the Protection of the Monarchy at the Technology Crime Suppression Division in Bangkok;[54] "James Nattakarn," from Bangkok, remanded in Phatthalung through the investigation stage;[55] "Wijit," from Khon Kaen, compelled to litigate in Bangkok and denied bail pending appeal.[56] In the most extreme instances, the issue extends to post-conviction imprisonment far from home, such as "Tanaporn," ultimately imprisoned at Thonburi Women's Correctional

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[50] ICCPR, art. 14(3)(b) ("adequate time and facilities for the preparation of defence").

[51] ICCPR, art. 17(1) ("protection against arbitrary or unlawful interference with privacy, family, home, correspondence").

[52] Human Rights Committee, General Comment No. 16: ICCPR art. 17 (Right to Privacy) (1988).

[53] *Supra* note 35.

[54] TLHR, คดี "พงษ์: ชายภูเก็ตวัย 59 ถูกกล่าวหาโพสต์เฟซบุ๊ก 6 โพสต์" [Case: "Phong: 59-Year-Old Phuket Man Accused of Posting 6 Facebook Posts"], accessed 28 November 2025, available at: https://database.tlhr2014.com/public/case/1898/lawsuit/673/.

[55] TLHR, "วันเกิดปีที่ 38 ในคุก: บันทึกเยี่ยม 'เจมส์–ณัฐกานต์' ผู้ต้องขังคดี ม.112 ถูกขังไกลถึงพัทลุง" [38th Birthday in Prison: Notes From a Visit to "James–Natthakarn," a Section 112 Detainee Held as Far Away as Phatthalung] (17 January 2024), accessed 28 November 2025, available at: https://tlhr2014.com/archives/63244.

[56] TLHR, "โพสต์เมื่อสิบปีที่แล้ว: จำคุก 'วิจิตร' 20 ปี ก่อนลดเหลือ 10 ปี เหตุโพสต์ 10 โพสต์ช่วงรัฐประหาร 57" [Posts From Ten Years Ago: "Wijit" Sentenced to 20 Years' Imprisonment, Reduced to 10 Years, for 10 Posts During the 2014 Coup Period] (18 March 2025), accessed 3 December 2025, available at: https://tlhr2014.com/archives/73936.

Institution despite being domiciled in Uthai Thani,[57] and "Hom Daeng," from Phetchabun, sentenced to imprisonment at Bangkok Remand Prison.[58]

4.4 Impacts on the Physical and Mental Health of Accused Persons

Pre-trial detention is, by its nature, a form of liberty deprivation that generates a significantly heightened level of mental-health vulnerability. Research in legal psychology indicates that having to endure prolonged justice processes marked by high uncertainty—particularly at the pre-trial stage—is associated with levels of anxiety and depression higher than those found in the general population.[59] Contemporary research published in 2025 examining detainees across different forms of detention similarly suggests that people who are held in temporary custody or in pre-trial detention constitute an especially high-risk group. This vulnerability is not attributable to personal factors alone; it also reflects the structural effects of a criminal justice process that cannot yet clearly determine an individual's "case status." Uncertainty about future liberty, indeterminate periods of confinement, and limited access to supportive resources all compound stress, anxiety, and other psychological symptoms.[60] Being separated from family, or from networks that provide assistance and material support, further elevates the risk of mental-health problems.

A systematic literature review[61] also shows that detainees' social contact and access to social support are directly related to mental health—particularly common mental disorders (CMDs) such as depression, anxiety, and post-traumatic stress disorder (PTSD). The findings indicate that both perceived social support and objective social support are negatively associated with psychological symptoms, whereas isolation or loneliness is associated with increased PTSD symptoms among detainees. From the perspective of international human rights law, these findings are significant for interpreting Article 14 of the ICCPR on the right to a fair trial, because deteriorating mental health caused by diminished contact with family and support networks may directly undermine a detainee's ability to understand the charges, communicate with legal counsel, prepare

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57 TLHR, "'อยากเป่าเค้กวันเกิดกับลูกอีกสักครั้ง': สัมภาษณ์ 'ธนพร' แม่ลูกอ่อน จำเลย ม.112 ใกล้ฟังคำพิพากษา" ["I Want to Blow Out Birthday Candles With My Child One More Time": Interview With "Tanaporn," a Young Mother and Section 112 Defendant, Ahead of the Judgment] (23 May 2024), accessed 3 December 2025, available at: https://tlhr2014.com/archives/67106.

58 TLHR, "ชีวิต 'หอมแดง' พ่อค้าผักจากเพชรบูรณ์วัย 59 ปี ผู้ต้องขังคดี ม.112" [The Life of "Hom Daeng," a 59-Year-Old Vegetable Vendor From Phetchabun and a Section 112 Detainee] (10 September 2025), accessed 3 December 2025, available at: https://tlhr2014.com/archives/78304.

59 *See* Collica-Cox, K., Day, G.J., Maruszewski, C. & Bennett, A., "Coping with Depression, Anxiety & Stress: The Healing Effects of a Jail-Based Trauma Sensitive Yoga Program," *Issues in Mental Health Nursing* 45(2) (2024): 152–163, which is a study on the effects of detention on mental health and found high levels of depression and anxiety among pretrial detainees.

60 Schnyder, N., Endrass, J., Albrecht, J.N. et al., "Prevalence and Risk Factors of Mental Health Symptoms of Individuals in Different Detention Settings," *BMC Psychiatry* 25, 847 (2025).

61 Machado, N., Abreo, L., Petkari, E. & Pinto da Costa, M., "The Relationship of Social Contacts with Prisoners' Mental Health: A Systematic Review," *Public Health* (2024).

a defense, and participate effectively in judicial proceedings—especially in the case of pre-trial detainees who continue to benefit from the presumption of innocence.

In light of the above research, it should be clear that remote criminal complaints and prosecutions can have substantial adverse effects on the mental health of accused persons. Being prosecuted far from one's place of residence reduces the frequency of visits and communication with family and supporters, which are key factors in psychological adjustment for individuals facing criminal proceedings. Studies also suggest that those placed far from their home communities experience higher rates of behavioral and emotional problems.[62] When coupled with the economic burden and high travel costs, cumulative stress becomes a mechanism that erodes both physical and mental health. Empirical examples from TLHR's remote case data include the case of "Arm," who had to take leave from work to travel from Koh Phangan in Surat Thani Province to defend a case in Kamphaeng Phet Province more than 10 times, affecting his ability to earn an income. He experienced chronic stress, insomnia, recurring dreams about imprisonment, and avoidance of information related to his case.[63] Another example is "James Natthakarn," a Bangkok resident and one of more than 15 people accused by Songchai of the "Prachaphak Pitak Sathaban" group to various police stations in Phatthalung Province. James had already been receiving treatment for depression at the Galya Rajanagarindra Institute, but while he was held in police custody for an extended period in Phatthalung, he did not receive any antidepressant medication—even though he informed officials and doctors there. As a result, he suffered insomnia; combined with anxiety about his case and the unfamiliar environment and rules of the detention facility, his condition worsened.[64]

At a minimum, the factors affecting mental health outcomes for accused persons in remote cases may be grouped into three categories:

1. **Chronic uncertainty and loss of control.** For an accused person, being reported and prosecuted far from home means having to live continuously under the scheduling demands of police and provincial courts—whether for charge acknowledgement, investigative appointments, indictment hearings, waiting for bail decisions, trial dates, or judgment readings. Not knowing in advance how the case will unfold, or the risk of being detained at each appearance, is a source of chronic anxiety that can lead to insomnia, rumination, and heightened vigilance—symptoms frequently noted in pre-trial detention research among those who are "waiting" for case outcomes under high uncertainty. When an accused person feels they have no control even over the location where they must fight the case (because the venue is determined by the complainant), this further entrenches a psychological state in which repeated experiences teach the person that no matter what they do, they cannot change the outcome (learned helplessness), thereby weakening motivation to sustain a defense over time.

[62] Lindsey, A.M., Mears, D.P., Cochran, J.C., Bales, W.D. & Stults, B.J., "In Prison and Far from Home: Spatial Distance Effects on Inmate Misconduct," *Crime & Delinquency* 63(9) (2015): 1043–1065.

[63] TLHR, "ศาลฎีกาแก้เป็นให้รอการลงโทษจำคุก-คุมประพฤติ คดี ม.112 ของ "อาร์ม" กรณีโพสต์คลิป TikTok คุยหยอกแมว" [Supreme Court Modifies Sentence to a Suspended Term of Imprisonment and Probation in "Arm's" Section 112 Case Concerning a TikTok Clip Playfully Talking to a Cat] (4 June 2025), accessed 7 December 2025, available at: https://tlhr2014.com/archives/75790.

[64] *Supra* note 55.

2. **Financial strain.** As noted above, repeated travel to other provinces creates extensive costs—transportation, accommodation, and the indirect economic losses borne by both the accused and their family. Criminological research indicates that financial strain is a key factor that increases psychological stress, accelerates depressive symptoms, and significantly undermines self-worth and self-esteem, particularly in low-income households or among self-employed persons without social security protections. For accused persons, economic burdens may become intertwined with guilt and the perception of being a burden on their family—manifesting emotionally as feeling responsible for their parents', spouse's, or children's hardship. Over time, this may develop into depression or self-directed anger, as can be seen in cases such as "Boonlue."[65]

3. **Disconnection from social support networks.** Being cut off from social support can increase the risk of psychological trauma in both severity and duration. A substantial body of research[66] shows that maintaining family relationships during criminal proceedings or detention significantly reduces stress and helps prevent mental-health problems. Remote prosecutions and pre-trial detention in prisons far from home can weaken—or eliminate—emotional protective factors, because families cannot consistently mobilize the resources needed to travel for visits. This is especially true in politically sensitive cases or where state pressure is present. Encounters with law enforcement authorities in an unfamiliar environment, combined with the absence of close support, may contribute to a process in which the individual internalizes traumatic events—absorbing them into their identity, perceptions, and sense of life meaning—rather than experiencing them as external events that happened to them. This can lead to PTSD-like symptoms, such as panic upon seeing another summons or the name of the police station or province again, or even avoiding public activities and political expression in the future.

Chronic stress and depression affect concentration, memory, risk–benefit assessment, and decision-making, with significant consequences for cognition and legal choices. Legal psychology research notes that individuals under intense stress from justice processes may be more likely to accept offers—such as pleading guilty or confessing "to get it over with"—even when they believe they did not commit an offense, simply to end psychological suffering and the economic burdens associated with the case.[67] In the context of remote prosecutions, this can be understood to mean that processes designed to impose sufficiently heavy burdens increase the likelihood that accused persons will "give up" in various ways, directly undermining the right to mount an effective defense. A clear example is the "Boonlue" case: after repeatedly enduring 1,250-kilometer journeys from Uttaradit to Phang Nga to fight the case, he ultimately lost heart and pleaded guilty to bring the proceedings to an end—so he could start a new life and return to being his family's main provider.[68]

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[65] TLHR, "กฎหมายไม่ได้ศักดิ์สิทธิ์แล้ว มันอยู่ที่ว่าคุณอยู่ฝ่ายไหนมากกว่า" – คุยกับ 'บุญลือ' ผู้จำใจรับสารภาพ คดี 112 เมนต์ความจำเป็นต้องปฏิรูปสถาบันฯ ก่อนศาลพิพากษาจำคุก 3 ปี" ["The Law Is No Longer Sacred; It Depends More on Which Side You Are On" – A Conversation With "Boonlue," Who Was Forced to Plead Guilty in a Section 112 Case for Commenting on the Need to Reform the Monarchy Before the Court Sentenced Him to Three Years' Imprisonment] (23 September 2022), accessed 10 December 2025, available at: https://tlhr2014.com/archives/48724.

[66] Zalta, A.K. et al., "Examining Moderators of the Relationship Between Social Support and Self-Reported PTSD Symptoms: A Meta-Analysis," *Psychological Bulletin* 147(1) (2021): 33–54; Panagioti, M. et al., "Perceived Social Support Buffers the Impact of PTSD on Suicidal Behavior," *Comprehensive Psychiatry* 55(1) (2014): 104–112.

[67] Orth, U., "Secondary Victimization of Crime Victims by Criminal Proceedings," *Social Justice Research* 15 (2002): 313–325; Clemente, M. & Padilla-Racero, D., "The Effects of the Justice System on Mental Health," *Psychiatry, Psychology and Law* 27(5) (2020): 865–879.

[68] *Supra* note 65.

As for impacts on physical health, beyond physical deterioration stemming from mental-health problems (for example, anxiety-induced insomnia), repeatedly undertaking long journeys—sometimes with family members—over extended periods inevitably affects the body. The severity of these impacts often correlates with economic capacity and mode of travel. In cases prosecuted as far away as Phatthalung or Narathiwat, even if an accused person can afford to fly, they may still need lengthy onward travel by road to reach the police station. This is all the more burdensome for those who must travel by bus or train, which is both more arduous and far more time-consuming. The case of "Tiwagorn" illustrates a concrete physical-health consequence: during the COVID-19 period, when public transport services were suspended, he had to ride a motorcycle from Khon Kaen to defend a case in Lampang, leading to severe back pain; he was ultimately diagnosed with a herniated disc compressing a nerve.[69]

4.5 Impacts on the Criminal Justice System (Wielded as a Political Instrument)

The study of remote criminal complaints and prosecutions highlights a distinctive pattern in which the criminal justice system is used as a political instrument. Rather than aiming to address crime, this pattern operates to impose legal costs on political dissent in a systematic way—through strategic venue selection (forum shopping), the fragmentation of proceedings into multiple cases across multiple provinces, and the application of criminal law to political expression that falls within the scope of fundamental rights under international human rights standards, such as Articles 19 and 21 of the ICCPR. This trend is consistent with findings by human rights organizations noting a significant rise in political cases in Thailand since 2020, and the use of justice processes to retaliate against public political participation. [70]

A key feature of remote prosecutions is that complainants or political groups choose to file complaints in provinces far from the accused person's place of residence, even though the alleged conduct occurred online or in other locations with a closer connection to the events. Structuring proceedings in this way turns "geography" into a tool for imposing burdens on defendants, who must bear economic and time costs as well as constraints on access to legal counsel—especially counsel they trust or counsel with expertise in political cases. Such venue selection therefore goes beyond the ordinary exercise of legal rights; it functions as the "design" of burdens intended to obstruct an effective defense and to extend the strategic advantage of the state or political groups over dissenters. This resembles "punishment by process" more than punishment

[69] TLHR, "การเสนอให้ทำประชามติเป็นหนึ่งในวิถีทางประชาธิปไตย: บนถนนหนทางสู้คดี ม.116 ของ "ทิวากร" จากขอนแก่นสู่ลำปาง" [Proposing a Referendum Is One Democratic Means: On the Road of "Tiwagorn's" Section 116 Defense From Khon Kaen to Lampang] (2 October 2022), accessed 10 December 2025, available at: https://tlhr2014.com/archives/49098.

