

คำพิพากษาคดีดาร์ณี ชาญเชิงศิลปกุล พากย์ภาษาอังกฤษ

วารสาร *ฟ้าเดียวกัน* ฉบับ “ข้อมูลใหม่” (กรกฎาคม-กันยายน 2552) ได้นำเสนอรายงานพิเศษ “กีฬาแพดแดคเผาให้ไหม้เกรียม เข้ายจารีตธรรมเนียมไม่ชอบธรรม: การต่อสู้ของดาร์ณี ชาญเชิงศิลปกุลกับโทษที่ไม่เป็นธรรม” โดยธนาพล อิวสกุล ทั้งนี้ ในท้ายรายงานชิ้นดังกล่าวได้ตีพิมพ์คำพิพากษาคดีดำหมายที่ อ. 3959/2551 คดีแดงหมายที่ อ. 2812/2552 ซึ่งศาลได้พิพากษาให้นางสาวดาร์ณี ชาญเชิงศิลปกุล มีความผิดตามประมวลกฎหมายอาญา มาตรา 112 หรือที่เรียกกันติดปากว่า “กฎหมายหมิ่นพระบรมเดชานุภาพ” ต้องโทษจำคุก 18 ปี

หลังจาก *ฟ้าเดียวกัน* ฉบับดังกล่าวได้เผยแพร่ออกไป ก็มีการกล่าวถึงคำพิพากษาคดีดาร์ณี ชาญเชิงศิลปกุลอย่างกว้างขวาง ทั้งในและต่างประเทศ อาทิเช่น ในเว็บไซต์ New Mandala ซึ่งเป็นชุมชนวิชาการด้านอุษาคเนย์ศึกษา โดยได้มีผู้เก็บความคำพิพากษาลงฉบับดังกล่าวเป็นภาษาอังกฤษและนำมาเผยแพร่จนก่อให้เกิดการอภิปรายอย่างกว้างขวาง นอกจากนี้ ยังมีการเสนอให้แปลคำพิพากษาคดีนี้เป็นภาษาอื่น ๆ ด้วย เพื่อเป็นกรณีศึกษา (ดู “On the judgment against Da Torpedo” <http://asiapacific.anu.edu.au/newmandala/2010/01/20/on-the-judgment-against-da-torpedo/> และ “The evidence of intention” <http://asiapacific.anu.edu.au/newmandala/2010/01/29/the-evidence-of-intention/>)

หลังจากนั้น เพื่อนมิตรจำนวนหนึ่งที่เห็นควร จึงได้พยายามร่วมกันแปลคำพิพากษาออกมาเป็นภาษาอังกฤษด้วยอีกพากย์หนึ่ง ด้วยหวังให้นำไปใช้และอ้างอิงในการศึกษาเกี่ยวกับระบบยุติธรรมและสังคมการเมืองไทยต่อไปในอนาคต

แต่ดาร์ณี...

Foreword by the translator

The present document is a translation of the verdict against Daranee Charnchoengsilpakul, a Thai reporter and political activist who was sentenced to 18 years imprisonment on 28 August 2009 after a series of speeches that she gave at Sanam Luang that led to charges being filed against her for criticising the Royal family.

The translator can not be held responsible for any of the opinions or viewpoints quoted in the present translation. Any mistakes in the translation of the original document, however, are entirely the translator's fault. The translation may not be entirely correct in terms of the terminology used during court sessions. Still, this English translation hopefully provides some insight into the case for those who are unable to read Thai and want to read the verdict in its full text. For those who are able to read and understand Thai, they should be encouraged to read the original document which has been released to the public and printed in the latest edition of Same Sky Magazine, Vol. 7, Issue 3, July-September 2009 pp. 200-231 (*ฟ้าเดียวกัน*, ปีที่ 7 ฉบับที่ 3 กรกฎาคม-กันยายน 2552).

I would like to thank those who provided invaluable assistance while translating this document. Without their help, it would have been impossible to arrive anywhere near the accuracy of the translation in its current form.

Bangkok, February 2010.

In the name of His Majesty the King

The Criminal Court

28 August 2009

Criminal Lawsuit

| | | | |
|---------|---|---|------------|
| Between | { | The Attorney General, | Prosecutor |
| | | Office of the Attorney General | |
| | | Miss Daranee Charnchoengsilpakul | Defendant |
| Case: | | Offending His Majesty the King and Her Majesty the Queen, the Royal Heir and the Regent | |

The prosecutor files the following charges[:] At the time when this case occurred and at present, Thailand is governed under a democratic system with His Majesty the King of the Chakri Dynasty as Head of State. His Majesty the King, Bhumibol Adulyadej, the current King, is King Rama IX. Her Majesty the Queen Sirikit is the Queen in the present reign. In the Constitution of the Kingdom of Thailand, Article 2 prescribes[:] “Thailand is governed under the democratic system with the King as Head of State”, Article 8 prescribes[:] “The King shall be enthroned in a position of revered worship and shall not be violated”, and Article 12 prescribes[:] “The King selects and appoints a qualified person as President of the Privy Council...

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...and no more than 18 persons to constitute the Privy Council.” The defendant has committed several different violations[:] On the night of 7 June 2008 after midnight, the defendant made a speech using a loudspeaker on the stage of the People’s Voice at Sanam Luang in the middle of a large number of people assembled there who were third parties. At one point, the defendant said[:] “I tell you, hey, I’m the mother of Sondhi Limthongkul. The letter he claimed the other day came from the Mother was from me. Water from the sky – what sky? Chitralada [bottled] water. I can buy it. Sondhi..., you bastard. My goodness, you keep talking about water from the sky. I tell you, we always have rain water to drink. Doesn’t rain water come from the sky? Therefore, don’t you bring up a yellow or blue collar. I never care. If you encounter a Red Shirt, you will be damned. Don’t you forget, you bastard Alliance of Evil, only the people rule in the country. There is no one more powerful than the people. Right, my brothers and

sisters? Why do I say this? Who pays the taxes? Isn't it because of the patronage of commoners that feudalism remains?" The passage "don't you bring up a yellow or blue collar. I never care. If you encounter a Red Shirt, you will be damned" is a serious insult and invidious comparison, defamation and contempt, and shows the vindictiveness and threat toward His Majesty the King and Her Majesty the Queen, owing to the fact that the people know that the colour yellow is the birthday colour of His Majesty the King Bhumibol Adulyadej and blue is the birthday colour of Her Majesty the Queen, and made the people understand that Their Majesties are behind the protest movement of the People's Alliance for Democracy in order to overthrow the government. These [passages] were intended to spoil the reputation of Their Majesties and make the people detest and hate them, and lose respect and not revere them.

