

**Constitutional Court Ruling No. 19/2564 (2021)**

Mr. Nattaporn Toprayoon	Applicant
Mr. Arnon Nampa, 1 <sup>st</sup>	Respondents
Mr. Panupong Jahnok, 2 <sup>nd</sup>	
Miss Panusaya Sithijirawattanakul, 3 <sup>rd</sup>	
Mr. Parit Chiwarak, 4 <sup>th</sup>	
Miss Jutatip Sirikhan, 5 <sup>th</sup>	
Miss Siripat Jungteerapanich, 6 <sup>th</sup>	
Mr. Somyot Pruksakasemsuk, 7 <sup>th</sup>	
Miss Arthitaya Pornprom, 8 <sup>th</sup>	

Constitution, section 49.

The applicant submitted an application under section 49 of the Constitution in the case of whether or not the rallies and speeches organised by all eight respondents were exercises of a right or liberty to overthrow the democratic regime of government with the King as Head of State. The Constitutional Court ordered the acceptance of applications pertaining to the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents for consideration.

The Constitutional Court held that section 49 of the Constitution was intended to protect the democratic regime of government with the King as Head of State and had the aim of allowing all Thai people to participate in defending the Constitution to prevent any person or group of persons from exercising a right or liberty which could result in the overthrowing of the democratic regime of government with the King as Head of State. All three respondents gave several speeches in various places. In particular, on 10<sup>th</sup> August B.E. 2563 (2020), they called for the amendment of constitutional provisions on the Royal Status of the King who was subject to the Constitution and was above political accountability. They also called for the repeal of laws prohibiting any person from violating, defaming and committing *lèse-majesté*. There were 10 demands which only relied on a right or liberty without regard to the principle of equality and fraternity, subverting the democratic regime of government with the King as Head of State. The actions of all three respondents were taken continuously as a movement. Network organisations were established to carry out actions which showed an exercise of right or liberty with concealed intent, bad faith expression of opinion, violation of the law and a motivation to overthrow the democratic regime of government with the King as Head of State. This was not a reform. If the three respondents, including network organisations thereof, were allowed to continue pursuing such actions, the consequences would be an overthrow of the democratic regime of government with the King as Head of State. Therefore, the actions

of all three respondents constituted exercises of a right or liberty to overthrow the democratic regime of government with the King as Head of State under section 49 paragraph one of the Constitution. An injunction was thereby issued to restrain the three respondents, as well as the relevant network organisations, from committing such actions in the future pursuant to section 49 paragraph two of the Constitution.

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