[70] The Matter, "ทำไมต้องนิรโทษกรรมประชาชน? คุยกับ ทนายเมย์–พูนสุข พูนสุขเจริญ" [Why Is Amnesty for the People Necessary? A Conversation With Lawyer May—Poonsuk Poonsukcharoen] (2 February 2024), accessed 13 December 2025, available at: https://thematter.co/social/amnesty-people/221786; Thai Lawyers for Human Rights, "ผู้ถูกดำเนินคดีทางการเมืองในยุคหลังปี 2563 จำนวนกว่า 1,218 คน อาจไม่ได้ประโยชน์จากร่างกฎหมายนิรโทษกรรม 3 ร่าง ที่สภารับรอง" [More Than 1,218 People Prosecuted in Political Cases Since 2020 May Not Benefit From the Three Amnesty Bills Approved by Parliament] (17 July 2025), accessed 13 December 2025, available at: https://tlhr2014.com/archives/76880.

through a final judgment. Accordingly, winning or losing in court is not the true objective of those who pursue cases in this manner.

One pattern evident in the statistical data is that the "same act"—particularly online expression—is reported in multiple provinces simultaneously, resulting in multiple case files against a single person, as in the case of "Pornchai."[71] The consequence is that defendants must travel to several courts or police stations within overlapping timeframes, producing exhaustion, loss of income, and psychological pressure. This duplication is a form of using the justice process to deter or obstruct political participation, and it aligns with observations by international human rights organizations that the enforcement of criminal law against political dissent in Thailand functions more as political repression than as the protection of public order.[72]

Although SLAPPs (Strategic Lawsuits Against Public Participation) are often associated with civil litigation, in Thailand the use of criminal cases to silence activists, human rights defenders, and those who express political views has been identified by international organizations as a form of criminal SLAPP. This includes Sections 112 and 116 of the Criminal Code, the Computer Crime Act, and other special laws such as the Emergency Decree and the Referendum Act. Adding a "long-distance" dimension makes such SLAPP tactics even more effective in suppressing dissent and imposing disproportionate burdens on the accused. In these cases, the burden is not merely having to appear in court, but being compelled to appear in a court far from home; not merely having to find a lawyer, but being forced to find new counsel in another province; and not merely losing a few hours per week, but having one's entire life disrupted because each court appearance consumes multiple days. Burdens at this scale amount to the use of law to destroy the balance of proceedings and to distort the principle of equality of arms under Article 14 of the ICCPR. When considered alongside the fact that many political defendants are detained pending trial or experience severe health deterioration, it becomes even clearer that substantial "punishment" is imposed before any final judgment—constituting a direct violation of due process rights.

This "remote complaint and prosecution" phenomenon also produces structural harm to the rule of law and to democratic processes for several reasons. First, the imposition of abnormally high costs of defense restricts freedom of expression through a "chilling effect," leading people to avoid public interest issues out of fear of litigation—especially as reports of long-distance prosecutions, and political prosecutions in particular, circulate widely and create a shared public understanding that political expression carries the risk of being prosecuted far from home or of being forced to fight cases in multiple provinces. Second, criminal law is transformed into a "political arena" (judicialization of politics), which not only burdens the courts with roles that should belong to other political institutions, but also distorts political competition that should be fair in a democratic society.

In summary, remote criminal complaints and prosecutions form part of a broader structure through which the criminal justice process becomes a systematic political instrument. This is not merely a matter of isolated

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71 *Supra* note 44.

72 *See* Human Rights Watch, *To Speak Out Is Dangerous: Criminalization of Peaceful Expression in Thailand* (October 2019) 29, accessed 17 December 2025, available at: https://www.hrw.org/sites/default/files/report_pdf/thailand1019_web.pdf, which points to the widespread enforcement of the Computer Crime Act and Section 112, as well as other provisions such as Section 116 and defamation laws, against dissenters, and to the pattern of extensive case multiplication.

cases, but a pattern tied to Thailand's political dynamics since 2020. Studying this phenomenon therefore helps expose the structural mechanisms that impose burdens on political dissenters and underscores the need for reforms: reform of criminal laws, procedural rules, oversight of venue selection in filing complaints, and the development of effective anti-SLAPP measures applicable to criminal cases—so that the system aligns with international human rights standards and the global rule-of-law framework.

5. Legal Factors Enabling Remote Criminal Complaints or Prosecutions in Thailand

Chapter 5 of this report analyzes the legal factors that facilitate or give rise to the phenomenon of remote complaints or prosecutions in Thailand. It argues that the problem does not stem only from complainants' behavior or from how the law is enforced in practice; rather, it is rooted in the structural design of Thailand's criminal law and criminal procedure law themselves. This includes: the legal status of certain offenses as offenses against the State; the nature of online cases, which makes the concept of the "place where the offense occurred" ambiguous; the absence of mechanisms to regulate the choice of venue for filing complaints or initiating prosecutions from the outset; and the limitations of case-transfer mechanisms within the Thai legal system. Accordingly, this chapter seeks to show that remote complaints or prosecutions are an outcome consistent with the logic and discretion that the law itself permits—enabling the criminal justice process, in structural terms, to be used as a tool to impose burdens and exert pressure on the accused.

5.1 The "Offense Against the State" Status of Section 112 and Its Impact on Venue Selection

Data from TLHR's case monitoring indicates that one key legal factor enabling the phenomenon of remote complaints or prosecutions in Thailand is Section 112 of the Thai Criminal Code. Section 112—being the principal charge in most cases involving remote complaints or prosecutions—is classified under offenses against the security of the State and treated as an offense against the State (a public offense). As a result, the initiation of criminal proceedings does not depend on the will of, or concrete harm suffered by, a specific individual victim. Instead, it allows any person to file a complaint prompting the State to prosecute another person. When a provision like Section 112 is applied to expression or communication in the online sphere—which, by its nature, lacks clear geographic boundaries—this further enables complaints and prosecutions to be initiated in venues far from the accused's domicile, without any need to demonstrate a concrete and specific connection to that locality.

Because Section 112 does not identify a "victim" in the sense of a directly injured party, cases of this kind lack the preliminary filtering mechanisms commonly found in ordinary criminal offenses. In other words, there is no requirement to assess the relationship between the complainant and the alleged conduct, or to establish individualized, actual harm. Procedurally, the absence of a defined victim makes the cost of initiating a case extremely low for the complainant, while shifting almost all the costs of being charged or prosecuted onto the accused—time, expenses, travel, and the psychological burden of being drawn into the criminal process. This structure tends to divert criminal proceedings away from their core function of truth-seeking and justice, and toward becoming a tool that private individuals can use to impose burdens on others through State machinery, without bearing comparable responsibility—especially where the State does not impose rights-based or venue-based safeguards sufficient to check such use of power.

In summary, the combination of (1) public-offense status, (2) the absence of a defined victim, and (3) jurisdictional ambiguity in online-content cases gives Section 112 a high potential to be used as "process as punishment." Remote complaints or prosecutions under Section 112 are therefore not merely a technical problem of investigative or judicial jurisdiction. Rather, they are the foreseeable result of a legal architecture that facilitates the criminal process being used to silence (through a chilling effect) or to impose punitive burdens on the accused—without requiring proof of individualized harm, and without regard, from the outset, to proximity to the defendant's domicile or the defendant's ability to mount a fair defense.

5.2 The Ambiguity of the Concept of the "Place Where the Offense Occurred" in Online Cases

Another legal factor that plays an important role in enabling the phenomenon of remote complaints or prosecutions in Thailand is the concept of the "place where the offense occurred," which serves as the anchoring point for determining both court jurisdiction and investigative jurisdiction under Thailand's Criminal Procedure Code. The structure of Thai criminal procedure places primary emphasis on the place where the offense occurred, is alleged to have occurred, or is believed to have occurred as the basis for determining which court has jurisdiction to hear a case (Section 22) and which investigator in which locality has authority to investigate or is the responsible investigator (Section 18).

However, when Sections 18 and 22—designed on the assumption that offenses occur in the physical world and at a clearly identifiable location—are applied to cases involving communication or expression online, the meaning of "occurred, alleged, or believed to have occurred" has been interpreted expansively. It is treated as though the offense can occur anywhere in the Kingdom simply because the "message or content" posted online can be accessed from anywhere. As a result, an investigator in any locality where the content is opened and viewed may accept a complaint and begin an investigation, even where there is no concrete factual link to that locality. In this way, the place where the "effects of the act appear" can be invoked in virtually any area, with little to no geographic limitation.[73]

Procedurally, this phenomenon allows court and investigative jurisdiction to be used as the legal basis for filing complaints or prosecutions in locations far from the accused's residence or community. Jurisdictional rules—originally intended to allocate responsibilities among courts and investigators in an orderly way—are thus repurposed as a tool to designate the venue of proceedings at the discretion of complainants or state officials, without regard to the locus of the alleged conduct or the locality closest to the suspect's or defendant's residence, which bears directly on their ability to access justice fairly. This dynamic is especially significant in cases involving expression, opinion, or political communication.

A Council of Europe report on "Liability and Jurisdictional Issues in Online Defamation Cases" notes that online defamation creates a "cross-border" form of wrongdoing, because content published once can generate harm in multiple countries simultaneously. This gives plaintiffs multiple choices of forum and produces "forum shopping," meaning the selection of a jurisdiction most favorable to the plaintiff, even if it has only a minimal connection to the dispute.[74] This concern is partly analogous to Thailand's context—especially in cases involving political expression on social media—where accused persons are often subjected to remote complaints or prosecutions in provinces far from their domicile and everyday life, even though the conduct at issue occurred online.

The same report stresses that forum shopping is not merely a technical issue of private international law, but a direct human rights problem, because it generates jurisdictional uncertainty, prevents defendants from predicting where they will have to defend themselves, imposes high costs, and can expose them to duplicative proceedings in multiple venues.[75] This situation also produces a chilling effect on freedom of expression and undermines equality of arms, a core element of the right to a fair trial.

The Council of Europe report proposes several approaches to mitigate the harms of forum shopping, such as limiting jurisdiction to courts where the case has a "genuine" connection to the alleged wrongdoing, keeping damages proportionate, and preventing the use of defamation litigation as a silencing tool (SLAPP).[76] These lessons are relevant to Thailand, as they underscore the need to reconsider the "place where the offense occurred" framework for online cases, as well as mechanisms for transferring or consolidating cases, and the exercise of discretion by investigators and courts so that practice aligns with fairness, freedom of expression, and protection of the accused in the digital era.

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73 Supreme Court Judgment No. 319/2017: The first defendant's Matichon daily newspaper was distributed and circulated throughout the Kingdom, while the Matichon Online website was disseminated through an electronic communications system, allowing interested persons to follow the news throughout the Kingdom as well. It was therefore held that the acts alleged in the complaint occurred throughout the Kingdom. Accordingly, the plaintiff was entitled to file this case before the court of first instance, and this did not constitute an abuse of rights or bad-faith exercise of rights.

74 Council of Europe, "Liability and Jurisdictional Issues in Online Defamation Cases," U.N. Doc. DGI (2019) 04, 6–7.

75 *Id.*, Chapter 1(ii), 7–9 (chilling effect, equality of arms, ECHR art. 6, 10, 13).

76 *Id.*, Conclusion & Good Practices, 18–21.

One additional clarification is necessary. Determining jurisdiction in criminal cases involving online expression—especially where the offense is framed as an offense against the state or national security (with Section 112 being the primary charge underlying remote complaints or prosecutions in the TLHR dataset)—differs in significant ways from online defamation cases (as discussed in the Council of Europe report). Defamation—in the context of Sections 326 and 328 of the Criminal Code—generally involves an identifiable injured party. Linking jurisdiction and investigative authority to the place where the injured party is located, or where reputation is harmed—which in practice often means where the injured party sees the online content—can still be explained through a concrete relationship between the dispute and the venue. Put simply, there remains a "justice-based logic" that the court or police station in that area is genuinely connected to the case.

By contrast, in state-security-type offenses arising from online expression, the alleged harm is abstract and the injured party is defined broadly as "the state" or "societal security," rather than tied to any particular locality. If the interpretive rule "wherever the content is viewed is where the offense occurred" is applied to such offenses, jurisdiction—both judicial and investigative—expands without meaningful limit and can sever any substantive connection between place and alleged wrongdoing. It then becomes difficult to justify, especially where proceedings are pursued in locations extremely far from the accused's domicile.

That said, some of the Council of Europe's proposed solutions remain instructive and could be adapted as possible approaches to addressing remote complaints or prosecutions in Thailand. These include a "substantial" or "meaningful connection" test—allowing proceedings only where the venue is genuinely connected to elements of the offense, rather than merely being a place where the content can be accessed—and a "targeting" or "directedness" approach, which focuses on where the poster intended the communication to reach or where there are clear indicators that the poster aimed to produce effects, rather than relying on mere accessibility (the fact that someone, somewhere, can open and read the content).

5.3 Lack of Effective Mechanisms to Control Venue Selection for Complaints and Prosecutions

In addition to the public-offense character of certain offenses and the ambiguity surrounding the "place where the offense occurred" in online cases, another factor enabling remote complaints or prosecutions in Thailand is the absence of effective legal mechanisms to control or counterbalance decisions about where complaints are filed and where prosecutions are pursued. Under Thailand's Criminal Procedure Code, although multiple provisions define court jurisdiction and investigative jurisdiction, there is no provision that sets criteria to limit the use of those jurisdictional bases in a way that aligns with fairness and the accused's ability to defend themselves. As a result, the choice of where to file a complaint or bring a prosecution largely remains within the discretion of the complainant or state officials, without any upfront screening mechanism to assess whether the selected venue is necessary, reasonable, or imposes a disproportionate burden on the defendant. Even though the Criminal Procedure Code contains transfer mechanisms under Sections 23 and 26, these operate as "after-the-fact remedies" that depend on judicial discretion (or the discretion of the highest authority within the judicial organization), rather than functioning as a right or safeguard on which defendants can directly rely from the outset. The practical result is that the burden of seeking fairness—requesting transfer, traveling, and proving why the venue is inappropriate—falls on the accused after criminal process has already begun and produced real-world harms.