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On the night of 13 June 2008, the defendant gave a speech using a loudspeaker from the People's Voice stage on Sanam Luang in front of a large crowd of people who were third parties. At one point, the defendant said[:] "Today we must accept that our judicial proceedings are distorted. There's an invisible hand. Usually, the ceremony of taking an oath of allegiance in every country is done before the constitution, and that is enough. But today in Thailand, things are done precisely as before 1932. One fine day these people will be summoned, and they will go to make nods." By these words, people know that in the ceremony of taking an oath of allegiance for judges before performing their duty, one has to swear on this oath before His Majesty the King. What the defendant said as[:] "One fine day these people will be summoned, and they will go to make nods" is a way of saying that compares and makes invidious comparisons that His Majesty the King is the person who summons judges who will take the oath and His Majesty instructs the court what to do, interfering with the proceedings of the court. And the words of the defendant that[:] "There's an invisible hand" lead those who listened to understand that the defendant referred to His Majesty the King who interfered in and influenced the proceedings of the court, causing the court to perform its duty in an unjust manner. The defendant's speech is considered to affront, compare, make invidious comparisons to, defame and insult His Majesty the King of the present reign and cause damage to His Majesty's honour. Another part of the defendant's speech contained the following passage[:]

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"[Regarding] 19 September 2006, I might disagree with Dr. Methaphan because according to information I got about 19 September 2006, there was an invisible

hand. The old homo of the Si Sao [house] ordered the military to stage a coup. This information is true. But as to whether or not the old man feels [contrite] today, I don't know. [He] might have used a henchman like the old homo. But you cannot deny that it has been the same person who has been behind all 15 coups. Whether a coup is successful or fails all depends on what? Is it the signature? It is the signature. Today our soldiers do not belong to the people, but are ready to take orders from the invisible hand to intervene again. Sad, isn't it?" The defendant's reference to "the invisible hand" is known among Thai people to refer to His Majesty the King. The reference to "the old man" is also known among Thai people to refer to His Majesty the King. In the following passage of the defendant's speech[:] "But you cannot deny that it has been the same person who has been behind all 15 coups. Whether a coup is successful or fails all depends on what? Is it the signature? It is the signature. Today our soldiers do not belong to the people, but are ready to take orders from the invisible hand to intervene again. Sad, isn't it?", the word "you" should be understood as a reference to His Majesty the King. Together these passages taken from the defendant's speech gives the impression that the defendant is speaking in an insulting manner by suggesting that His Majesty the King was behind or supported the coup of 19 September 2006 and might have the military stage a coup again in the future. Another passage of the defendant's speech went as follows[:] "Today there is nothing left of Thailand. Just somebody with wrinkled old hands that messes around until it is all messed up..."

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...and run the show completely. [We] wait for him to die, but he is not dying quickly enough. The people throughout the country call down curses upon you. Will your life become happy then? Will your smile appear then? No matter how much wealth you have, a smile on your face never appears. Are you happy? Will your descendants do well if the whole country calls down curses upon them? Don't think that he repents. Not yet. We must not be serfs. We must not let our hearts and minds be enslaved. He has never loved the people the way the people love him. The people are very poor. Has he ever shared any of his wealth with the people? Some people have a hard time finding three meals to fill their stomachs. But some people can eat well without even thinking about it. This is the inequality of society. The *Thai Rak Thai* government had populist policies to solve the problem of poverty. He couldn't do it and instead envied the *Thai Rak Thai*. You see? Do you have dharma? It doesn't matter who belong to the ruling class, if they say that they have dharma, but in their hearts they are cruel. No need to say. No country is as bad as Thailand. As a political scientist, this is a system that still puzzles me. On TV they tell us that according to political theory, every country has its invisible hand. But no country has a hand like ours. Ours remain.

One fine day those who take orders from it will be pulled by the hair. One fine day those soldiers will be pecked for intervening because I don't like this bastard. This bastard has snatched love from me. The people's fate is precarious." By referring to "the ruling class" the defendant made the audience feel that the defendant made an invidious comparison to His Majesty the King. And the passage where the defendant said[:] "Every country has its invisible hand. But no country has a hand like ours. Ours remain. One fine day those who take orders from it will be pulled by the hair. One fine day those soldiers will be pecked for intervening" is an invidious comparison to His Majesty the King of the present reign that suggested that His Majesty the King ordered the military to intervene. The defendant's speech intentionally insults and causes harm to, holds contempt for, and shows vindictiveness and harm toward His Majesty the King of the present reign.

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A part of the defendant's speech contained the following passage[:] "One fine day it thrills to see if he will get another convulsion. Or another fit of epilepsy. And [then] call on the military to intervene. One fine day, uh-hu, on this day, you will be ready again to believe anything you are told, when somebody tells you that they are coming to overthrow you. [And then] do it once more. We have a leader who is credulous. Once [he was told that] Thaksin is King Taksin reborn. He got so scared! [The saying goes] there's a skeleton in the closet, right? They have their wounds. Going to Wat Chana Songkhram to make merit and pay homage to the momument of a prince in the reign of Rama I because [you] know that the prince joined in taking Taksin to hammer with a piece of sandal wood." The quotation "One fine day it thrills to see if he will get another convulsion. Or another fit of epilepsy. And [then] call on the military to intervene" implies that the persons who call upon the military to intervene are His Majesty the King and Her Majesty the Queen of the present reign. The part of the defendant's speech that went[:] "We have a leader who is credulous. Once [he was told that] Thaksin is King Taksin reborn. He got so scared! [The saying goes] there's a skeleton in the closet, right? They have their wounds. Going to Wat Chana Songkhram to make merit and pay homage to the momument of a prince in the reign of Rama I because [you] know that the prince joined in taking Taksin to hammer with a piece of sandal wood" refers to King Taksin the Great and the prince in the reign of Rama I (who was the younger brother of King Rama I.) Wat Chana Songkhram is...

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...the location of the statue of the prince, where on 21 February 2008, Her Majesty the Queen of the present reign made a visit to make merit and listen to the

sermon and perform the ceremony of circling the temple on the occasion of Makha Bucha of 2008. And on 19 May 2008, Her Majesty the Queen of the present reign visited the temple of Chana Songkhram to make merit and listen to the sermon and perform the ceremony of circling the temple on the occasion of Vissakkha Bucha of 2008. The aforementioned passages from the defendant's speech are therefore intentional insults and invidious comparisons to His Majesty the King and Her Majesty the Queen that cause serious damage to their honour [and] the aforementioned conduct of the defendant [intended] to spoil the honour and reputation of Their Majesties of the present reign, to have them insulted and hated and make Thai people lose respect for them and not revere them. On the night of 18 July 2008 until early morning of 19 July 2008, the defendant gave a speech using a loudspeaker from the People's Voice stage on Sanam Luang in front of a large crowd of people who were third parties. The defendant's speech contained the following passage[:] "Mr. Pridi Banomyong knew about the death of King Rama XIII as of after 9 am. In the morning when he arrived at the scene, the wound had already been attended to by Dr. Nick Loetsawisit, a scholarship student who had studied medicine abroad. The wound above the left eyebrow had been stitched. The casing of the bullet had disappeared and the pillow and bed sheets had all been removed. No evidence remained.

