



# Lèse Majesté: Watching what you say (and type) abroad



Product of the Research & Information Support Center (RISC)

## OVERVIEW

Residents of most industrialized western countries are used to freedom of speech at some level, usually restricted only when it has the potential to harm others. But some locations – including some of the more popular countries for private-sector travelers – restrict that freedom when it comes to speaking one’s mind about the host government. Many of these places operate with a rule known as *lèse majesté*, a “royal insult” literally translated as “to do wrong to majesty.” This rule describes crimes committed against the sovereign power, offenses that violate the dignity of a ruler, and similar crimes insulting or bringing into disrepute the state and its officials. In countries without monarchy, similar crimes under different names, such as *desacato* (“disrespect of an authority”), defamation, libel, contempt, insult, or attack of honor laws, and can similarly result in fines, deportation, or even imprisonment.

The United Nations High Commissioner for Refugees ([UNHCR](#)), among others, has expressed concern over laws of *lèse majesté* because it considers freedoms of opinion and expression necessary foundations of free and democratic societies. In some cases, refugees cite run-ins with home-country *lèse majesté* laws in applications for refugee status, a viable reason if they can establish a well-founded fear of persecution. But *lèse majesté* doesn’t only affect local citizens; foreign travelers are also subject to the rules, and may find themselves having to answer to authorities for offhand comments, social media posts, or even nonverbal cues. This report seeks to help security managers understand how their traveling personnel can best navigate the sometimes-confusing rules while they are abroad.

## COUNTRIES WITH LÈSE MAJESTÉ LAWS

### *Thailand*

Authorities may detain individuals, including foreigners, for [publicly criticizing](#) the ruling government or the monarchy. Thai law holds its monarchy in the highest regard. Making a critical or defamatory comment about the royal family is punishable with a [three- to 15-year](#) prison sentence. Authorities consider acts that would not be a legal issue elsewhere, such as purposely tearing Thai bank notes, a *lèse majesté* offense; each carries an image of the King. The government has arrested and sentenced nationals and foreigners alike for [actions](#) such as wearing black on the king’s birthday, writing a sarcastic Internet post about the king’s dog, and translating excerpts from an [unauthorized biography](#) about the king titled, “The King Never Smiles” from English to Thai and posting the excerpts online.

Those who express the royal insult in private are not immune, either. Anyone can report someone else who “defames, insults, or threatens the king, the queen, or the heir-apparent or the regent.” The government aggressively pursues offenders of these laws. Many who have tried to flee Thailand are members of the anti-military [Red Shirt](#) movement—the populist United Front for Democracy Against Dictatorship—that frequently denigrates the royalty and purposefully commits [lèse majesté violations](#). Earlier this year, three anti-government activists turned up [dead](#) in the Mekong River. Authorities in nearby countries, particularly Laos, may extradite political dissidents seeking refugee status back to Thailand to face the law. Personnel potentially labeled as political dissidents in Thailand should avoid traveling to Thailand or surrounding countries in Southeast Asia.



Up until recently, Thailand had been one of the strictest enforcers of *lèse majesté*. However, it appears that the government under Thailand's new king may be turning a new leaf. Since 2016, the number of prosecuted cases of *lèse majesté* has fallen sharply, to only three in all of 2018. Nevertheless, it remains a threat. This April, the Commander-in-Chief of the Royal Thai Army [threatened](#) to use the law against progressive intellectuals (in reference to the emerging Anakot Mai party), if they attempted to challenge the current system of constitutional monarchy.

#### *Malaysia*

Although Malaysia does not have *lèse majesté* per se, the government recently lifted a moratorium on enforcing portions of a 1948 [Sedition Act](#) that allows the government to prosecute its critics. Additionally, the country has reneged on promises to abolish laws that allow for detention without trial. This July, Muslim preacher Wan Ji Wan Hussin became the first to receive [punishment](#) from the current administration under the Sedition Act, for statements made during the election of 2013, despite repeated government promises to repeal the controversial law. His fellow political activists may also receive punishments. Courts have acquitted some who criticized the government and judiciary, while Wan Ji and those who criticized royalty have not been as lucky.

#### *Cambodia*

In February 2018, the National Assembly of Cambodia adopted a *lèse majesté* law in an [amendment](#) to the country's criminal code. The law makes it illegal to defame, insult, or threaten the king. The law applies both to individuals and media outlets. Offenses carry a sentence of one to five years of jail time, in addition to fines ranging from 2 to 10 million riel (about USD\$500 to USD\$2,500). Authorities have used the law to prosecute offenses retroactively, trying at least 40 cases where the offense occurred during the year leading up to the law's passage. Among these were the cases of two men, ages 50 and 70, [arrested](#) for Facebook comments critical of the royal family's dissolution of the opposition party. Inconsistencies remain in sentencing standards, since the laws are recently in effect. The effect on media outlets has also appeared, as the government reportedly imposed exorbitant taxes on the small number of remaining independent newspapers, who do not report from the government's point of view, in order to [force](#) their sale.

#### *Jordan*

Jordan's penal code article 195 criminalizes the act of insulting the king, an offense punishable with prison sentences from one to three years. The government has charged activists with violating this law for things that they said during [protests](#), in forced [writings](#), and even in [poems](#) posted online.

#### *Kuwait*

Kuwait frequently uses *lèse majesté* laws to prosecute bloggers, opposition activists, and human rights defenders critical of leadership, [charging](#) critics with "undermining the status of the emir of Kuwait." Criticizing Kuwait's allies—such as the heads of state of Saudi Arabia and Egypt—could also land you in jail. One Kuwaiti woman received an 11-year prison sentence for advocating regime change on Twitter. The laws apply to foreigners as well; the government [jailed](#) an Australian woman for two years for insulting the emir during a quarrel with an airport employee.