A comparative look at how other jurisdictions manage the entry-point decision of venue shows useful reference points. Even where the relevant controls are not always spelled out explicitly in statutory text, the German legal system provides an instructive example. German criminal procedure law, combined with judicial interpretation, has developed a "pre-admission control" mechanism for venue choice within the justice process. Under the German Code of Criminal Procedure (Strafprozessordnung, StPO), prosecutors may have discretion to select among competent courts where multiple courts could have jurisdiction under the law (e.g., the place of the offense, the defendant's residence, or the place of arrest (§§ 7–9 StPO)). But German case law has developed strict principles that "constrain" that discretion by tying it directly to the accused's fair trial rights and the right to be tried by the "judge established by law" (gesetzlicher Richter), which is guaranteed under Article 101, paragraph 1, of Germany's Basic Law (Grundgesetz). Courts have made clear that prosecutorial venue selection cannot be based solely on the state's convenience; it must also account for the defendant's ability to defend themselves in a comprehensive way, including distance, costs, access to counsel whom the defendant trusts, and the practical difficulties of presenting evidence and witnesses in court.[77]

Accordingly, prosecutorial power to choose venue is not an unfettered power. It is subject to review by the court receiving the indictment as to whether the selection rests on reasons connected to the substance of

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[77] *Oberlandesgericht Hamm*, Beschluss vom 10 September 1998 – 2 Ws 247/98, *NStZ-RR* 1999, 16; *StV* 1999, 240; Herzog, *Die Wahl des Gerichtsstands durch die Staatsanwaltschaft*, *StV* 1993, 609 ff.

the case and is compatible with fair trial principles. German courts have emphasized the need to distinguish between (1) the fact that jurisdiction may exist under statutory rules and (2) the legality and legitimacy of choosing to rely on that particular jurisdiction in the circumstances. Where investigative steps or arrest arrangements function as a means of "manufacturing venue" (manufactured venue) to pull a case away from the court with a genuine factual connection, the venue choice should be regarded as affecting the core of the fair trial right—even if it does not directly violate statutory text. The OLG Hamm decision (10 Sep 1998) illustrates that controlling venue selection is not merely a technical jurisdictional issue, but a key safeguard to protect defendants' rights and prevent the justice process from being used as a tool to impose burdens or pressure on the defense.

5.4 Transfer Conditions Under Thai Law Are Not Grounded in Fair Trial Principles

According to TLHR's data, in at least two cases, suspects or defendants filed requests to transfer cases that had been initiated in other provinces back to Bangkok. The first is the case of "Chaichana," who was medically diagnosed with schizophrenia and had to travel more than 1,800 kilometers—together with a guardian—to defend himself. Although his domicile is in Lamphun Province, he was reported to the police by Pasit Chanhuathon at Su-ngai Kolok Police Station in Narathiwat Province, under Section 112 of the Criminal Code and the Computer Crime Act. Counsel previously petitioned the court to transfer Chaichana's case from the Narathiwat Provincial Court to the Ratchada Criminal Court in Bangkok, relying on Section 26 of the Criminal Procedure Code to reduce the burden of long-distance travel and litigation costs.[78] However, the competent court dismissed the petition, reasoning that ***the defendant was able to travel to the Narathiwat Provincial Court as usual, and that both the complainant and the investigating officer in the case resided in Narathiwat Province***.[79]

Another case is that of Suchat Sawatsri,[80] who faced a sedition-related charge under Section 116 of the Criminal Code, based on a complaint filed by Songchai Niamhom of the Prachaphak Pitak Sathaban group at Srinagarindra Police Station in Phatthalung Province. In this case, counsel filed a request with the Royal Thai Police to transfer the case from that police station for investigation and case disposition to the Central Investigation Bureau, relying on the Royal Thai Police Regulation on Case Transfers and Case Consolidation B.E. 2565 (2022), Clauses 7(1)–(4) together with Clause 9(3).[81] The Royal Thai Police agreed and ordered that

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78 *See* the petition document in Appendix 2.

79 *Supra* note 34.

80 TLHR, "กรณีฟ้องกลั่นแกล้งทางไกล ไม่ควรเกิดขึ้นกับใครในประเทศนี้อีก: แถลงข่าว 'สุชาติ สวัสดิ์ศรี' ถูกดำเนินคดี ม.116 ไกลถึงพัทลุง" [A Case of Remote Harassing Prosecution Should Never Happen to Anyone in This Country Again: Press Conference on "Suchat Sawatsri" Being Prosecuted Under Section 116 as Far Away as Phatthalung] (19 September 2024), accessed 21 December 2025, available at: https://tlhr2014.com/archives/70068.

81 *See* the petition document in Appendix 3.

the case be transferred so that the Central Investigation Bureau (CIB) would assume sole responsibility for the investigation.

The question raised by Chaichana's case is: why did the court refuse to allow a transfer on such grounds? However, because there are multiple legal mechanisms for transferring cases in Thailand—and not only Section 26 as invoked in Chaichana's petition, and not only provisions within the Criminal Procedure Code—it is necessary to review those mechanisms in order to analyze, at an overall level, the problems surrounding requests for case transfers in Thailand, as follows.

5.4.1 Section 23 of the Criminal Procedure Code

"*When two or more courts are competent to judge a case, if the case has been filed with one court within whose jurisdiction the offense has not occurred according to the charge, the plaintiff or defendant may apply for the transfer of the case to be judged at another court within whose jurisdiction the offense has occurred.*

If a plaintiff files a case with a court within whose jurisdiction the offense has occurred, but it appears subsequently to the plaintiff that the trial would be more convenient if another court with the competence to judge the case tries that case, the plaintiff may file a motion with the court before which the case is being tried for the transfer of the case to such other court. When the court finds it expedient, the court may transfer the case or dismiss the motion even though the defendant raises an objection."

Even though Section 23 is, in theory, often viewed as a "buffer mechanism" that could help reduce the impacts of remote complaints or prosecutions, a closer look at its elements through the lens of fair trial principles reveals several constraints that may prevent defendants from relying on this mechanism in any meaningful way.

First, Section 23 requires a transfer request to be initiated by a "party's petition," rather than through proactive screening by the court itself. When considered alongside the impacts of remote complaints or prosecutions discussed in the preceding section—especially barriers to accessing counsel and legal assistance—it becomes apparent that, beyond a lack of legal knowledge and awareness of rights, the absence of adequate legal advice at an appropriate time can materially undermine an accused person's ability to exercise this right in practice.

Second, when Section 23 is read together with Section 22 of the Criminal Procedure Code on territorial jurisdiction, it becomes clear that while Section 22 recognizes that multiple courts may have jurisdiction over a criminal case—namely, the court in the locality where the offense occurred, is believed to have occurred, or is alleged to have occurred; the court where the defendant has domicile; and the court where the defendant was arrested or investigated—the right to request transfer under Section 23, paragraph 1, is narrowly limited to cases where the plaintiff files the case in a court "in whose jurisdiction the offense did not occur." Moreover, the destination court for such a transfer is restricted solely to "the court in whose jurisdiction the offense occurred" (the "primary court"). As a result, if the plaintiff chooses to file in the locality of the alleged offense—even if that court is extremely far from the defendant's domicile, community, and networks of legal support—the defendant cannot rely on Section 23, paragraph 1, as a basis to request transfer to the court of his domicile, or even to the locality where he was arrested.

This design reflects the fact that "the defendant's domicile" or "the place of arrest" (the "exceptional courts") under Section 22 function primarily as jurisdictional bases that the state may use to bring a prosecution, rather than being elevated into a rights-based ground on which the defendant can seek transfer to mitigate the harms of remote complaints or prosecutions. This becomes even more problematic when combined with the ambiguity surrounding the notion of "place of offense" in online cases discussed in the previous section—where "place of offense" can be asserted very broadly. In that context, restricting transfer mechanisms in this way means Section 23, paragraph 1, cannot genuinely function as a tool to remedy forum selection aimed at punishment or procedural harassment.

Third, in contrast to paragraph one, Section 23, paragraph two provides a mechanism to transfer a case from the primary court—the court where the offense occurred, is believed to have occurred, or is alleged to have occurred—to an "exceptional court," namely, a court in another locality such as the defendant's domicile or the place where the defendant was arrested. The problem, however, is that Section 23, paragraph two places greater weight on "convenience of trial" than on the defendant's rights. The "convenience" criterion is also highly vague, leaving wide judicial discretion without clearly specifying "convenience for whom," or "in what respect the proceedings would be more convenient." It also permits the plaintiff to seek a transfer even over the defendant's objection. This reflects an imbalance of power between the parties and creates a risk that the provision becomes an instrument that enhances the plaintiff's (and the state's) ability to choose the forum, rather than a mechanism to protect the defendant's rights. Read together with Section 22 (and Section 18 on investigative jurisdiction), it becomes even clearer that Thailand's criminal jurisdiction framework is designed primarily around the logic of maximizing state operational flexibility, rather than safeguarding a suspect's or defendant's right to a fair trial. Supreme Court Decision No. 3426/2559 further illustrates this "jurisdiction-as-convenience" approach:

"Although Ratchaburi Central Prison is deemed the defendant's domicile, and at the time the plaintiff filed this case, under Section 47 of the Civil and Commercial Code, the defendant is considered to have an address within the jurisdiction of the court of first instance under Section 22(1) of the Criminal Procedure Code, that provision does not compel the court of first instance in whose jurisdiction the defendant has an address to accept the case filed by the plaintiff. The court of first instance therefore has discretion whether to accept such a case, taking into account the convenience of the proceedings..."[82]

[82] Supreme Court Judgment No. 3426/2016.

Ultimately, the transfer mechanism under Section 23 remains a post-filing remedy. It cannot prevent the harms caused by remote complaints or prosecutions in the first place—especially in cases with SLAPP-like characteristics, or cases in which distance, travel, and litigation costs are deliberately used as tools of procedural pressure.[83]

5.4.2 Section 26 of the Criminal Procedure Code

"If, according to the nature of an offense, the status or number of the defendants, the feelings of the majority of the people in the locality or other reasons, the proceedings of preliminary examination or trial may be impeded or any other unrest or danger is to be feared or other important interests of government may be affected, upon the application of the plaintiff or defendant or upon the court before which such case is being tried submitting an opinion to the President of the Supreme Court requesting the transfer of the case to another court, the President of the Supreme Court, if he or she sees fit, shall order the case to be transferred to the court designated by the President of the Supreme Court.

The order of the President of the Supreme Court shall be final."

Section 26 was amended by the Act Amending the Criminal Procedure Code (No. 31) B.E. 2559 (2016). It was designed as a mechanism for "case transfer in special circumstances." Unlike Section 23 read with Section 22, Section 26 does not distinguish between a "primary court" and an "exception court" for transfer purposes. In other words, regardless of which territorial court the case is filed in, either party may request a transfer to another court as the President of the Supreme Court deems appropriate. Likewise, the receiving court does not need to be a court that would ordinarily have jurisdiction over the case under the normal rules.[84]

However, when considered in the context of remote complaints or prosecutions, this provision cannot function as a tool to protect suspects or mitigate the harms they face. This is because the purpose, structure, and conditions of Section 26 focus primarily on protecting important state interests, rather than guaranteeing the defendant's rights within the justice process.[85]

The grounds for transfer under this section are limited to public-interest considerations or situations of a serious nature—for example, risks of public disorder or mass pressure in the locality of the court—rather than

[83] *See* a concept consistent with this conclusion in Pramuk Thatsanparichyanon, "ปัญหาเกี่ยวกับเขตอำนาจศาลในคดีความผิดฐานหมิ่นประมาทโดยการโฆษณา" [Problems Concerning Court Jurisdiction in Cases of Defamation by Publication], Judicial Library, accessed 21 December 2025, available at: https://library.coj.go.th/pdf-view.html?fid=52717&table=files_biblio.

[84] *Supra* note 3, at 603.

[85] The rationale for the promulgation of the Act Amending the Criminal Procedure Code (No. 31) B.E. 2559 (2016) states: "Since, at present, the adjudication of certain cases may affect important interests of the State, and in order for the courts' consideration and adjudication of cases to proceed efficiently, it is appropriate to authorize the President of the Supreme Court to order the transfer of a case to another court that is more suitable. It is therefore necessary to enact this Act."

reasons grounded in trial convenience or the relative advantages or disadvantages between the parties. Accordingly, in Chaichana's case, unless the court can be persuaded that holding proceedings in Narathiwat would likely produce circumstances falling within Section 26—having regard to "the nature of the offense, the status or number of the defendants, the feelings of the majority of the people in the locality, or other reasons"—the court cannot grant the request.

One further observation is that the iLaw website has previously reported that Sunsern Kaewkamnerd, Deputy Spokesperson of the Office of the Prime Minister, stated—when the Cabinet approved in principle the proposed amendment to Section 26 on 28 July 2015—that in the past, if parties believed their case required specialized expertise, they had to submit a request to the Chief Justice of the Supreme Court to transfer the case to a specialized court, such as the Labor Court, the Juvenile and Family Court, or the Intellectual Property Court. Under the draft amendment, however, parties could submit the request directly to the court currently hearing the case, which would then forward the matter—together with its opinion—to the President of the Supreme Court to seek approval for transfer to a court with specialized expertise.[86] This account does not align with the "principles and rationale" stated at the end of the Act Amending the Criminal Procedure Code (No. 31). Moreover, the court's reasoning for rejecting Chaichana's transfer petition also did not align with the rationale of Section 26, because the court instead cited grounds that could be understood as serving the "convenience of state officials and the plaintiff."[87] These points suggest that both the legislative intent and the application of this provision remain somewhat confused and inconsistent.