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I ask you this, wouldn't Mr. Pridi Banomyong holding a PhD degree in Law have been able to tell that the evidence had been destroyed? But he didn't say anything [and] agreed to resign as Prime Minister in order to show high spirit, although he had nothing to do with the case whatsoever. Today we still don't know who the gun soot-stained hand of the murderer of 9 June 1946 was for sure". As His Majesty the King of the present reign resided in the Grand Palace, the defendant's speech made the audience believe that [His Majesty the King] has knowledge about what happened which is an intentional insult to His Majesty the King. Another part of the defendant's speech contained the following passage[:] "And then who has been the financial source? The Bangkok Bank whose owner's sister in law was Lady Kanlaka Sophanaphanich. The Chairman of the Board is the old homo of the Si Sao house! Therefore, it is not surprising that these capitalists support the Alliance of Evil." Another part of the defendant's speech contained the following passage[:] "Some people don't know anything and say that the old homo at Si Sao house is the kingpin. I say, if you are a good person, why do you have followers like that damn old homo? Will you keep him? In that case, if they say you are not a criminal, how can you associate with people who are? You cannot. People are associated with people of the same sort. Today we see it clearly that if you are a good person and have those damn minions like the Si Sao, would you dismiss him? Of course, you would! Except that you spoil the old homo. I ask,

how do this old homo who is about to retire to the grave any day now dare to defy the people alone? And before this I don't know why this old homo bastard did not emerge in Thai politics on 14 October 1973, 6 October 1976, and 17 May 1992" in which ["The Sacred Lotus Bank"] and "the old homo"...

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...are apparent references to Prem Tinsulanonda who is Chairman of the Advisory Board of the Bangkok Bank and Chairman of the Privy Council, appointed by His Majesty the King of the present reign that in connection with the following passages[:] "I say, if you are a good person, why do you have followers like that damn old homo" and "Today we see it clearly that if you are a good person and have those damn minions like the Si Sao, would you dismiss him" made the audience understand that "you" refers to His Majesty the King owing to the fact that Privy Councillor Chairman Gen. Prem and the person that has the authority to remove him from office is His Majesty. The defendant's speech is an intentional insult that reflects the defendant's harm and vindictiveness toward His Majesty the King and intention to spoil His Majesty's reputation. Another part of the defendant's speech contained the following passage[:] "What do the 15 coups that have taken place in Thailand show? They show that they have all been signed by the same person. What do you say? Were you compelled to do so on 19 September 2006? Do you want to see your country progress or are you selfish? You allowed the power to be taken away from the people, to maintain your own position. You are the most selfish person." By using the word "you", the audience was made to understand that this was a reference to His Majesty the King of the present reign owing to the fact that when the Council for Democratic Reform under the Constitutional Monarchy with the King as Head of State took over the administration of the country on 19 September 2006, they had an audience with His Majesty the King, insinuating that His Majesty the King masterminded the coup of 19 September 2006 which severely spoils His Majesty's reputation.

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Another part of the defendant's speech contained the following passage[:] "I'm here not to flame anyone. I just say that if you are old, you have to learn to contemplate on yourself. On the occasion of the Buddhist Lent Day, do you contemplate on yourself? You have retreated to Hua Hin. I don't know if you went there on honeymoon, or to make contemplation. I thought that you went there for a retreat for contemplation on the last days of your life, to do good for the last time once and for all. But, no, not at all. One fine day, you once again gave the old homo the green light to come out again, didn't you? The old homo! I thought the

old homo would probably have to take care of his anal sphincter cancer. But, instead, he went to speak at the Queen Sirikit [National] Convention Center. What is this? This is what happened before 19 September 2006.” And another part of the defendant’s speech contained the following passage[:] “We should be prepared as today will be the last battle for us, who are prodemocracy. Will we allow the ruling class of only a few people to continue to keep the people down or not? Brothers and sisters. If you [the ruling class] want to be good rulers, you will have to choose whether you will be like the Japanese, English or Russian [ruling classes]. [Would you like] your entire family to be shot down [like the Russian royal family] or beheaded with the Guillotine like the French [royal family]? Or like in Nepal where the people rose up and shot the whole family. But today, the people have no other alternative besides fighting.” The defendant’s speech is an insult to His Majesty the King of the present reign and...

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...Her Majesty the Queen, severely spoiling Their Majesties’ reputation. The aforementioned conduct of the defendant was carried out with the intention to insult His Majesty the King, Bhumibol Adulyadej, and Her Majesty Regent Sirikit the Queen and make people lose respect for them. The incidents took place in the Grand Palace area in the Capital District of Bangkok. The defendant stands as the same person charged in Criminal Case No. 3634/2551 of this court. [The prosecutor] has requested [the court] to sentence [the defendant] according to the Criminal Code of Articles 112 and 91 in this case, on top of the penalty in Criminal Case No. 3634/2551 of this court. The prosecutor’s investigation has found that His Majesty the King, Bhumibol Adulyadej Rama IX, and Her Majesty Regent Sirikit the Queen of the present reign, His Majesty the King appointed Gen. Prem Tinsulanonda as Chairman of the Privy Council on 4 September 1998. On 18 July 2008, Pol. Lt. Col. Pornsak Sawrujiralay, inspector at Chana Songkhram Metropolitan Police Station was ordered by his superior officer to investigate the news of the speeches being held at Sanam Luang. Following at 6 pm, Pol. Lt. Col. Pornsak, Pol. Sgt. Maj. Latthichai Klinbanyong and Pol. Sen. Sgt. Maj. Phichet Thetsanaboon went to Sanam Luang disguised outside their uniforms...