5.4.3 The Royal Thai Police Regulation on the Transfer and Consolidation of Cases B.E. 2565 (2022)

It can be said that, at present, the Royal Thai Police Regulation on the Transfer and Consolidation of Cases B.E. 2565 (2022) is an institutional mechanism of major significance for addressing the problem of remote complaints or prosecutions in the context of digital-era criminal cases—especially cases involving expression or conduct online. The Regulation is designed to apply at the investigation stage[88]—the early phase of the criminal justice process—and it allows cases to be transferred based on considerations of appropriateness and convenience that take into account all parties, not only the state or the complainant. Its focus is investigative efficiency, rather than being limited to public-order considerations or "public interest" in a narrow sense. In particular, Clause 7 of the Regulation permits transfers by considering the convenience of the injured party, the suspect, or witnesses; the nature and complexity of the case; and situations where a case spans multiple

[86] iLaw, "สนช.แก้ไข ป.วิ.อาญา 2 ฉบับ: คดีที่คนสนใจ ประธานศาลฎีกาสั่งย้ายศาลได้ และข้อจำกัดการยื่นอุทธรณ์/ฎีกา" [The National Legislative Assembly Amends Two Criminal Procedure Laws: In Cases of Public Interest, the President of the Supreme Court May Order a Change of Court, and There Are Limits on Filing Appeals/Supreme Court Appeals] (4 December 2016), accessed 20 December 2025, available at: https://www.ilaw.or.th/articles/16610.

[87] *Supra* note 34.

[88] The Royal Thai Police Regulation on the Transfer and Consolidation of Cases B.E. 2565 (2022), Clause 4: "Case transfer" means the transfer of a case that is under the responsibility of the inquiry official of one unit to the inquiry official of another unit, so that the latter becomes the responsible inquiry official under the law.

localities. This reflects an effort by the police institution to address the concentration of caseloads and the use of territorial jurisdiction in ways that may generate practical unfairness.

A key strength of this Regulation is that it functions as an "upstream" mechanism that can reduce burdens on the accused before the case enters the court stage. This differs from court-stage transfer mechanisms under Sections 23 or 26 of the Criminal Procedure Code, which are designed to address problems only after a case has already reached the courts. The Regulation is therefore more flexible in dealing with online cases, where "place of offense" can be interpreted as anywhere in the Kingdom—making it difficult to request a transfer of venue under Section 23—or in cases of political expression where the core problem is not an emergency, danger, or local unrest that might justify transfer under Section 26, but rather the financial burden and the structural disadvantage faced by suspects forced to litigate far from their residence or social support networks.

By allowing transfers based on the appropriateness of locality from the investigation stage, the text and intent of the Regulation appear to have greater potential to mitigate the use of remote complaints as a tool of pressure or harassment than court-stage mechanisms. This is illustrated by the Office of the Royal Thai Police's order to transfer a Section 116 case—in which Suchat Sawatsri was accused in Phatthalung—for investigation by the Central Investigation Bureau in Bangkok.[89]

In addition to case transfers, the Regulation also sets out criteria on "case consolidation"[90] to deal with situations where criminal cases are factually connected or share related conduct—particularly where multiple complaints are filed based on a single act or a continuing course of conduct. Examples include posting or disseminating the same message online but then facing complaints in multiple police stations or provinces. This principle reflects an intent to manage connected cases systematically, reduce the risk of duplicative investigations, and prevent the criminal process from becoming an excessive burden on the parties—especially in cross-area or online cases, where a single act can generate multiple complaints in different localities simultaneously, a problem that frequently arises in remote complaints or prosecutions.

However, structurally, this Regulation still has major limitations as an internal administrative instrument of the executive branch. It does not create a legal "right" for suspects to demand a transfer or consolidation; rather, it merely opens a channel for requesting or proposing such action, leaving the decision to supervisory discretion. The authority to approve or deny rests with senior officials, and there does not appear to be any mechanism for appeal or external review of that discretion. This concern is reflected, for example, in the recent incident on 16 December 2025, when the superintendent of Phayao City Police Station refused to approve a transfer request in a defamation case in which Tharathorn, a resident of Saraburi, was reported by Thammanat Phromphao at Phayao Police Station. (This matter is not yet included in the remote-case database table, because TLHRhas only begun monitoring a subset of these cases, given that there are nearly 300 cases in total.) The refusal raised questions about the rationality of the decision, the correct understanding of investigative authority across localities that have factual connections to the case versus the authority and

89 See the document in Appendix 3.

90 The Royal Thai Police Regulation on the Transfer and Consolidation of Cases B.E. 2565 (2022), Clause 4: "Case consolidation" means bringing together cases that share the same facts, are connected, or are related and can be consolidated, whether they involve a single act or multiple acts, where the suspect has committed them in several different localities.

duties of the responsible investigator, and whether the interpretation used was consistent with the Regulation's intent.[91]

Beyond the fact that the decision rests with investigating supervisors, transfers or consolidations at the investigation stage under this Regulation also have "no binding effect" on prosecutors or courts at the indictment and trial stages, because it is not generally applicable legislation but merely an internal police regulation. That said, the Regulation may still shape venue allocation in practice. Once cases initially reported in distant localities are ordered transferred or consolidated for investigation by investigators in the locality requested by the suspect, the entire investigative file (evidence, statements, and case discretion) is generated and controlled in the new locality. Under Section 22 of the Criminal Procedure Code—which recognizes that the court in the locality where an investigation is conducted has jurisdiction to try the case—the court in that locality becomes a legally proper forum.

As a result, filing the case in the court aligned with the locality of the investigation is consistent both with the statutory text and with the logic of the criminal justice system. Section 18, which structures investigative authority by linking it to the locality in which the responsible investigator performs duties, further reinforces that prosecuting the case in the investigation locality is, systemically, the most appropriate option. For this reason, even though a transfer order under the Royal Thai Police Regulation does not legally bind prosecutors or courts as a matter of formal legal relations, in practice it significantly reduces the likelihood that a prosecutor would revert to filing the case in the original locality where the remote complaint was first lodged. Doing so would create misalignment among the court, investigative authorities, and the parties, contrary to principles of procedural economy and efficiency.

In sum, the Royal Thai Police Regulation on Case Transfers and Case Consolidation B.E. 2565 (2022) is likely the mechanism within Thailand's current legal framework that most directly addresses the problem of remote complaints or prosecutions—particularly as a preventive tool operating from the earliest stage of the case. But because this protection still rests primarily on practice and systemic logic, and because the Regulation remains an administrative measure heavily dependent on discretion, the structural problem of remote prosecutions is unlikely to be fully resolved unless the Regulation is further developed or explicitly linked to human rights principles and to clearer procedures at the prosecutorial and judicial stages.

91 TLHR, "ตำรวจพะเยาปฏิเสธโอนคดี กล่าวหาทางไกล 'หมิ่นธรรมนัส' กลับภูมิลำเนาผู้ต้องหา" [Phayao Police Refuse to Transfer a Remote Defamation Case Against "Thammanat" Back to the Suspect's Domicile] (16 December 2025), accessed 23 December 2025, available at: https://tlhr2014.com/archives/80615.

6. Proposals to Address the Problem of Remote Complaints or Prosecutions

Based on the analysis in Chapter 5 of this report, it is clear that the phenomenon of remote criminal complaints or prosecutions does not stem from isolated misapplications of the law on a case-by-case basis. Rather, it is a direct consequence of the structural design of Thailand's criminal law and criminal procedure, which leaves wide space for discretion without rights-based constraints. Addressing the problem therefore requires structural legal reform alongside policy measures, to restore the balance between state power and the accused's right to defend themselves fairly. The recommendations are as follows.

6.1 Adopt a Restrictive, Fair-Trial–Compatible Interpretation of "Place of Offense" in Online Criminal Cases[92]

One of the most important structural factors enabling remote complaints or prosecutions is the expansive, effectively unbounded interpretation of "place of offense" in cases involving online communication or expression. Under Sections 18 (and 19) and 22 of the Criminal Procedure Code—provisions designed on the assumption that offenses occur in the physical world—when applied to digital conduct where content can be accessed everywhere at once, the interpretation that "anywhere the content can be viewed" constitutes the place of offense causes investigative and judicial jurisdiction to expand without limit, potentially severing any meaningful connection between the case and the locality.

However, this problem cannot be solved simply by abolishing the "place of offense" principle altogether. Instead, it is necessary to develop a restrictive interpretation specifically for online criminal cases, anchored in fair-trial principles and giving primary weight to the defendant's ability to mount an effective defense. This can be pursued at four levels:

[92] This issue will be examined in greater depth in a separate research project by the author of this report.

(1) Establish that "accessibility" alone is insufficient to constitute the place of offense

The state should reconsider and abandon the approach that treats the mere fact that online content can be opened or viewed in a location as sufficient to make that location the "place of offense" under the Criminal Procedure Code. In interpreting provisions on investigative and court jurisdiction, the rule should be that the place of offense in online cases must have a substantial or meaningful connection to the commission of the alleged offense, not merely be a place where the content is accessible.

This would help limit unlimited jurisdictional expansion and prevent geography from being used as a tool to impose procedural burdens on the accused. Importantly, the proposal is not only to prevent remote complaints or prosecutions targeting political expression or "security" cases online, but also to protect the integrity of the criminal justice system across all charges and offense types (especially online defamation against ordinary individuals). If the state continues to apply a 20th-century territorial logic to 21st-century communication and dissemination without regard to rights and fairness, remote complaints or prosecutions are likely to expand rapidly in the near future. This would not only intensify burdens on the accused—as described throughout this report—but also create complexity, overwhelm police personnel in certain areas, and increase public expenditure for enforcement, from arrest procedures to transporting suspects over long distances.

(2) Consider adopting a "substantial or meaningful connection test" for offenses committed online

In criminal cases—especially those that can seriously affect individual rights from the earliest stages—courts and investigators should apply a "substantial connection" test when determining which locality should count as the place of offense. Relevant factors may include: where the accused posted, disseminated, or controlled the content; where the accused resides or principally lives; or where the conduct produced concrete and specific harm, rather than abstract harm asserted in general terms. Applying these factors would restore the core relationship between "place" and "conduct" that underpins criminal jurisdiction and reduce discretionary venue selection by complainants.

(3) Distinguish "place of offense" interpretations between cases with identifiable direct victims and offenses against the state or state security

As discussed in the analysis, cases with direct victims—such as defamation (and, though not covered in this report, online fraud)—differ significantly from offenses where the state is treated as the victim. In the first category, there is often a stronger "justice rationale" for linking jurisdiction to the location where the victim views the content online, because the impact is more concrete and can satisfy the substantial-connection logic in (2). Even if far from the defendant's residence, accepting a complaint or indictment there can still be justified in principle because it is where harm materializes in a specific way.

For the second category—offenses against the state or "security," where harm is largely abstract and the "victim" is broadly defined as the state or societal security—the state should not allow "mere viewing/access" to suffice as the place of offense. Instead, jurisdiction should be tied to locations directly connected to the actor or the dissemination process.

(4) Codify these principles in binding law or enforceable guidelines

To ensure real-world effect, the state should consider amending the Criminal Procedure Code to establish specific jurisdictional principles for online criminal cases. At minimum, the judiciary, prosecution service, or the Royal Thai Police should issue binding guidelines that adopt and operationalize a restrictive approach to "place of offense," subject to review. The goal is to ensure that jurisdiction in online cases does not conflict with fair-trial standards and does not enable criminal process to be used to impose unnecessary burdens or pressure on the accused.

6.2 Establish Clear Legal Controls on "Venue Selection" for Complaints and Prosecutions Under Criminal Procedure

The state should consider amending or adding provisions to the Criminal Procedure Code to set criteria governing the selection of venue for lodging complaints, receiving complaints, and filing indictments—especially in situations where multiple venues may have jurisdiction under Sections 18, 19, and 22. Such criteria should require officials to consider at least three mandatory issues:

(1) Substantial or meaningful connection between the locality and the alleged offense (as in 6.1(1));

(2) Impact on the accused's ability to defend themselves, especially burdens of distance, costs, and access to counsel or legal-aid networks;

(3) Necessity and proportionality of choosing that locality compared with alternative venues that impose fewer burdens.

These principles would deter "manufactured venue" practices and require venue choices to be justified on rights-based, reviewable grounds—not merely on the fact that a venue is technically permissible under statutory text.

This proposal is not redundant with Section 161/1[93] of the Criminal Procedure Code (amended in 2019 to prevent bad-faith prosecutions).[94] While Section 161/1 may function as a partial screening mechanism at the indictment-review stage in some private-prosecution cases, it is not sufficient to address remote complaints or prosecutions. Section 161/1 focuses on the plaintiff's intent in private prosecutions and addresses bad-faith, distorted, or harassing filings on a case-by-case basis. By contrast, the problem of venue selection—particularly in online communication cases—does not primarily depend on whether the plaintiff acted in good faith, but on the structural design of investigative and judicial jurisdiction rules that allow broad venue choice without rights-based constraints.

Moreover, Section 161/1 operates only after the case reaches court (meaning the burdens of being proceeded against far from home have already been incurred) and applies only to private prosecutions, not to public offenses or state-led prosecutions, where remote complaints or prosecutions are a significant problem. This recommendation also explicitly extends to the complaint stage with investigators—where Thailand currently lacks any mechanism to screen out bad-faith complaint filing, especially bad-faith venue selection.

6.3 Develop a "Pre-Acceptance" Screening Mechanism to Prevent Bad-Faith Remote Prosecutions

The state should develop early-stage case-screening mechanisms, especially in cases involving political expression or online communication. For example, courts could be empowered to examine whether the chosen venue imposes a disproportionate burden on the defendant, or prosecutors could be required to provide written reasons to the court explaining the appropriateness of the venue selected for indictment.

It should be clarified that the proposal to establish clear legal controls on venue selection for complaints and prosecutions under the Criminal Procedure Code (Recommendation 6.2), and the proposal to develop pre-acceptance screening mechanisms to prevent abusive prosecutions (Recommendation 6.3), operate at different levels—or at different stages—of the criminal justice process. They are not overlapping proposals, nor are they interchangeable.

[93] Section 161/1 of the Criminal Procedure Code: "In a case in which a private person is the plaintiff, if the fact appears to the court or there is evidence summoned by the court indicating that the plaintiff's prosecution is made in bad faith or distorts the facts to bully or take advantage of the defendant or is made with an anticipation of the results other than lawful benefits, the court shall dismiss the case and prohibit the plaintiff from re-entering the same action.
A prosecution in bad faith under paragraph one shall include the plaintiff's willful violation of an order or judgement of a court in another criminal case which has been finally settled, without valid reason."

[94] "The rationale for the promulgation of this Act states... In addition, where it appears that cases have been brought in bad faith or by distorting the facts in order to harass or take advantage of the defendant in multiple instances, or where cases have been brought with the aim of obtaining benefits beyond those normally and lawfully due, thereby causing hardship to the person prosecuted and to other related persons, the court shall have the power to dismiss the case..." *See* the Act Amending the Criminal Procedure Code (No. 34) B.E. 2562 (2019).