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...and brought an mp3-recorder and a video camera. Pol. Sgt. Maj. Latthichai recorded the speech with an mp3-recorder and Pol. Sen. Sgt. Maj. Phichet made the videorecording. On this evening it rained, and as a result it was impossible to make a videorecording, but the sound, however, could be recorded. On the aforementioned evening, the defendant got on stage to speak twice. For the first

between 9 and 10 pm, and the second time the defendant spoke for approximately 30 minutes beginning around 12 pm. Pol. Lt. Col. Pornsak burned the recording down onto a CD as evidence material No. P.E.1 and Pol. Sen. Sgt. Maj. Pichet wrote both of the defendant's speeches down as evidence material P.1 and P.2, respectively. The defendant's second speech contained several infamatory passages that were insulting to His Majesty the King and Her Majesty the Queen, showing the defendant's intention to harm Their Majesties. The defendant's speech contained the following passage[:] "What do the 15 coups that have taken place in Thailand show? They show that they have all been signed by the same person. What do you say? Were you compelled to do so as on 19 September 2006? Do you want to see your country progress or are you selfish? You allowed the power to be taken away from the people, to maintain your own position. You are the most selfish person." With the aforementioned passage, the defendant wanted the audience to believe that His Majesty the King has acted wrongfully and that all 15 coups have been carried out in His Majesty's name. In the following passage[:] ["You are the most selfish person["], the word "you" refers to His Majesty the King. The defendant's speech contained a second passage[:] "Mr. Pridi Banomyong knew about the death of King Rama as of after 9 am. In the morning when he arrived at the scene, the wound had already been attended to by Dr. Nick Loetsawisit,...

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...a scholarship student who had studied medicine abroad. The wound above the left eyebrow had been stitched. The casing of the bullet had disappeared and the pillow and bed sheets had all been removed. No evidence remained. I ask you this, wouldn't Mr. Pridi Banomyong holding a PhD degree in Law have been able to tell that the evidence had been destroyed? But he didn't say anything [and] agreed to resign as Prime Minister in order to show high spirit, although he had nothing to do with the case whatsoever. Today we still don't know who the gun soot-stained hand of the murderer of 9 June 1946 was for sure." With the aforementioned passage, the defendant wanted the audience to understand that the death of Rama VIII was an act of murder inside the Grand Palace and that Pridi Banomyong resigned as Prime Minister without saying anything because those involved [in the incident] were powerful and important people like His Majesty the King. The third part of the defendant's speech contained the following passage[:] "Some people don't know anything and say that the old homo at Si Sao house is the kingpin. I say, if you are a good person, why do you have followers like that damn old homo? Will you keep him? In that case, if they say you are not a criminal, how can you associate with people who are? You cannot. People are associated with people of the same sort. Today we see it clearly that if you are a good person and have those damn minions like the Si Sao, would you dismiss him? Of course, you

would! Except that you spoil the old homo. I ask, how do this old homo who is about to retire to the grave any day now dare to defy the people alone? And before this I don't know why this old homo bastard did not emerge in Thai politics as on 14 October 1973, 6 October 1976, and 17 May 1992 ... And then who has been the financial source? The Bangkok Bank whose owner's sister in law was Lady Kanlaka Sophanaphanich.

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The Chairman of the Board is the old homo of the Si Sao house. Therefore, it is not surprising that these capitalists support the Alliance of Evil.” This passage from the defendant's speech made the audience understand that the Sacred Lotus Bank or the Bangkok Bank Ltd. (Public Company) in addition to the line[:] [“the old homo of the Si Sao House [and] Chairman of the board[”], referring to Gen. Prem Tinsulanonda who is Chairman of the Advisory Board of the Bank of Bangkok Ltd. (Public Company) and the line[:] [“You have fucking followers like the old homo of the Si Sao House[”], the word “you” made the audience understand that it was a reference to His Majesty the King because His Majesty has the authority to appoint Gen. Prem. as Chairman of the Privy Council. The word [“]you[”] juxtaposed with the word [“]boss[”] and by referring to the aforementioned [“]boss[”] that has Gen. Prem as a subordinate, [“]boss[”] should be understood as referring to His Majesty the King. And the following passage[:] “If they say you are not a criminal, how can you associate with people who are?” implying that bad people tend to associate and get along together. That the defendant refers to [“]the old homo[”] and his [“]boss[”] using the word [“]you[”] implies that this person is also bad and that they get along together. The third part of the defendant's speech contained the following passage[:] “I'm here not to flame anyone. I just say that if you are old, you have to learn to contemplate on yourself. On the occasion of the Buddhist Lent Day, do you contemplate on yourself? You have retreated to Hua Hin. I don't know if you went there on honeymoon, or to make contemplation. I thought that you went there for a retreat for contemplation on the last days of your life, to do good for the last time once and for all. But, no, not at all. One fine day, you once again gave the old homo the green light to come out again, didn't you? The old homo! I thought the old homo would probably have to take care of his anal sphincter cancer. But, instead, he went to speak at the Queen Sirikit [National] Convention Center. What is this? This is what happened before 19 September 2006.” This passage from the defendant's speech used the homophone[:] “Queen Sirikit [National] Convention Center” which made the audience understand that it was a reference...

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...to Her Majesty the Queen and that His Majesty the King and Her Majesty the Queen were behind and supported Gen. Prem in the coup of 19 September 2006. A fifth passage from the defendant's speech contained the following[:] "We should be prepared as today will be the last battle for us, who are prodemocracy. Will we allow the ruling class of only a few people to continue to keep the people down or not? Brothers and sisters. If you [the ruling class] want to be good rulers, you will have to choose whether you will be like the Japanese, English or Russian [ruling classes]. [Would you like] your entire family to be shot down [like the Russian royal family] or beheaded with the Guillotine like the French [royal family]? Or like in Nepal where the people rose up and shot the whole family. But today, the people have no other alternative besides fighting." This passage made the audience understand that government under the Constitutional Monarchy is unjust and suppresses and abuses the people, and that [the royal family] should be beheaded by the Guillotine as in France. The words [“]bang bang[”] imply that [the Royal Family] ought to be shot down which is a threat to the Head of State governing under the Constitutional Monarchy. By mentioning these examples, the defendant threatened the monarchy of Thailand, suggesting that if they suppress and abuse the people, they will suffer the same fate as the monarchies of the other countries that the defendant referred to in the speech. Pol. Lt. Col. Pornsak filed charges to the investigating officer at Chana Songkhram Metropolitan Police Station to proceed with the case against the defendant. Subsequently, the retrospective investigation of Pol. Lt. Col. Pornsak discovered that on 7 June 2008 and on 13 June 2008 at around 11 pm, the defendant got on stage to speak at Sanam Luang and that some parts of the speech were insulting to His Majesty the King that is on 7 June 2008 the defendant said the following[:] "I tell you, hey, I'm the mother of Sondhi Limthongkul. The letter he claimed the other day came from the Mother was from me. Water from the sky – what sky? Chitralada [bottled] water.