Recommendation 6.2 targets the structural problem in the law by setting generally applicable rules for choosing where to file complaints, receive complaints, and bring prosecutions in situations where the law allows multiple possible jurisdictions. It would require state officials, from the outset, to provide rights-based reasons that can be reviewed, including: (i) the substantial connection between the locality and the alleged offense; (ii) the impact on the accused's ability to defend themselves; and (iii) the necessity and proportionality of choosing that locality. The aim is therefore to limit the complainant's or plaintiff's unfettered discretion to select a venue without meaningful constraints.

By contrast, Recommendation 6.3 is a supplementary procedural safeguard designed to strengthen the role of courts and prosecutors as screening mechanisms capable of filtering or restraining abusive prosecutions on a case-by-case basis once a case has "slipped through" venue controls and entered the court system—particularly where venue selection imposes a disproportionate burden on the defendant or reflects characteristics of bad-faith process abuse.

The two proposals are thus complementary: Recommendation 6.2 reforms the baseline rules governing the exercise of power at the structural level, while Recommendation 6.3 provides a mechanism to respond to practical irregularities that may still occur even under improved rules.

6.4 Elevate "Defendant's Domicile" as a Rights-Based Ground, Not Merely a Jurisdictional Option

As the analysis of Sections 22 and 23 in Chapter 5 shows, while Thai law recognizes that courts in the defendant's domicile have jurisdiction, it does not elevate this into a defendant's right to request transfer to a court near their residence. If Thailand genuinely affirms Due Process[95] in criminal justice, and has constitutionalized[96] the presumption of innocence,[97] the state should consider amending Section 23 to allow defendants to request transfer to the court in their domicile or residence if they can show that proceedings in the original court impose a disproportionate burden on their ability to mount a defense. Courts should apply fair-trial criteria—not merely administrative "convenience" for the court or the state.

95 Due Process means that the state must exercise its power to arrest, prosecute, and punish individuals in accordance with procedures prescribed by law in a fair manner, ensuring that the accused is informed of the charges, has the right to defend the case, has access to legal counsel, and is tried by an independent and impartial court.

96 Constitution of the Kingdom of Thailand B.E. 2560 (2017), section 29, paragraph 2.

97 The principle of the Presumption of Innocence requires that a person be regarded as innocent, and that the state must not treat that person as though they have committed an offense unless and until a court has found them guilty. The burden of proof therefore rests on the prosecution, not on the defendant.

6.5 Strengthen the Royal Thai Police Regulation on Case Transfers to Provide Rights-Based Protection

Although the Royal Thai Police Regulation on Case Transfers and Case Consolidation B.E. 2565 (2022) may be the most workable mechanism within Thailand's current legal structure to address remote complaints or prosecutions, its limitations (as analyzed in Chapter 5) suggest the need for further development. The state could consider: making the accused's right to a full and fair defense a mandatory consideration or binding ground for transfer; allowing suspects to request transfer and receive written reasons in response; and establishing review mechanisms for supervisory discretion. The aim is to transform the Regulation into a preventive tool that generates enforceable protections the accused can invoke and that courts or supervisors can review—rather than leaving it as a purely administrative measure dependent on discretion.

6.6 Technological Measures to Mitigate Harm During the Transitional Period

In addition to the structural legal reforms and institutional mechanisms proposed above, this report finds that, during the transitional period in which the problem of remote complaints or prosecutions cannot yet be resolved through immediate structural change, practical measures should be adopted to mitigate the harm and impacts faced by suspects—particularly the burden of long-distance travel to enter the criminal justice process in cases arising from online expression. Such measures should be designed as immediate protective safeguards, rather than as substitutes for structural reform of the rules governing venue selection.

In practice, relevant agencies may consider expanding the use of remote-conferencing technology at stages of the criminal justice process that do not require the parties' physical presence—for example, acknowledging charges, scheduled check-ins, preliminary hearings on motions, or the consideration of applications to transfer or consolidate cases. The use of such systems should be established as a "right of the suspect," not merely a matter of official discretion, and must operate under principles of voluntariness, personal data protection, and equal access to legal counsel. At the same time, the role of technology should be narrowly confined to reducing burdens and structural disadvantages faced by suspects and must not become a tool that enables the state to expand or accelerate the use of the criminal justice process even more easily.

Note on the underlying problem: While all of the above recommendations are important, the data clearly indicate that 80% of the remote complaints or prosecutions discussed in this report are rooted in Section 112, which is designed as a public offense, allowing anyone to file a complaint. For that reason, any sustainable solution cannot avoid a review of that provision—and the recommendations cannot be reduced to a simple suggestion that the state should interpret and apply Section 112 with due regard to procedural impacts and to the public's rights and freedoms. This is because Section 112 itself is a deeply complex and difficult issue, reaching into the realm of political and governance ideology. In fact, there is already a substantial body of information, observations, critiques, and proposed amendments regarding this provision, developed over a long period—nearly two decades during which Thailand has remained caught in recurring cycles of political crisis and conflict. Accordingly, this report does not address Section 112 in depth—not out of fear of any "royal danger," but due to constraints of space and length, which do not allow this issue to be adequately explained and resolved within a few paragraphs. Unless, that is, the proposal were to be extremely brief—simply that "Section 112 should be repealed"—not only to resolve the problem of remote complaints or prosecutions, but also to strengthen Thailand's criminal justice system and the rights and freedoms of the Thai people so that they align with international standards and are comparable to those of democratic societies.

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Appendix 1

Statistics on Cases Related to Political Assembly and Expression from 2020–2025 Involving Remote Complaints or Prosecutions (Cross-Regional) and Monitored by Thai Lawyers for Human Rights

(Excluding cases in which complaints were filed in neighboring provinces or in provinces within the same region)

At least 66 cases have been identified as arising from remote complaints or prosecutions (cross-regional). Of these, 53 cases involve Section 112 of the Criminal Code as the principal charge, 3 cases involve Section 116, 4 cases involve offenses under the Computer Crime Act, and 6 cases involve insult or defamation by publication. The following preliminary observations may be made:

1. Section 112 cases are typically cases in which the complainant is a member of a monarchy-protection group or a volunteer network, and files the complaint in the area where the complainant is domiciled or resides. In some instances, a single individual files multiple complaints, either simultaneously or at different times—for example, cases filed at Su-ngai Kolok Police Station, Narathiwat Province; Bang Kaeo Police Station, Samut Prakan Province; police stations in Kamphaeng Phet Province; or police stations in various southern provinces, especially Phatthalung Province. By contrast, cases involving insult, defamation, or the Computer Crime Act are usually initiated or prosecuted by state agencies or state officials in Bangkok, or by politicians who file complaints in their own political stronghold. However, in approximately 9 cases, Thai Lawyers for Human Rights does not have detailed information because the accused had their own lawyers, although those cases have still been included in the statistics.

2. Among the 66 cases, there are cases in which the suspect/defendant requested that the case be transferred to Bangkok. These include Case No. 10, the Chaichana case (Section 112), in which a motion to transfer the case was filed at the court stage in Narathiwat Province, but was dismissed by the court on the grounds that the defendant was able to travel to defend the case at the Narathiwat Provincial Court, and that both the complainant and the investigating officer resided in Narathiwat Province. Another example is Case No. 40, the Suchat Sawatsri case (Section 116), in which a transfer request was filed at the investigation stage, and the Royal Thai Police ordered that the case be transferred to the Central Investigation Bureau.

No.	Case	Principal Charge(s)	Complainant / Affiliation / Status	Place Where Complaint Was Filed	Domicile of the Accused	Year Case Surfaced / Other Notes
1	Theerawat case: shared a post from the Khon Thai UK page	Section 112 – Computer Crime Act	Siwaphan / unaffiliated (filed 7 complaints)	Bang Kaeo Police Station, Samut Prakan	Studied in Ubon Ratchathani (originally from Surin)	Summoned (as a witness) in Oct. 2020, but gave a statement in Mar. 2021 because he had not known about the earlier summons
2	Nakhon case: shared a post from the Khon Thai UK page Information on impacts of the case	Section 112 – Computer Crime Act	Siwaphan / unaffiliated (filed 7 complaints)	Bang Kaeo Police Station, Samut Prakan	Lived in Chiang Rai	Summoned (as a witness) in Oct. 2020, but was later formally charged based on the same facts in Apr. 2021; detained in Samut Prakan Prison for 10 days during the investigation stage
3	Meechai case: posted 2 Facebook messages Information on impacts of the case	Section 112 – Computer Crime Act	Siwaphan / unaffiliated (filed 7 complaints)	Bang Kaeo Police Station, Samut Prakan	Lived on Koh Chang, Trat	Charged in Apr. 2021; later finally convicted and imprisoned at Samut Prakan Central Prison
4	Punyaphat case: posted 4 messages in the Talad Luang group Information on impacts of the case	Section 112 – Computer Crime Act	Siwaphan / unaffiliated (filed 7 complaints)	Bang Kaeo Police Station, Samut Prakan	Lived in Kamphaeng Phet	Charged in Apr. 2021; the accused has developmental delay, and there was also an issue of a summons being sent to Hat Yai, which was his former residence
5	Thanyadol case: shared 2 posts from the Khon Thai UK page	Section 112 – Computer Crime Act	Siwaphan / unaffiliated (filed 7 complaints)	Bang Kaeo Police Station, Samut Prakan	Lived in Phetchabun	Charged in May 2021
6	"Tee–Wanwaree and Friends" case: 3 students posted on Facebook a photo of themselves holding signs at a protest at Siam Square	Section 112 – Computer Crime Act	Sukit / Thai Pakdee Chiang Mai group	Mueang Chiang Mai Police Station	All 3 lived in Bangkok	Charged in Jan. 2021
7	"Penguin" case: posted on Facebook about selling the Emerald Buddha and amending the Crown Property Act	Section 112 – Computer Crime Act	Jetsada / former PDRC guard (filed 2 complaints)	San Sai Police Station, Chiang Mai	Lived in Bangkok	Charged in Feb. 2021
8	Pornchai case: posted 4 Facebook messages	Section 112 – Computer Crime Act	Jetsada / former PDRC guard (filed 2 complaints)	Mae Jo Police Station, Chiang Mai	Lived in Nonthaburi	Arrested under warrant in Mar. 2021; detained during investigation for 44 days; later also imprisoned at Chiang Mai Central Prison after the appellate judgment
9	Phiphat case: posted a message in the Talad Luang group	Section 112 – Computer Crime Act	Uraporn / unaffiliated	Bang Kaeo Police Station, Samut Prakan	Lived in Phitsanulok	Charged in Apr. 2021
10	Chaichana case: posted 4 Facebook posts Information on impacts of the case	Section 112 – Computer Crime Act	Pasit / unaffiliated (filed 8 complaints)	Su-ngai Kolok Police Station, Narathiwat	Lived in Lamphun	Arrested under warrant in Sept. 2021; has schizophrenia and had one of the longest travel distances; defense counsel previously requested a transfer of the case, but the court dismissed the motion
11	Kanlaya case: posted 4 Facebook messages Information on impacts of the case	Section 112 – Computer Crime Act	Pasit / unaffiliated (filed 8 complaints)	Su-ngai Kolok Police Station, Narathiwat	Lived in Nonthaburi (originally from Phayao)	Summoned to acknowledge the charge in June 2021, and later detained pending Supreme Court appeal at a prison in Narathiwat Province

No.	Case	Principal Charge(s)	Complainant / Affiliation / Status	Place Where Complaint Was Filed	Domicile of the Accused	Year Case Surfaced / Other Notes
12	Udom case: posted 6 Facebook messages Information on impacts of the case, impacts on family	Section 112 – Computer Crime Act	Pasit / unaffiliated (filed 8 complaints)	Su-ngai Kolok Police Station, Narathiwat	Lived in Prachin Buri	Charged in June 2021 and later detained pending Supreme Court appeal at a prison in Narathiwat Province
13	Phakphinya case: posted 6 Facebook messages Information on impacts of the case	Section 112 – Computer Crime Act	Pasit / unaffiliated (filed 8 complaints)	Su-ngai Kolok Police Station, Narathiwat	Lived in Bangkok	Charged in Oct. 2021
14	Waree case: posted a message on Facebook Information on impacts of the case	Section 112 – Computer Crime Act	Pasit / unaffiliated (filed 8 complaints)	Su-ngai Kolok Police Station, Narathiwat	Lived in Samut Prakan	Charged in Oct. 2021
15	Thanaphat case: posted 8 Facebook messages	Section 112 – Computer Crime Act	Pasit / unaffiliated (filed 8 complaints)	Su-ngai Kolok Police Station, Narathiwat	Lived in Bangkok	Charged in Nov. 2021
16	Boonlue case: commented in reply to a Facebook user Information on impacts of the case	Section 112 – Computer Crime Act	Kanyathita / unaffiliated	Thung Kha Ngok Police Station, Phang Nga	Lived in Uttaradit	Charged in Feb. 2021
17	Hom Daeng case: shared a Facebook message Information on impacts of the case	Section 112 – Computer Crime Act	Sajja / authorized representative of the Ministry of Digital Economy and Society	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Phetchabun	Charged in Jan. 2021 and later detained pending Supreme Court appeal at Bangkok Remand Prison
18	Phithakphong case: posted a message on Facebook	Section 112 – Computer Crime Act	Suraphop / authorized representative of the Ministry of Digital Economy and Society	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Sa Kaeo	Searched and had property seized in Mar. 2021; charged in Apr. 2021
19	Chakkraphat case: posted 17 Facebook and Twitter posts	Section 112 – Computer Crime Act	Pol. Lt. Col. Thaen / state official	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Phuket	Arrested under warrant in June 2021
20	Akkhaphon case: posted 8 Facebook messages	Section 112 – Computer Crime Act	Thanomsak / unaffiliated	Klaeng Police Station, Rayong	Lived in Bangkok	Charged in Oct. 2021
21	Nattaphon case: commented on Facebook	Section 112 – Computer Crime Act	Pol. Lt. Col. Kittipong / state official	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Phetchabun	Charged in Sept. 2021
22	Lakkhana case: commented on Facebook	Section 112 – Computer Crime Act	Pol. Maj. Nimit / state official	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Phuket	Charged in Oct. 2021

No.	Case	Principal Charge(s)	Complainant / Affiliation / Status	Place Where Complaint Was Filed	Domicile of the Accused	Year Case Surfaced / Other Notes
23	Tanaporn case: commented on Facebook Information on impacts of the case	Section 112 – Computer Crime Act	Capt. Rangsikon / unaffiliated	Bang Phlat Police Station, Bangkok	Lived in Uthai Thani	Arrested under warrant in Sept. 2021; the Supreme Court later found her guilty, and she was imprisoned at Thonburi Women's Correctional Institution
24	Chatmongkhon case: commented on Facebook Information on impacts of the case	Section 112 – Computer Crime Act	Natthawat / unaffiliated	Mueang Chiang Rai Police Station	Lived in Pathum Thani	Charged in Nov. 2021
25	Saichon case: disseminated a TikTok clip	Section 112 – Computer Crime Act	Chumphon / unaffiliated (filed 2 complaints)	Mueang Kamphaeng Phet Police Station	Lived in Bangkok	Charged in Dec. 2021
26	Tiwagorn case: posted a petition calling for a referendum on whether to retain or abolish the monarchy Information on impacts of the case	Section 116 – Computer Crime Act	Thawee / network of groups monitoring and protecting the monarchy	Mueang Lampang Police Station	Lived in Khon Kaen	Charged in Sept. 2021
27	Wachira case: hacked the Constitutional Court website Read more information about the defendant	Computer Crime Act	Office of the Constitutional Court	Cyber Crime Investigation Bureau (CCIB), Bangkok	Lived in Ubon Ratchathani	Arrested under warrant in Nov. 2021; convicted (final at the appellate level) and imprisoned at Bangkok Remand Prison
28	Eight members of the public shared a post from the "Kharatchakan Plod Aek" page concerning alleged COVID budget corruption by the Udon Thani Provincial Office	Defamation by publication	Phitit / authorized representative of a senior civil servant in Udon Thani	Mueang Udon Thani Police Station	Suspects lived in various provinces, including Bangkok, Nonthaburi, Lopburi, and Chachoengsao	Charged in Oct. 2021
29	Kui case: posted an image and message regarding Saksayam visiting an entertainment venue	Defamation by publication	Saksayam / politician (filed 4 complaints)	Mueang Buri Ram Police Station	Lived in Pathum Thani	Acknowledged the charge in Nov. 2021; the defendant has a psychiatric condition
30	Chakrit case: commented on another person's post containing an image and message linking Saksayam to an entertainment venue that was a COVID-19 cluster	Insult by publication	Saksayam / politician (filed 4 complaints)	Mueang Buri Ram Police Station	Lived in Samut Sakhon	Acknowledged the charge in June 2021
31	Got case: posted on Facebook referring to Saksayam Chidchob and an entertainment venue during COVID-19	Defamation by publication	Saksayam / politician (filed 4 complaints)	Mueang Buri Ram Police Station	Lived in Samut Prakan / Bangkok	Acknowledged the charge in June 2021

No.	Case	Principal Charge(s)	Complainant / Affiliation / Status	Place Where Complaint Was Filed	Domicile of the Accused	Year Case Surfaced / Other Notes
32	"See" case: tweeted an image of a man at an entertainment venue together with text linking him to Saksayam	Computer Crime Act	Saksayam / politician (filed 4 complaints)	Mueang Buri Ram Police Station	Lived in Samut Prakan / Bangkok	Acknowledged the charge in May 2021
33	Pornchai case: posted 3 Facebook messages Information on impacts of the case	Section 112 – Computer Crime Act	Watcharin / former PDRC	Bannang Sata Police Station, Yala	Lived in Bangkok (but originally from Mae Hong Son)	Charged in Mar. 2021 (before this case, he had also faced a Section 112 accusation in Chiang Mai and had been detained at Chiang Mai Prison)
34	Phong case: posted 6 Facebook messages	Section 112 – Computer Crime Act	Kanchbongkot / People's Center for the Protection of the Monarchy group (ศปปส.)	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Phuket	Arrested under warrant in Jan. 2022; officials flew him to Bangkok and detained him at Bangkok Remand Prison for 4 days
35	Panithan case: commented on Facebook Information on impacts of the case	Section 112 – Computer Crime Act	State official, name unknown	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Sa Kaeo	Arrested under warrant in May 2022
36	Singto case: commented on Facebook	Section 112 – Computer Crime Act	Thitiwat / unaffiliated	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Mukdahan	Arrested under warrant in Dec. 2022 and taken into custody to Bangkok
37	Arm case: disseminated a TikTok clip Information on impacts of the case	Section 112 – Computer Crime Act	Phut / unaffiliated	Mueang Kamphaeng Phet Police Station	Lived on Koh Phangan, Surat Thani	Charged in Jan. 2022
38	Thida case: disseminated a TikTok clip	Section 112 – Computer Crime Act	Chumphon / unaffiliated (filed 2 complaints)	Mueang Kamphaeng Phet Police Station	Lived in Bangkok	Charged in Feb. 2022
39	Paul case: posted 3 Facebook messages	Section 112 – Computer Crime Act	Ritthichai / unaffiliated	Khanu Woralaksaburi Police Station, Kamphaeng Phet	Lived in Lopburi	Charged in Feb. 2022
40	Suchat Sawatsri case: shared a post from iLaw Information on impacts of the case	Section 116 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Si Nakhon In Police Station, Phatthalung	Lived in Bangkok	Complaint filed in Oct. 2022, but the third summons was received in Aug. 2024; counsel filed a request to transfer the case to the central authorities
41	Jiradee case: tweeted a reply on Twitter	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Khuan Khanun Police Station, Phatthalung	Lived in Bangkok	Summoned (as a witness) in Mar. 2023, but later arrested under warrant in Mar. 2025 and immediately taken by train to Phatthalung

No.	Case	Principal Charge(s)	Complainant / Affiliation / Status	Place Where Complaint Was Filed	Domicile of the Accused	Year Case Surfaced / Other Notes
42	Thiramet case: disseminated a TikTok clip Information on filed petition, prosecutor's indictment order	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Thale Noi Police Station, Phatthalung	Previously lived in Loei, later moved to Bangkok	Charged in Aug. 2023; the accused is a Category 5 person with disabilities; counsel submitted a letter to the Commissioner-General of the Royal Thai Police requesting that questioning take place in Bangkok, invoking the CRPD, but he ultimately had to travel to appear before the court in Phatthalung because the prosecutor ordered indictment
43	Sindhu case: commented on Facebook Information on impacts of the case	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Khao Chaison Police Station, Phatthalung	Lived in Chanthaburi	Charged in Apr. 2023
44	Nattaphon case: commented on Facebook	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Kho Hong Police Station, Songkhla	Lived in Bangkok	Complaint filed in Aug. 2023
45	James Nattakarn case: posted 3 Facebook messages Information on impacts of the case	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Mueang Phatthalung Police Station, Phatthalung	Lived in Bangkok	Arrested under warrant in Nov. 2023; taken to Mueang Phatthalung Police Station to be charged and detained during investigation for 84 days
46	Wijit case: posted 10 political messages during the NCPO period Read more information about the defendant	Computer Crime Act	Rianthong Nanna	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Khon Kaen	Arrested under warrant in Sept. 2023 (although the warrant had been issued in 2018); detained pending appeal at Bangkok Remand Prison
47	Fanta case: posted a Facebook message	Section 112 – Computer Crime Act	Aswini / unaffiliated	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Chiang Mai	Acknowledged the charge in Apr. 2024
48	Phiphat case: posted a Facebook message	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Khuan Khanun Police Station, Phatthalung	Lived in Buri Ram	Acknowledged the charge in May 2024
49	Fa Phromson case: posted a Facebook message	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Mueang Phatthalung Police Station, Phatthalung	Lived in Bangkok	Charged in Aug. 2024
50	Direk case: commented on Fa Phromson's post	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Mueang Phatthalung Police Station, Phatthalung	Lived in Kanchanaburi	Charged in Sept. 2024

No.	Case	Principal Charge(s)	Complainant / Affiliation / Status	Place Where Complaint Was Filed	Domicile of the Accused	Year Case Surfaced / Other Notes
51	Watcharapong case: commented in the Talad Luang group	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Mueang Phatthalung Police Station, Phatthalung	Lived in Maha Sarakham	Arrested under warrant in Feb. 2025 and taken to Phatthalung the same day to be charged (arriving around 2 a.m.)
52	Kittiphong case: posted 2 messages	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Chai Buri Police Station, Surat Thani	Lived in Nonthaburi	Arrested under warrant in June 2025; taken into custody to Surat Thani and detained for 3 days and 2 nights
53	Thanaphat case: operated the Thalufah page disseminating images of a school sports day parade in which students held a sign reading “Nation, Religion, People”	Section 116 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Huai Yot Police Station, Trang	Lived in Bangkok; later moved to Pattani for studies	Arrested under warrant in Mar. 2025 and taken by van to Trang; total period in custody in Trang was 2 days and 1 night
54	Busbas case: posted 3 Facebook messages	Section 112 – Computer Crime Act	Anon / People’s Center for the Protection of the Monarchy group (ศปปส.)	Technology Crime Suppression Division (TCSD), Bangkok	Lived in Chiang Rai	Charged in Jan. 2025; before this case he had already faced 3 other cases and was being detained at Chiang Rai Central Prison
55	Thanaphat case: commented under a clip during a no-confidence debate involving Suchart Chomklin	Insult by publication	Suchart Chomklin / politician	Filed with the Chonburi District Court, Chonburi	Lived in Nakhon Ratchasima	Filed in Apr. 2025
56	A child posted a message case	Section 112 – Computer Crime Act	Pasit / unaffiliated (filed 8 complaints)	Su-ngai Kolok Police Station, Narathiwat	Lived in Rayong	The accused used personal counsel (no further details, but known to have been charged in 2021)
57	Member of the public posted on Facebook case	Section 112 – Computer Crime Act	Pasit / unaffiliated (filed 8 complaints)	Su-ngai Kolok Police Station, Narathiwat	Lived in Samut Prakan	The accused used personal counsel (no further details, but known to have been charged in 2021)
58	A child posted in the Talad Luang group case	Section 112 – Computer Crime Act	Siwaphan / unaffiliated (filed 7 complaints)	Bang Kaeo Police Station, Samut Prakan	Studying in Chumphon	The accused used personal counsel (no further details, but known to have been charged in 2021)
59	Thawin case: posted in the Talad Luang group	Section 112 – Computer Crime Act	Siwaphan / unaffiliated (filed 7 complaints)	Bang Kaeo Police Station, Samut Prakan	Lived in Nakhon Phanom	The accused used personal counsel (no further details, but known to have been charged in 2021)
60	Amarat case: tweeted on Twitter	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Mueang Phatthalung Police Station, Phatthalung	Lived in Nakhon Pathom / Bangkok	The accused used personal counsel (no further details, but known to have been charged in 2024)
61	Member of the public commented on Facebook case	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Mueang Phatthalung Police Station, Phatthalung	Lived in Nonthaburi	No further details; charged in Apr. 2024
62	Member of the public commented on a post in the Talad Luang group case	Section 112 – Computer Crime Act	Songchai / Prachaphak Pitak Sathaban group (filed 15 complaints)	Khao Chaison Police Station, Phatthalung	Lived in Chiang Mai	No further details, but likely filed during 2024–2025

No.	Case	Principal Charge(s)	Complainant / Affiliation / Status	Place Where Complaint Was Filed	Domicile of the Accused	Year Case Surfaced / Other Notes
63	Charan case: shared a message	Section 112 – Computer Crime Act	No information	Mueang Nonthaburi Police Station	Lived in Hat Yai	The accused used personal counsel (no further details, but known to have been charged in 2023)
64	Member of the public tweeted 2 messages criticizing monarchy-protection groups case	Section 112 – Computer Crime Act	Apiwat / unaffiliated	Nang Loeng Police Station, Bangkok	Lived in Chanthaburi	Charged in June 2021
65	Member of the public posted about a group of Thai soldiers traveling to the United States, allegedly to receive COVID-19 vaccinations case	Computer Crime Act	Col. Nakharasom / authorized representative of the Royal Thai Army	Nang Loeng Police Station, Bangkok	Lived in Nakhon Ratchasima	Charged in Sept. 2021
66	Member of the public commented under a Thai Lawyers for Human Rights post about a person who filed a Section 112 complaint case	Defamation by publication	Ritthichai / unaffiliated	Khanu Woralaksaburi Police Station, Kamphaeng Phet	Lived in Bangkok	Acknowledged the charge in Feb. 2024; both the trial court and Region 6 Court of Appeal later acquitted the defendant

Note: This table does not yet include the more than 270 cases filed in 2025 by Thammanat Phromphao in Phayao Province against members of the public, politicians, and media personnel domiciled throughout the country, on charges of defamation by publication.[1]

1 See Thai Lawyers for Human Rights, "ตำรวจพะเยาออกหมายเรียกประชาชนข้ามจังหวัด: กรณีธรรมนัส" [Phayao Police Issue Cross-Provincial Summonses to Members of the Public: The Thammanat Case] (26 November 2025), accessed 12 November 2025, available at: https://tlhr2014.com/archives/80235.

Appendix 2

Petition for Transfer of Venue in the Chaichana Case

ศาลจังหวัดนราธิวาส
วันที่ 17 พ.ค. 2565
เวลา 11.50 น.
งานหน้าบัลลังก์

(๗)

คำร้อง / ~~คำแถลง~~ / ~~คำขอ~~

ขอให้ประธานศาลฎีกาอนุญาตให้ส่งโอนคดีไปยังศาล

คดีหมายเลขดำที่ อ1129/๒๕ 64

คดีหมายเลขแดงที่ /๒๕

ศาล จังหวัดนราธิวาส

วันที่ 17 เดือน พฤษภาคม พุทธศักราช ๒๕ 65

ความ แพ่ง

ระหว่าง
พนักงานอัยการ สำนักงานอัยการพิเศษฝ่ายคดีอาญา 4 ภาค 9 โจทก์
[redacted] จำเลย

ข้าพเจ้า [redacted] ทนายจำเลย

เลขประจำตัวประชาชน [redacted]

เชื้อชาติ ไทย สัญชาติ ไทย อาชีพ ทนายความ เกิดวันที่ เดือน พ.ศ.