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I can buy it. Sondhi..., you bastard. My goodness, you keep talking about water from the sky. I tell you, we always have rain water to drink. Doesn't rain water come from the sky? Therefore, don't you bring up a yellow or blue collar. I never care. If you encounter a Red Shirt, you will be damned. Don't you forget, you bastard Alliance of Evil, only the people rule in the country. There is no one more powerful than the people. Right, my brothers and sisters? Why do I say this? Who pays the taxes? Isn't it because of the patronage of commoners that feudalism remains?" The aforementioned passage made the audience understand that the words [“]blue[”] and [“]Chitralada[”] referred to Chitralada Palace and the words

[“]yellow collar[”] and [“]blue collar[”] referred to His Majesty the King and Her Majesty the Queen. By using the homophone[:] [“]The Alliance of Evil[”], the defendant referred to the People’s Alliance for Democracy and implied that Their Majesties support them. And on 13 June 2008 the defendant said the following[:]
“...Today we must accept that our judicial proceedings are distorted. There’s an invisible hand. Usually, the ceremony of taking an oath of allegiance in every country is done before the constitution, and that is enough. But today in Thailand, things are done precisely as before 1932. One fine day these people will be summoned, and they will go to make nods.” The aforementioned passage made the audience understand that the words [“]judicial procees[”] and [“]oath swearing[”] referred to the court and [“]the invisible hand[”] can order the court what to do, referring to His Majesty the King. The second part of the defendant’s speech contained the following passage[:]
“...[Regarding] 19 September 2006, I might disagree with Dr. Methaphan because according to information I got about 19 September 2006, there was an invisible hand. The old homo of the Si Sao [house] ordered the military to stage a coup. This information is true. But as to whether or not the old man feels [contribute] today,...

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...I don’t know. [He] might have used a henchman like the old homo. But you cannot deny that it has been the same person who has been behind all 15 coups. Whether a coup is successful or fails all depends on what? Is it the signature? It is the signature.” This passage from the defendant’s speech made the audience understand that the word [“]old homo[”] referred to Gen. Prem Tinsulanonda and that the success of a coup depends whether it has been approved by signature, suggesting that His Majesty the King has been involved, as the signature referred to is His Majesty’s. A third passage of the defendant’s speech went as follows[:]
“Today our soldiers do not belong to the people, but are ready to take orders from the invisible hand to intervene again. Sad, isn’t it?” This passage from the defendant’s speech made the audience understand that His Majesty the King was behind the intervention. The fourth part of the speech contained the following passage[:]
“...Today there is nothing left of Thailand. Just somebody with wrinkled old hands that messes around until it is all messed up and run the show completely. [We] wait for him to die, but he is not dying quickly enough. The people throughout the country call down curses upon you. Will your life become happy then? Will your smile appear then? No matter how much wealth you have, a smile on your face never appears. Are you happy? Will your descendants do well if the whole country calls down curses upon them? Don’t think that he repents. Not yet. We must not be serfs. We must not let our hearts and minds be enslaved. He has never loved the people the way the people love him. The people are very poor. Has he ever shared any of his wealth with the people? Some people have a

hard time finding three meals to fill their stomachs. But some people can eat well without even thinking about it. This is the inequality of society. The *Thai Rak Thai* government had populist policies to solve the problem of poverty. He couldn't do it and instead envied the *Thai Rak Thai*. You see? Do you have dharma? It doesn't matter who belong to the ruling class, if they say that they have dharma, but in their hearts they are cruel. No need to say. No country is as bad...

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...as Thailand. As a political scientist, this is a system that still puzzles me. On TV they tell us that according to political theory, every country has its invisible hand. But no country has a hand like ours. Ours remain. One fine day those who take orders from it will be pulled by the hair. One fine day those soldiers will be pecked for intervening because I don't like this bastard. This bastard has snatched love from me. The people's fate is precarious." This passage from the defendant's speech, referring to ["]someone with wrinkled old hands that messes around until it is all messed up...["] made the audience understand that the ruling class is bad and His Majesty the King has been behind those changes. A fifth part of the defendant's speech contained the following passage[:] "...One fine day, uh-hu, on this day, you will be ready again to believe anything you are told, when somebody tells you that they are coming to overthrow you. [And then] do it once more. We have a leader who is credulous. Once [he was told that] Thaksin is King Taksin reborn. He got so scared! [The saying goes] there's a skeleton in the closet, right? They have their wounds. Going to Wat Chana Songkhram to make merit and pay homage to the monument of a prince in the reign of Rama I because [you] know that the prince joined in taking Taksin to hammer with a piece of sandal wood." This passage from the defendant's speech made the audience understand that it was a reference to Her Majesty the Queen Sirikit because Her Majesty once visited Wat Chana Songkhram and performed the ceremony of circling the temple, and invidiously implied that Her Majesty did so out of fear that Thaksin is King Taksin reborn.

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The defendant has adduced the evidence that she is a Political Science Graduate from Ramkhamhaeng University and [holds] a Master's [degree] in Political Science from Thammasat University. The defendant has made a living as a reporter since 1988 until the arrest. The defendant first got involved in politics when the defendant went to Thammasat University to report on the news following the coup on 19 September 2006. On that day, there was talk about the controversial appointment of Lady Jaruvan as Auditor General. At that time, the

defendant was a financial reporter and therefore expressed her opinion about the matter, and the defendant said that after the coup the people held negative view of the media. As the defendant had studied political science and did not approve of the coup, [the defendant] therefore wanted to take part as a reporter, but was unable to report against the junta. So the defendant took part in various political rallies and gave speeches. At this point, there were groups opposing the coup such as the 19 September [Anti-Coup] Network of students and the Saturday Group Against Dictatorship that gathered at Sanam Luang. The defendant went on stage with the Saturday Group, but the defendant thought that the group's rallies on only Saturdays were not enough. So she brought a group of friends together to give speeches at Sanam Luang every evening. On 30 May 2007, the *Thai Rak Thai* Party was dissolved and the Democratic Alliance Against Dictatorship (DAAD) staged a rally around the statue of Chulalongkorn on horseback. That overshadowed the small rallies at Sanam Luang. So the defendant set up a radio program on the internet and on days when there were no large rallies at Sanam Luang area, the defendant took a laptop to host a radio program and talk about political issues. In case there was a large rally,...

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...the defendant joined the audience to listen to the speeches. At the time, there was an oppositional group to the DAAD called PAD led by Sondhi Limthongkul. The PAD had rallied to overthrow the elected *Thai Rak Thai* government and asked the military to intervene and abolish the 1997 Constitution. The defendant and Mr. Sondhi each held their political rallies and spoke on political issues against each other. The defendant wanted to protect the monarchy and did not want the junta and the PAD to drag it into political matters. The defendant gave speeches for approximately two years, but do not remember whether she spoke on the day the prosecutor filed charges and what issues, she had talked about. The defendant did not confirm that it was her speaking on the recording that the prosecutor brought as evidence. The defendant did not intend to commit any illegal act according to the charges filed against her and believed that Thailand still existed owing to the fact that it has its monarchy. Having examined the facts the court sees that Thailand is governed under a democratic system with His Majesty the King of the Chakri Dynasty as Head of State. His Majesty the King Bhumibol Adulyadej, the current King, is King Rama IX. Her Majesty Queen Regent Sirikit is the Queen in the present reign. The first issue that needs to be solved is to decide whether the defendant spoke according to the charges filed by the prosecutor. It appears that the prosecutor witnesses, Pol. Lt. Col. Pornsak Lawruchirla, Pol. Sgt. Maj. Latthachai Klinbanyong and Pol. Sen. Sgt. Maj. Phichet Thetsanaboon, police officers from the Bangkok Metropolitan Police, Chana Songkhram Police station, gave similar testimonies that on the 18 July

2008 at about 6 pm the three witnesses went to make an investigation of the speeches held at Sanam Luang.

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The defendant got on stage twice to speak. First time at around 9 pm and then a second time around 12 pm. Pol. Sgt. Maj. Latthachai used an mp3-recorder to record the sound of the defendant's speech and Pol. Lt. Col. Pornsak burned the recording on a CD to produce evidence material No. 1. Pol. Sen. Sgt. Maj. Pichet produced document No. 1 and 2 containing the speech of the defendant. Pol. Lt. Col. Pornsak considered the defendant's speech to be insulting to His Majesty the King and Her Majesty Queen Sirikit and therefore filed charges against the defendant and presented the case to the investigator and the subsequent investigation showed that the defendant spoke on 7 and 13 June 2008 around 11 pm. According to evidence material No. 2, disc one, and evidence material No. 2, and the speech of the defendant on both days according to documents No. 3 and 4, Pol. Lt. Col. Pornsak considered the speech of the defendant to be insulting to His Majesty the King and Her Majesty Queen Sirikit and therefore presented additional charges to the investigator. When the aforementioned three witnesses of the prosecutor, police officers of the Bangkok Metropolitan Police at Chana Songkhram located in the Sanam Luang area where the defendant spoke which is under their jurisdiction, it was the duty of these three witnesses to make an investigation of the crime that had been committed. [As] Pol. Lt. Col. Pornsak testified that he did not know the defendant, Pol. Sgt. Maj. Latthichai testified that he had once seen the defendant but did not know her personally, and Pol. Sen. Sgt. Maj. testified that he had no reason to be angry with the defendant, there was no reason to suspect that they testified to blame the defendant to be punished, but told the truth.

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The prosecutor did not bring the witness who recorded the speeches of the defendant on 7 June 2008 and 13 June 2008 and sent the CD containing the recorded speeches of the defendant on 13 July 2008 to testify [because] this was not the same day as the prosecutor filed charges against the defendant (for the speech on 13 June 2008) by referring to the [fact that] Pol. Lt. Col. had provided the investigator with the wrong CD. But when the defendant testified that [the defendant] had got on stage to speak over a period of two years following the coup, but did not remember on what days and what issues [the defendant] had talked about, this shows that the defendant did get on stage to speak several times, and the defendant did not reject to have spoken according to the charges

filed by the prosecutor. The defendant just said that [she] did not remember. Although a problem occurred and the wrong CD was presented to the court initially, the prosecutor later presented the correct CD to the court that contained the recording of the defendant's speech on 13 June 2008. The court subsequently investigated the CD (evidence material No. 1 and 2, disc one, and three) and documents No. 1 to 4 before the prosecutor and the defendant according to the investigation report on 24 June 2009 and it then appeared that the voice on the CD (evidence material No. 1) corresponded to the speech written down in documents No. 1 and 2. The voice on the recording of evidence material No. 2, disc one corresponded to the speech written down in document No. 3 and the voice on the CD (evidence material No. 3) corresponded to the speech written down in document No. 4. The sound on all three aforementioned CDs were similar in style and the voice the same, confirming that the individual who spoke was the same person. When the prosecutor got Pol. Lt. Col. Pornsak, Pol. Sgt. Maj. Latthichai and Pol. Sen. Sgt. Maj. Pichet to testify that the voice...

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...of the speech on the CD (evidence material No. 1) belonged to the defendant, the prosecutor believed that the speech on CD evidence material No. 2 disc one and three was also the voice of the defendant. Based on the evidence presented by the prosecutor, [this court has] accepted that the defendant spoke according to the charges filed by the prosecutor.

[Regarding] the second point in question whether the passages of the defendant's speeches were insulting to His Majesty the King and Her Majesty the Queen Sirikit, Article 2 of the Constitution of the Kingdom of Thailand that prescribes[:] "Thailand is governed under the democratic system with the King as Head of State" and Article 8 that prescribes[:] "The King shall be enthroned in a position of revered worship and shall not be violated" were taken into consideration. When the prosecutor got Pol. Lt. Col. Pornsak and Pol. Sen. Sgt. Maj. Pichet who heard the speech of the defendant, and Mr. Prayudh Singdamrong and Pol. Lt. Col. Banyong Daengmankhong who read the speech to provide their comments on the matter, they all agreed that the passages from the defendant's speeches intentionally insulted, made invidious comparisons to, and showed vindictiveness and harm toward His Majesty the King and Her Majesty Regent Sirikit the Queen. When the court read the defendant's speech on 7 June 2008 containing the following passages[:] "...I tell you, hey, I'm the mother of Sondhi Limthongkul. The letter he claimed the other day came from the Mother was from me. Water from the sky – what sky? Chitralada [bottled] water. I can buy it. Sondhi..., you bastard. My goodness, you keep talking about water from the sky. I tell you, we always have rain water to drink. Doesn't rain water come from the sky? Therefore, don't you bring up a yellow or blue collar. I never care. If you encounter a Red

Shirt, you will be damned. Don't you forget, you bastard Alliance of Evil, only the people rule in the country. There is no one more...