อายุ 39 ปี อยู่บ้านเลขที่ [redacted] หมู่ที่ - ถนน กรุงธนบุรี

ตรอก/ซอย - ตำบล/แขวง [redacted] อำเภอ/เขต [redacted]

จังหวัด [redacted] รหัสไปรษณีย์ 10600 โทรศัพท์ [redacted]

โทรสาร - ไปรษณีย์อิเล็กทรอนิกส์ -

ขอยื่นคำร้อง / ~~คำแถลง~~ / ~~คำขอ~~ มีข้อความตามที่จะกล่าวต่อไปนี้

ข้อ ๑. คดีนี้ ศาลนัดตรวจพยานหลักฐาน ในวันนี้ เนื่องจากจำเลยมีภูมิลำเนาอยู่ที่ [redacted] และข้ออ้างตามคำฟ้องว่าจำเลยได้กระทำความผิดนั้น มิได้กระทำในเขตอำนาจของศาลจังหวัดนราธิวาสโดยตรง แต่เนื่องจากได้มีผู้แจ้งความให้ดำเนินคดีกับจำเลยที่สถานีตำรวจภูธรสุไหงโกลก เพื่อที่จะให้จำเลยได้รับความยากลำบากที่ต้องเดินทางจาก [redacted] ลงมาต่อสู้คดีในจังหวัดนราธิวาส ซึ่งเป็นพื้นที่ที่มีปัญหา

หมายเหตุ ข้าพเจ้ารอฟังคำสั่งอยู่ ถ้าไม่รอให้ถือว่าทราบแล้ว

.... ~~ผู้ร้อง~~ / ผู้แถลง / ผู้ขอ

๒

เกี่ยวกับความมั่นคงและความไม่สงบ ยิ่งทำให้จำเลยเกิดความกดดันและรู้สึกไม่ปลอดภัยที่จะต้องเดินทางมาต่อสู้คดี อันเป็นการจงใจกลั่นแกล้งจำเลยโดยใช้เทคนิคทางกฎหมาย อีกทั้งยังทราบอีกว่าได้มีการแจ้งความดำเนินคดีกับจำเลยในคดีอื่นๆที่มีลักษณะเดียวกันกับจำเลยในคดีนี้อีกเป็นจำนวนมาก ซึ่งจำเลยในแต่ละคดีต่างมีภูมิลำเนาอยู่ถิ่นอื่นซึ่งมิใช่อยู่ในพื้นที่จังหวัดนราธิวาส เช่น อยู่ทางภาคเหนือ ภาคอีสานเป็นต้น ทำให้ต้องได้รับความยากลำบากในการต้องเดินทางมาต่อสู้คดีเช่นเดียวกับจำเลยในคดีนี้ ซึ่งเหตุการณ์ที่เกิดขึ้นในลักษณะดังกล่าวทำให้เสียระบบและกระทบต่อกระบวนการยุติธรรมอย่างมากประกอบกันในคดีนี้ จำเลยเป็นผู้ป่วยทางจิตเภท ยิ่งทำให้จำเลยรู้สึกหวาดระแวง รู้สึกไม่ปลอดภัย อันกระทบต่อภาวะทางจิตใจของจำเลยเป็นอย่างมาก ซึ่งจำเลยเคยยื่นขอพิจารณาคดีลับหลัง และศาลได้พิจารณาแล้วเห็นว่า จำเลยมีอาการป่วยทางจิตจนเข้ารับการรักษา[redacted]และโรงพยาบาลต่างๆ อีกทั้งสุขภาพร่างกายของจำเลยมีอาการอ่อนล้าอยู่ตลอดเวลาขณะอยู่ในห้องพิจารณา ซึ่งศาลได้มีคำสั่งอนุญาตให้จำเลยไม่มาฟังการพิจารณาได้ แต่ไม่รวมวันนัดสืบพยานโจทก์และจำเลย รายละเอียดปรากฏตามรายงานกระบวนพิจารณา ฉบับลงวันที่ 20 เมษายน 2565 ปรากฏอยู่ในสำนวนแล้วนั้น อย่างไรก็ตามการที่จำเลยจำต้องเดินทางจาก[redacted]มาต่อสู้คดีที่จังหวัดนราธิวาสก็

(๔๐)

๓

ยังส่งผลกระทบอย่างมาก ต่อสุภาพจิตใจและสุขภาพร่างกายของจำเลย ซึ่งกระทบต่อการต่อสู้คดีของจำเลยได้ และเป็นเหตุที่อาจเป็นการขัดขวางต่อการพิจารณาหรือ น่ากลัวว่าจะเกิดความไม่สงบหรือเหตุร้ายอย่างอื่นขึ้นกับจำเลย หรือกระทบต่อความยุติธรรมที่จำเลยไม่สามารถต่อสู้คดีได้อย่างเต็มที่ ซึ่งเป็นผลมาจากสภาพจิตใจที่เคร่งเครียด กดดันและหวาดระแวง จนเกิดผลกระทบต่อทางร่างกายและเป็นอุปสรรคในการต่อสู้คดี ทำให้จำเลยไม่สามารถต่อสู้คดีได้อย่างเต็มที่ ประกอบกับคดีนี้เป็นคดีร้ายแรงมีอัตราโทษสูง การที่จำเลยไม่สามารถต่อสู้คดีได้อย่างเต็มที่เพราะเหตุเกิดจากปัญหาทางสุขภาพจิต และผลกระทบต่อสุขภาพกายอันเกิดจากที่ต้องอยู่ในสภาพแวดล้อมที่จำเลยไม่คุ้นเคยและเป็นพื้นที่ ที่มีปัญหาความไม่สงบอันทำให้จำเลยมีความรู้สึกหวาดระแวงและไม่ปลอดภัย อันเป็นเหตุที่อาจเกิดผลกระทบต่อประโยชน์ที่สำคัญอื่นของรัฐ ทั้งนี้ย่อมเข้าเหตุตามประมวลกฎหมายวิธีพิจารณาความอาญา 26 ด้วยเหตุดังกล่าวขอศาลได้โปรดพิจารณาทำความเห็นเสนอต่อประธานศาลฎีกาขอให้โอนคดีไปยังศาลอาญาซึ่งเป็นศาลที่อยู่ส่วนกลางและเป็นประโยชน์ต่อคู่ความทุกฝ่าย ทั้งนี้เพื่อให้จำเลยในคดีอาญาได้มีสิทธิต่อสู้คดีอย่างเต็มที่ และเพื่อประโยชน์แห่งความยุติธรรม ขอศาลได้โปรดอนุญาต..

๔

ควรมิควรแล้วแต่จะโปรด

ลงชื่อ ทนายจำเลย

คำแถลงฉบับนี้ ข้าพเจ้า [redacted] ทนายจำเลย เป็นผู้เรียง/พิมพ์

ลงชื่อ ผู้เรียง/พิมพ์

Appendix 3

Request Letter for the Transfer of the Case in the Suchat Sawatsri Case

สำนักงานตำรวจแห่งชาติ
เลขรับ 2913
วันที่ 21 ต.ค. 2567
เวลา 13.37 น.

๑

ศูนย์ทนายความเพื่อสิทธิมนุษยชน (TLHR)

[redacted]

[redacted]

วันที่ ๒๑ ตุลาคม ๒๕๖๗

เรื่อง ขอให้โอนคดีมาทำการสอบสวนที่หน่วยงานในสังกัดของกองบัญชาการสอบสวนกลาง

เรียน พลตำรวจเอก กิตติ์รัฐ พันธุ์เพ็ชร์ ผู้บัญชาการตำรวจแห่งชาติ

อ้างถึง ๑. ระเบียบสำนักงานตำรวจแห่งชาติ ว่าด้วยการโอนคดี และการรวมคดี พ.ศ.๒๕๖๕

๒. คำสั่งสำนักงานตำรวจแห่งชาติที่ ๔๓๗/๒๕๖๕ เรื่อง อำนาจการสอบสวนของหน่วยงานในสำนักงานตำรวจแห่งชาติ

สิ่งที่ส่งมาด้วย ๑. สำเนาบันทึกแจ้งข้อกล่าวหานายสุชาติ สวัสดิ์ศรี ผู้ต้องหา ฉบับลงวันที่ ๑๑ กันยายน ๒๕๖๗ ตามสำนวนสอบสวนคดีอาญาที่ ๑๙๘/๒๕๖๖ สถานีตำรวจภูธรศรีนครินทร์ จังหวัดพัทลุง

๒. สำเนาคำให้การชั้นสอบสวนของนายสุชาติ สวัสดิ์ศรี ผู้ต้องหา ฉบับลงวันที่ ๑๑ ตุลาคม ๒๕๖๗ ที่ได้ยื่นต่อพนักงานสอบสวน สถานีตำรวจภูธรศรีนครินทร์ จังหวัดพัทลุง

ตามที่พนักงานสอบสวน สถานีตำรวจภูธรศรีนครินทร์ จังหวัดพัทลุง ได้รับคำกล่าวโทษจากผู้กล่าวโทษเมื่อวันที่ ๓๐ ตุลาคม ๒๕๖๕ และต่อมาพนักงานสอบสวนได้แจ้งข้อกล่าวแก่ข้าพเจ้านายสุชาติ สวัสดิ์ศรี ว่ากระทำความผิดในข้อหา “กระทำให้ปรากฏแก่ประชาชนด้วยวาจา หนังสือ หรือวิธีอื่นใด อันมิใช่เป็นการกระทำภายในความมุ่งหมายแห่งรัฐธรรมนูญ หรือมิใช่เพื่อแสดงความคิดเห็น หรือติชมโดยสุจริต เพื่อให้เกิดการเปลี่ยนแปลงในกฎหมายแผ่นดินหรือรัฐบาล โดยใช้กำลังข่มขืนใจหรือใช้กำลังประทุษร้าย เพื่อให้เกิดความปั่นป่วน หรือกระด้างกระเดื่องในหมู่ประชาชนถึงขนาดที่จะก่อความไม่สงบขึ้นในราชอาณาจักร และโดยทุจริตหรือโดยหลอกลวงนำเข้าสู่ระบบคอมพิวเตอร์ซึ่งข้อมูลคอมพิวเตอร์ที่บิดเบือนหรือปลอมไม่ว่าทั้งหมดหรือบางส่วน หรือข้อมูลคอมพิวเตอร์อันเป็นเท็จโดยประการที่น่าจะเกิดความเสียหายแก่ประชาชนฯ หรือนำเข้าสู่ระบบคอมพิวเตอร์ซึ่งข้อมูลคอมพิวเตอร์อันเป็นเท็จโดยประการที่น่าเกิดความเสียหายต่อการรักษาความมั่นคงปลอดภัยของประเทศ ความปลอดภัยสาธารณะความมั่นคงทางเศรษฐกิจของประเทศ หรือโครงสร้างพื้นฐานอันเป็นประโยชน์สาธารณะของประเทศ หรือก่อให้เกิดความตื่นตระหนกแก่ประชาชน” อันเป็นความผิดตามประมวลกฎหมายอาญา มาตรา ๑๑๖ (๑) (๒) และ พระราชบัญญัติว่าด้วยการกระทำความผิดเกี่ยวกับคอมพิวเตอร์ พ.ศ. ๒๕๖๐ มาตรา ๑๔ (๑) (๒) โดยอ้างว่าเหตุเกิดในท้องที่ สถานีตำรวจภูธรศรีนครินทร์ จังหวัดพัทลุง ซึ่งข้าพเจ้าได้เข้าพบนักงานสอบสวนตามหมายเรียกและรับทราบข้อกล่าวหาเมื่อวันที่ ๑๑ กันยายน ๒๕๖๗ โดยให้การ “ปฏิเสธตลอดข้อกล่าวหา” **ตามสิ่งที่ส่งมาด้วย ๑.** และได้ให้การในรายละเอียดพร้อมแสดง

๒

พยานหลักฐานประกอบ และขอให้พนักงานสอบสวนทำการสอบสวนพยานบุคคลฝ่ายผู้ต้องหาตามสิทธิของผู้ต้องหาตามประมวลกฎหมายวิธีพิจารณาความอาญา มาตรา ๑๓๑ ตามสำเนาคำให้การ **สิ่งที่ส่งมาด้วย ๒.**

เนื่องจากข้อหาและพฤติการณ์ที่ข้าพเจ้าถูกดำเนินคดีมีความเกี่ยวข้องกับการกระทำอันเป็นความผิดตามพระราชบัญญัติว่าด้วยการกระทำความผิดทางคอมพิวเตอร์ พ.ศ. ๒๕๖๐ ทั้งผู้กล่าวโทษในคดีนี้ซึ่งมีแนวคิดทางการเมืองต่างจากข้าพเจ้าได้กล่าวอ้างว่าพบเห็นโพสต์ข้อความและคลิปภาพเคลื่อนไหวในคดีนี้เมื่อวันที่ ๓๐ ตุลาคม ๒๕๖๕ จากการที่ได้นำโทรศัพท์เคลื่อนที่ส่วนตัวเข้าอ่านข้อมูลในโปรแกรม Facebook ของตนเองในระหว่างที่ตนหยุดพักรถที่[redacted]จังหวัดพัทลุง แต่กลับไม่ปรากฏพยานหลักฐานใดทางนิติวิทยาศาสตร์หรือหลักฐานทางดิจิทัลที่พิสูจน์ได้ในทางวิทยาศาสตร์ว่า ผู้กล่าวโทษในคดีนี้ได้พบข้อความและคลิปภาพเคลื่อนไหวในโปรแกรม Facebook ของตนเองเมื่อวันที่ ๓๐ ตุลาคม ๒๕๖๕ ณ [redacted]จังหวัดพัทลุงหรือไม่ ข้าพเจ้าจึงขอให้พนักงานสอบสวนทำการสืบสวนและสอบสวนข้อมูลการใช้งานโทรศัพท์ของผู้กล่าวโทษซึ่งได้ใช้ตรวจสอบข้อมูลข่าวสารตามวัน เวลา และสถานที่ ที่กล่าวอ้าง ว่าพบการรับส่งสัญญาณหรือปรากฏสัญญาณของเครือข่ายผู้ให้บริการตามเบอร์โทรศัพท์ของผู้กล่าวโทษไว้ ณ ที่เกิดเหตุตามที่กล่าวอ้างจริงหรือไม่ เพราะหากเมื่อข้อเท็จจริงปรากฏชัดว่าข้อมูลการใช้โทรศัพท์ของผู้กล่าวโทษไม่ได้ปรากฏตามที่กล้าวอ้างแล้วย่อมส่งผลให้พนักงานสอบสวน สถานีตำรวจภูธรศรีนครินทร์ ไม่มีอำนาจสอบสวนในคดีนี้มาตั้งแต่ต้น

คดีนี้ผู้กล่าวโทษได้กล่าวโทษยืนยันว่า ข้าพเจ้าได้โพสต์ข้อความในโปรแกรม Facebook ของข้าพเจ้าเมื่อวันที่ ๒๙ ตุลาคม ๒๕๖๕ ใช้ชื่อ Facebook ว่า[redacted]และในชั้นสอบสวนข้าพเจ้าได้ให้การปฏิเสธแล้วว่า เอกสารที่เป็นรูปใบหน้าของข้าพเจ้าและชื่อภาษาอังกฤษ[redacted]นั้น แม้จะเป็นใบหน้าและชื่อภาษาอังกฤษที่อ่านออกเสียงเป็นชื่อของข้าพเจ้าก็ตาม แต่เอกสารดังกล่าวไม่น่าเชื่อถือและไม่อาจยืนยันได้ว่าเป็นภาพโปรไฟล์หรือหน้าเพจ Facebook ของข้าพเจ้าที่มีอยู่ในระบบคอมพิวเตอร์จริงหรือไม่ เนื่องจากในความผิดที่เกี่ยวกับการกระทำความผิดตามพระราชบัญญัติว่าด้วยการกระทำความผิดทางคอมพิวเตอร์ พ.ศ. ๒๕๖๐ นั้น พยานหลักฐานจากจากระบบคอมพิวเตอร์อาจเกิดจากการ ทำขึ้น ตัดต่อ เปลี่ยนแปลง แก้ไขพยานหลักฐานโดยผ่านกระบวนการทางอิเล็กทรอนิกส์ได้ ประกอบกับในวันที่ ๑๑ กันยายน ๒๕๖๗ ซึ่งเป็นวันรับทราบข้อกล่าวหา ข้าพเจ้าไม่สามารถตรวจสอบพยานเอกสารหรือหลักฐานประกอบคำให้การของผู้กล่าวโทษได้ ทำให้ข้าพเจ้าไม่อาจทราบว่าเป็นโพสต์ข้อความในโปรแกรม Facebook ของข้าพเจ้าจริงหรือไม่ และข้อความดังกล่าวที่ผู้กล่าวหาแจ้งดำเนินคดีแก่ข้าพเจ้านั้นเกิดจากการทำขึ้น ตัดต่อ แก้ไข ดัดแปลง หรือไม่

ข้าพเจ้าขอเรียนว่าตั้งแต่ปี ๒๕๖๕ เป็นต้นมามีกลุ่มบุคคลที่เห็นต่างทางการเมืองได้มีการเข้าร้องทุกข์กล่าวโทษต่อพนักงานสอบสวนในท้องที่ต่างๆ ในต่างจังหวัดและเป็นพื้นที่ห่างไกลกับบุคคลที่ใช้สิทธิเสรีภาพตามรัฐธรรมนูญในการแสดงออกทางการเมืองผ่านระบบออนไลน์หรือระบบคอมพิวเตอร์ ซึ่งการเข้าร้องทุกข์กล่าวโทษ ในลักษณะดังกล่าวมักจะระบุข้อหาที่เกินเลยหรือร้ายแรงไปมากกว่าพฤติกรรมการกระทำ ทำให้เกิดภาระกับผู้ถูกกล่าวโทษหรือผู้ถูกกล่าวหาและผู้ต้องหาซึ่งจะต้องเดินทางไปรับทราบข้อกล่าวหาและเข้าสู่กระบวนการยุติธรรมในพื้นที่ห่างไกล บางรายต้องเดินทางจากพื้นที่ซึ่งห่างไกลกว่า ๑,๐๐๐ กิโลเมตร ซึ่งจะต้อง

๓

ลางาน ต้องมีค่าใช้จ่าย กระทบต่อสิทธิเสรีภาพของผู้ถูกกล่าวหาหรือผู้ต้องหาและครอบครัวเป็นอย่างมาก ที่สำคัญต้องถูกแจ้งข้อกล่าวหาและตกเป็นผู้ต้องหาในข้อหาที่ร้ายแรงกว่าความเป็นจริง ทั้ง ๆ ที่คดีในลักษณะดังกล่าวพนักงานสอบสวนจะต้องพิจารณาข้อเท็จจริงและข้อกฎหมายอย่างถี่ถ้วนก่อนรับคำกล่าวโทษและก่อนแจ้งข้อกล่าวหา และคดีลักษณะนี้ควรจะได้รับการพิจารณาหรือการร้องทุกข์กับพนักงานสอบสวนในส่วนกลางซึ่งรับหน้าที่โดยตรง มิฉะนั้นแล้วหากสำนักงานตำรวจแห่งชาติปล่อยให้มีการรับคำร้องทุกข์หรือคำกล่าวโทษในคดีลักษณะแบบนี้ไว้ในหลายท้องที่โดยไม่มีระเบียบ หรือข้อปฏิบัติ หรือข้อสั่งการที่ชัดเจนจะทำให้ถูกบุคคลเหล่านั้นถูกกลั่นแกล้งหรือถูกดำเนินคดีในลักษณะกลั่นแกล้งได้ สำนักงานตำรวจแห่งชาติจึงควรมีข้อปฏิบัติที่ชัดเจนในการรับคำร้องทุกข์หรือคำกล่าวโทษเกี่ยวกับคดีลักษณะข้างต้นไว้ให้เป็นบรรทัดฐานว่าควรจะมีหน่วยงานใดหน่วยงานหนึ่งเฉพาะที่เป็นพนักงานสอบสวนผู้รับผิดชอบในการสอบสวนและมีความเห็นทางคดีเสนอพนักงานอัยการต่อไป เพื่อป้องกันมิให้เกิดการใช้ช่องว่างของกฎหมายกลั่นแกล้งกันในหมู่ประชาชน

สำหรับคดีของข้าพเจ้า นั้น ข้าพเจ้ามีภูมิลำเนาอยู่[redacted]แต่ต้องเดินทางไปรับทราบข้อกล่าวหาที่จังหวัดพัทลุง ซึ่งเป็นพื้นที่ห่างไกลจากภูมิลำเนาเกือบ ๑,๐๐๐ กิโลเมตร ประกอบกับข้าพเจ้าอายุเกือบ ๘๐ ปี แล้ว การมีภาระที่จะต้องเดินทาง มีผลกระทบต่อสุขภาพ รวมทั้งกระทบต่อการดำเนินชีวิตและค่าใช้จ่ายเป็นอย่างมาก การรับคดีของพนักงานสอบสวนสถานีตำรวจภูธรศรีนครินทร์ จังหวัดพัทลุง ไว้สอบสวนคดีนี้ทำให้กระทบสิทธิเสรีภาพของข้าพเจ้าอย่างร้ายแรง

เมื่อพิจารณาระเบียบสำนักงานตำรวจแห่งชาติ ว่าด้วยการโอนคดี และการรวมคดี พ.ศ.๒๕๖๕ ข้อ ๗ (๑) ถึง (๔) ประกอบ ข้อ ๙ (๓) **ตามอ้างถึง ๑.** ซึ่งมีท่านในฐานะผู้บัญชาการตำรวจแห่งชาติเป็นผู้รักษาการตามระเบียบนี้แล้ว ข้าพเจ้าเห็นว่าเงื่อนไขการโอนคดีของระเบียบ ข้อ ๗ (๑) ถึง (๔) ประกอบ ข้อ ๙ (๓) นั้น คดีของข้าพเจ้าเข้าลักษณะหลักเกณฑ์ที่สามารถโอนคดีจากสถานีตำรวจภูธรศรีนครินทร์ จังหวัดพัทลุง ตำรวจภูธรภาค ๙ มายังกองบัญชาการสอบสวนกลาง หรือกองบังคับการป้องกันและปราบปรามอาชญากรรมเทคโนโลยี (ปอท) ซึ่งเป็นหน่วยงานที่มีบุคลากรที่ความสามารถในการสอบสวนคดีความผิดที่เกี่ยวข้องกับพระราชบัญญัติว่าด้วยการกระทำความผิดเกี่ยวกับคอมพิวเตอร์ หรือกฎหมายอื่นที่เกี่ยวข้อง รวมทั้งมีเครื่องมือและเทคโนโลยีที่สามารถตรวจสอบข้อมูลคอมพิวเตอร์ของผู้กล่าวโทษได้ว่ามีข้อเท็จจริงเป็นไปตามที่กล่าวหาในคดีนี้หรือไม่ ประกอบกับกองบังคับการป้องกันและปราบปรามอาชญากรรมเทคโนโลยี มีที่ทำการไม่ห่างไกลจากภูมิลำเนาของข้าพเจ้ามากนัก และหากมีการสอบสวนที่กองบังคับการป้องกันและปราบปรามอาชญากรรมเทคโนโลยีดังกล่าวนี้ การฟ้องคดีก็จะมีขึ้นที่ศาลอาญา ซึ่งจะสะดวกแก่ผู้ต้องหาในการเดินทางและเข้าต่อสู้คดีมากกว่าที่จะต้องดำเนินกระบวนการยุติธรรมทั้งหมดที่จังหวัดพัทลุง อีกทั้งคดีที่มีการแจ้งข้อหาแก่ข้าพเจ้านั้นก็เป็นคดีที่มีความยุ่งยากสลับซับซ้อน และการทำการสอบสวนหรือพิจารณาสั่งคดีที่สถานีตำรวจภูธรศรีนครินทร์จังหวัดพัทลุง นั้น ข้าพเจ้าในฐานะผู้ต้องหาอาจจะไม่ได้รับความเป็นธรรมจากการสอบสวน ซึ่งข้อเท็จจริงดังกล่าวนี้เป็นเหตุผลให้สามารถทำการโอนคดีไปสอบสวนยังอีกหน่วยงานหนึ่งได้ตามระเบียบ ข้อ ๗ (๑) ถึง (๔) ประกอบ ข้อ ๙ (๓) ประกอบกับคำสั่งสำนักงานตำรวจแห่งชาติที่ ๔๓๗/๒๕๖๕ เรื่อง อำนาจการสอบสวนของหน่วยงานในสังกัดสำนักงานตำรวจแห่งชาติ **ตามอ้างถึง ๒.** ข้อ ๓.๘ นั้น กองบังคับการปราบปรามการกระทำความผิดเกี่ยวกับ

๔

อาชญากรรมทางเทคโนโลยี ก็มีอำนาจสอบสวนความผิดที่มีโทษทางอาญาเกี่ยวกับเทคโนโลยีทั่วราชอาณาจักร ได้แก่ การกระทำความผิดตามกฎหมายว่าด้วยคอมพิวเตอร์ การกระทำความผิดอาญาตามกฎหมายอื่นที่ใช้คอมพิวเตอร์หรือเทคโนโลยีอื่น รวมทั้งความผิดอื่นที่เกี่ยวเนื่อง โดยในข้อ ๓.๘.๑ คดีที่ส่งผลร้ายแรงต่อการรักษาความมั่นคงปลอดภัยของประเทศความมั่นคงปลอดภัยสาธารณะ การบริการสาธารณะ หรือระบบสาธารณูปโภค ,๓.๘.๒ คดีความผิดเกี่ยวกับความมั่นคงในราชอาณาจักร... และ ๓.๘.๓ คดีความผิดตามกฎหมายเกี่ยวกับคอมพิวเตอร์คดีความผิดตามกฎหมายอื่นที่ใช้คอมพิวเตอร์หรือเทคโนโลยีอื่นหรือเป็นเครื่องมือหรือช่องทางในการกระทำความผิด

เมื่อข้อเท็จจริงและพฤติการณ์การกระทำความผิดที่ถูกแจ้งข้อกล่าวหาในคดีนี้ต้องด้วยระเบียบสำนักงานตำรวจแห่งชาติ ว่าด้วยการโอนคดี และการรวมคดี พ.ศ.๒๕๖๕ ข้อ ๗ (๑) ถึง (๔) ประกอบ ข้อ ๙ (๓) และความผิดตามประมวลกฎหมายอาญา มาตรา ๑๑๖ (๑) (๒) และ พระราชบัญญัติว่าด้วยการกระทำความผิดเกี่ยวกับคอมพิวเตอร์ พ.ศ. ๒๕๖๐ มาตรา ๑๔ (๑) (๒) ที่ถูกแจ้งข้อกล่าวกหาก็เป็นคดีความผิดเกี่ยวกับความมั่นคงในราชอาณาจักรและเป็นคดีความผิดตามกฎหมายเกี่ยวกับคอมพิวเตอร์คดีความผิดตามกฎหมายอื่นที่ใช้คอมพิวเตอร์หรือเทคโนโลยีอื่นหรือเป็นเครื่องมือหรือช่องทางในการกระทำความผิด ที่อยู่ในอำนาจการสอบสวนของกองบังคับการปราบปรามการกระทำความผิดเกี่ยวกับอาชญากรรมทางเทคโนโลยี ตามคำสั่งสำนักงานตำรวจแห่งชาติที่ ๔๓๗/๒๕๖๕ เรื่อง อำนาจการสอบสวนของหน่วยงานในสังกัดสำนักงานตำรวจแห่งชาติ อ้างถึง ๒ ข้อ ๓.๘ แล้ว

ข้าพเจ้าในฐานะผู้ต้องหาจึงเรียนมายังท่านในฐานะผู้บัญชาการตำรวจแห่งชาติซึ่งเป็นผู้รักษาการตามระเบียบ ที่อ้างถึง ๑ เพื่อขอให้ใช้อำนาจตามระเบียบสำนักงานตำรวจแห่งชาติ ว่าด้วยการโอนคดี และการรวมคดี พ.ศ.๒๕๖๕ ข้อ ๗ (๑) ถึง (๔) ประกอบ ข้อ ๙ (๓) ให้โอนคดีจากสถานีตำรวจภูธรศรีนครินทร์ จังหวัดพัทลุง ตำรวจภูธรภาค ๙ มายังกองบัญชาการสอบสวนกลาง เพื่อทำการสอบสวนและสั่งคดีที่กองบังคับการปราบปรามการกระทำความผิดเกี่ยวกับอาชญากรรมทางเทคโนโลยี ด้วย

จึงเรียนมาเพื่อพิจารณา

ขอแสดงความนับถือ

ลงชื่อ ผู้ต้องหา

(นายสุชาติ สวัสดิ์ศรี)

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