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...powerful than the people. Right, my brothers and sisters? Why do I say this? Who pays the taxes? Isn't it because of the patronage of commoners that feudalism remains?" [the court found that] by referring to Chitralada bottled water, yellow collar and blue collar, it is obvious to Thai people that the word Chitralada refers to the residence of His Majesty the King and Her Majesty the Queen Sirikit, the colour yellow refers to the birthday colour of His Majesty the King, and the colour blue refers to the birthday colour of Her Majesty the Queen Sirikit. When the defendants said[:] ["Don't you bring up a yellow collar or blue collar. I never care. If you encounter one of the reds, you will be damned["], although the defendant did not explicitly specify names of the individuals referred to, based on the prosecutor's investigation, the defendant's wording can be translated as intentionally referring to His Majesty the King and Her Majesty the Queen Sirikit. The defendant's wordings can therefore be considered an insult of His Majesty the King and Her Majesty Regent Sirikit the Queen, giving the audience the impression that Their Majesties support the People's Alliance for Democracy, thus spoiling Their Majesties' reputation and honour. The defendant's speech on 13 June 2008 contained the following passage[:] "Today we must accept that our judicial proceedings are distorted. There's an invisible hand. Usually, the ceremony of taking an oath of allegiance in every country is done before the constitution, and that is enough. But today in Thailand, things are done precisely as before 1932. One fine day these people will be summoned, and they will go to make nods." According to the Constitution of the Kingdom of Thailand Article 201 prescribes[:] "Before a judge assumes [his/her] duties, [he/she] must swear the following oath in front of the Monarch before taking office..." it is clear that a judge in the judicial process must swear an oath before His Majesty before taking office.

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The defendant's reference to the distorted judicial process and the oath swearing can certainly be interpreted as referring to the court. And at the point where the defendant said[:] ["But in Thailand today things are exactly as before 2475["], the passage referring to ["before 2475["], is well understood among Thai people as referring to the period when Thailand was ruled by the monarch who had absolute power in the administration of the country or absolute monarchy. When investigating the phrasing of the defendant's speech, the ["invisible hand["] can

be translated as referring to His Majesty the King and that His Majesty interferes with the proceedings of the court. The second passage that went as follows[:]
“...[Regarding] 19 September 2006, I might disagree with Dr. Methaphan because according to information I got about 19 September 2006, there was an invisible hand. The old homo of the Si Sao [house] ordered the military to stage a coup. This information is true. But as to whether or not the old man feels [contrite] today, I don't know. [He] might have used a henchman like the old homo. But you cannot deny that it has been the same person who has been behind all 15 coups. Whether a coup is successful or fails all depends on what? Is it the signature? It is the signature ... Today there is nothing left of Thailand. Just someone with wrinkled old hands that messes around until it is all messed up and run the show completely. [We] wait for him to die, but he is not dying quickly enough. The people throughout the country call down curses upon you. Will your life become happy then? Will your smile appear then? No matter how much wealth you have, a smile on your face never appears. Are you happy? Will your descendants...

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...do well if the whole country calls down curses upon them? Don't think that he repents. Not yet. We must not be serfs. We must not let our hearts and minds be enslaved. He has never loved the people the way the people love him. The people are very poor. Has he ever shared any of his wealth with the people? Some people have a hard time finding three meals to fill their stomachs. But some people can eat well without even thinking about it. This is the inequality of society. The *Thai Rak Thai* government had populist policies to solve the problem of poverty. He couldn't do it and instead envied the *Thai Rak Thai*. You see? Do you have dharma? It doesn't matter who belong to the ruling class, if they say that they have dharma, but in their hearts they are cruel. No need to say. No country is as bad as Thailand. As a political scientist, this is a system that still puzzles me. On TV they tell us that according to political theory, every country has its invisible hand. But no country has a hand like ours. Ours remain. One fine day those who take orders from it will be pulled by the hair. One fine day those soldiers will be pecked for intervening because I don't like this bastard. This bastard has snatched love from me. The people's fate is precarious ... One fine day, uh-hu, on this day, you will be ready again to believe anything you are told, when somebody tells you that they are coming to overthrow you. [And then] do it once more. We have a leader who is credulous. Once [he was told that] Thaksin is King Taksin reborn. He got so scared! [The saying goes] there's a skeleton in the closet, right? They have their wounds. Going to Wat Chana Songkhram to make merit and pay homage to the momument of a prince in the reign of Rama I because [you] know that the prince joined in taking Taksin to hammer with a piece of sandal wood”.

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By referring to the [“]old homo of the Si Sao[”], even though the defendant does not specify any names, Thai people are well aware that Gen. Prem Tinsulanonda resides in the Si Sao House and is Chairman of the Privy Council. Mr. Suthachai Yimprasert who was the defendant’s witness testified that “the old homo of the Si Sao House” whom the defendant referred to, is Gen. Prem. Therefore, the defendant’s intention can be read as speaking with reference to Gen. Prem when the passage [“]old homo of the Si Sao House[”] is used to refer to Prem who is Chairman of the Privy Council that according to Article 12 of the Constitution of the Kingdom of Thailand that prescribes[:] “The King selects and appoints a qualified person as President of the Privy Council...”, and Miss Sudaratn Jintaviroj, Chief Secretary of the Privy Council, the prosecutor’s witness, testified that the position as Chairman of the Privy Council, is appointed and dismissed by the King. The defendant’s reference to [“]the invisible hand who is behind the old homo of the Si Sao [House] who called upon the military to intervene[”] and that [“]the old man[”] [“]...might have used a henchman such as the old homo[”], by using the passage [“]the invisible hand[”] and [“]the old man[”], the defendant’s intention can be translated as referring to His Majesty the King and that the defendant wanted the audience to understand that His Majesty the King ordered the military to perform the coup and that His Majesty the King gave his approval by signature and ordered Gen. Prem to get the military to intervene on 19 September 2006. At one point the defendant said [“]He has never loved the people the way the people love him[”], the word [“]he[”] clearly refers to His Majesty the King because [it is] only the monarchy that is bound to the Thai people and His Majesty the King that the Thai people respect and revere, and so the defendant wanted to say that His Majesty the King does not love [His] people and in case His Majesty the King does not like whoever is governing the country, [His Majesty the King] will ask for a military intervention.

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As for the part where the defendant said [“][His] followers say that Mr. Thaksin is King Taksin reborn and therefore go to Wat Chana Songkhram to pay homage to the momument of a prince in the reign of Rama I[”], this information came from the testimony of Mr. Prayudh who said that the defendant derogatorily referred to Her Majesty the Queen Sirikit as [Her Majesty the Queen] has visited Wat Chana Songkhram to perform the ceremony of circling the temple, invidiously implying that this was an [act of superstition] because [Her Majesty] feared that Thaksin Shinawatra was King Thaksin reborn. When analysing what the defendant said it is plausible that the defendant intentionally referred to Her Majesty the Queen Sirikit in an affrontational manner, aiming at causing damage to Her Majesty’s

reputation. The defendant's second speech on 18 July 2008 contained the following passage[:] "...What do the 15 coups that have taken place in Thailand show? They show that they have all been signed by the same person. What do you say? Were you compelled to do so as on September 19 2006? Do you want to see your country progress or are you selfish? You allowed the power to be taken away from the people, to maintain your own position. You are the most selfish person..." This passage of the defendant's speech referring to the same person having signed [his] signature every time [there has been a coup], the defendant wanted the audience to understand that this refers to His Majesty the King because every time there has been a coup in Thailand, the coup makers have had to prostrate before His Majesty the King and have His Majesty the King sign in approval. The defendant's speech is thus an accusation that His Majesty the King has approved of every coup by signing his signature and allowed...

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...the coup-makers to take power away from the people in order for the monarchy to remain. The second part of the passage contains the following[:] "...Mr. Pridi Banomyong knew about the death of King Rama as of after 9 am. In the morning when he arrived at the scene, the wound had already been attended to by Dr. Nick Loetsawisit, a scholarship student who had studied medicine abroad. The wound above the left eyebrow had been stitched. The casing of the bullet had disappeared and the pillow and bed sheets had all been removed. No evidence remained. I ask you this, wouldn't Mr. Pridi Banomyong holding a PhD degree in Law have been able to tell that the evidence had been destroyed? But he didn't say anything [and] agreed to resign as Prime Minister in order to show high spirit, although he had nothing to do with the case whatsoever. Today we still don't know who the gun sootstained hand of the murderer of 9 June 1946 was for sure." By this passage, the defendant wanted to say that during the case of the death of His Majesty the King, Rama VIII, Ananda Mahidol, evidence was destroyed and that Pridi Banomyong knew about it, but were not allowed to say anything, and agreed to resign as Prime Minister. The defendant's speech made the audience understand that those involved and responsible for Ananda's death have higher authority and are above the Prime Minister, referring to His Majesty the King of the present reign. The third part of the speech that contained the following[:] "... Some people don't know anything and say that the old homo at Si Sao house is the kingpin. I say, if you are a good person, why do you have followers like that damn old homo? Will you keep him? In that case, if they say you are not a criminal, how can you associate with people who are? You cannot. People are associated with people of the same sort. Today we see it clear that if you are a good person and have those damn minions like the Si Sao, would you dismiss him? Of course, you would! Except that you spoil the old homo.

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I ask, how do this old homo who is about to retire to the grave any day now dare to defy the people alone? And before this I don't know why this old homo bastard did not emerge in Thai politics as of 14 October 1973, 6 October 1976, and 17 May 1992 ... And then who has been the financial source? The Bangkok Bank whose owner's sister in law was Lady Kanlaka Sophanaphanich. The Chairman of the Board is the old homo of the Si Sao house! Therefore, it is not surprising that these capitalists support the Alliance of Evil ... If they say you are not a criminal, how can you associate with people who are? ... I'm here not to flame anyone. I just say that if you are old, you have to learn to contemplate on yourself. On the occasion of the Buddhist Lent Day, do you contemplate on yourself? You have retreated to Hua Hin. I don't know if you went there for honeymoon, or to make contemplation. I thought that you went there for a retreat for contemplation on the last days of your life, to do good for the last time once and for all. But, no, not at all. One fine day, you once again gave the old homo the green light to come out again, didn't you? The old homo! I thought the old homo would probably have to take care of his anal sphincter cancer. But, instead, he went to speak at the Sirikit Convention Center. What is this? This is what happened before September 19 2006." By referring to ["You old homo of the Si Sao House"], the defendant wanted the audience to understand that it referred to Gen. Prem. When the defendant said, ["You have fucking followers like the old homo of the Si Sao House"], by using the word ["you"], it is understood as a reference to His Majesty the King and when the defendant said[:] ["If you are getting old, you must learn to give in a little. On the Occasion of the Buddhist Lent, do you repent? You have gone far to Hua Hin."] Provided that Thai people hear this passage, it is understood as a reference to His Majesty the King because His Majesty resides in the District of Hua Hin in Prajuab-Kirikhan Province. The defendant's speech is [thus] an utmost intentional insult, suggesting that His Majesty the King is a bad person and...

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...supports Gen. Prem in taking power from the people. The fourth part of the passage contained the following[:] "...We should be prepared as today will be the last battle for us, who are pro-democracy. Will we allow the ruling class of only a few people to continue to keep the people down or not? Brothers and sisters. If you [the ruling class] want to be good rulers, you will have to choose whether you will be like the Japanese, English or Russian [ruling classes]. [Would you like] your entire family to be shot down [like the Russian royal family] or beheaded with the Guillotine like the French [royal family]? Or like in Nepal where the people rose up and shot the whole family. But today, the people have no other

alternative besides fighting.” Even though it is not clearly specified by the defendant, an examination of the whole passage of the defendant’s speech [shows that] the ruling class that the defendant referred to is the monarchy, according to the opinion presented by Mr. Prayudh in his testimony. The defendant’s speech is considered to be a tyrannization and shows the defendant’s harm toward His Majesty the King. As for the defendant’s testimony that [she] never intended to affront the high institution and still believes that Thailand exists because of its monarchy and that it must be protected from the Council for National Security and the PAD [dragging it into politics], the court has examined all of the passages of [the defendant’s speeches], not only one part in particular. How the defendant could speak as [she] did and then attempt to make up for it by claiming that [she] never intended [what she said], can not be accepted as having any weight [of significance], and even though the defendant was unsuccessful in [her] conduct because nobody believed in what the defendant said, the defendant can not evade taking responsibility. [Based on] the prosecutor’s witnesses and evidence, it is therefore accepted that the defendant’s speeches are a defamatory act and an insult of His Majesty the King and Her Majesty the Queen Sirikit...

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...according to the charges filed against the defendant by the prosecutor. As for the request to sentence the defendant in the present case in addition to the sentence of the defendant of Criminal Case No. 3635/2551 of this court, the investigation by the court has revealed that a verdict was reached on 28 July 2009 in case No. 2396/2552, but the court has decided not to sentence the defendant in the aforementioned case and therefore will not extend the sentence additionally as requested by the prosecutor. The court has found the defendant guilty according to Article 112 of the Code of Criminal Law on several instances in addition to being sentenced according to Article 91 of the Code of Criminal Law, to six years of imprisonment on three counts, to a total of 18 years imprisonment. The prosecutor’s request [to the court] to count the penalty on top [of the previous sentence] is dismissed.

Mr. Pornhommat Phusae
Mr. Panj Klakhaeng