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### *Bahrain*

In [Bahrain](#), Article 216 of the Criminal Code criminalizes offending constitutional institutions or government agencies. Authorities may also detain someone for offending a foreign government or institution to which Bahrain is sympathetic, such as Saudi Arabia, as well as for supporting a foreign government or institution to which Bahrain is *not* sympathetic, such as Qatar.

### *Saudi Arabia*

While Saudi Arabia is a monarchy, the country does not have a formal written penal code, and instead applies Sharia (Islamic law) as its [national law](#). Therefore, while there are technically no *lèse majesté* laws, there are a few vaguely worded regulations that are broadly applied. The Saudi Special Criminal Court routinely detains and charges political dissidents on [terrorism charges](#) or for other offenses like “breaking allegiance with the ruler,” and has attracted criticism from the international community. Following review, analysts have discovered several judgements where courts sentenced Shia protestors to death solely based on confessions allegedly produced through [torture](#). Recent incidents include the detention of Zuhair Kutbi for expressing a desire for peaceful [reform](#), and the detention of 30 journalists who [criticized](#) the Saudi government following journalist Jamal Khashoggi’s death.

### *Europe*

Several European monarchies, including Belgium, Denmark, Sweden, Spain, Netherlands, and Monaco still have *lèse majesté* laws on the books. The laws tend to carry harsher criminal penalties than other types of defamation and insult laws, though the charges are typically not as extreme as in other regions of the world. Sweden’s *lèse majesté* law carries a maximum prison sentence of six years, Netherlands’ up to five, and Denmark’s four years. However, having a law on the books is different from pursuing prosecutions. Most European countries no longer pursue prosecution for *lèse majesté* offenses. The last country to do so was Spain, where authorities arrested and jailed several rappers last year for [lyrics](#) the government claimed violate the laws. In 2016, the Netherlands sentenced a 44-year-old man to 30 days in prison because he “intentionally insulted” the monarch on Facebook, accusing him of being a murderer, thief, and rapist.

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## BE AWARE EVERYWHERE

Technically, *lèse majesté* laws only appear in countries with monarchies. However, there are several additional locations where insulting the leadership could still land you in trouble. Turkey, North Korea, and Venezuela use alternative laws or executive orders to punish dissidents; some of these same laws can carry over to catch unwitting travelers.

### Turkey

Turkey has historically prohibited public denigration of “Turkishness,” Turkish government institutions, the republic itself, or the founder of the republic, Mustafa Kemal Atatürk. Turkey had regularly enforced this rule, including in several high-profile cases involving journalists and the controversial issue of the Armenian Genocide. Charges for “insulting the president” have [increased dramatically](#) since 2014 (see *table*), when Recep Tayyip Erdoğan became president, due both to stricter enforcement and the fallout of an unsuccessful coup attempt.

Year	Prosecutions	Convictions
2014	132	40
2015	1,953	238
2016	4,187	884
2017	6,033	2,099

The alleged crimes [range](#) in severity; the government is even investigating crimes against Erdoğan from before he became president. Most prosecutions demand pretrial detention while defendants await trial. The government prosecutes adults and minors alike. Authorities have detained minors for claiming Erdoğan’s administration was corrupt, students for slogans shouted at protests, and members of parliament for tweets insulting the president. The head of HSBC in Turkey came under [investigation](#) at the end of 2018 for having retweeted an offensive tweet in 2013. Authorities have asked members of the public to report on one another, resulting in thousands of detentions, including prominent figures like politicians and actors. In 2018, Turkey was the world leader in [jailing journalists](#). It has purposefully gone after civil servants and academics who voice support for the opposition. Turkish authorities may detain [foreign nationals](#); Turkey detained U.S. pastor [Andrew Brunson](#) for two years on charges for spying and aiding terrorists before releasing him in October 2018. German journalist [Deniz Yücel](#) sat in prison for nearly a year on accusations of sedition and “terrorist propaganda to incite the population.” This July, the Turkish government [arrested](#) of a Turkish-American University of California-Davis professor, in addition to hundreds of other academics, for signing a petition in 2016 accusing the Turkish army of massacring Kurdish civilians. It is important to note that all of these arrests involve individuals speaking their own truths, rather than defaming the Government or Turkey or its institutions; however, the government considered it an offense to question its official line.

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### *North Korea*

North Korea obligates its citizens to report disloyalty, and recently arrested a former official for [criticizing](#) the Supreme Leader. Though difficult to obtain verifiable reporting on the reclusive country, North Korea is widely known to execute political dissidents or anyone who threatens Kim Jong Un's power. North Korea [imprisoned](#) U.S. college student Otto Warmbier for 18 months, allegedly for trying to steal a propaganda poster. Authorities returned him to his family in critical condition only days before his death.

### *Venezuela*

Under Article 241 of the Criminal Code of Venezuela, [slander](#) (oral defamation) against a public official is punishable with 18 months to five years of imprisonment. Venezuela uses the law disproportionately to target journalists. Libel charges forced four prominent journalists to [flee](#) Venezuela last year after publishing an article alleging irregularities in food sales. Government agents have employed abusive [methods](#) against detainees ranging from severe beatings to torture involving electric shocks, asphyxiation, and other techniques.

### *Europe*

As noted above, several European countries still formalize penalties for criticizing leadership. Besides the monarchies already noted, several countries without royal families also maintain these laws. Switzerland penalizes the public insult of a foreign head of state with up to three years in prison or a fine; Poland, Iceland, and Italy maintain similar statutes. Germany only recently [repealed](#) the *lèse majesté* section of its criminal code, after a [controversy](#) surrounding charges against a TV comedian who read an “insulting poem” about Turkish President Recep Tayyip Erdoğan on air in 2016.

## **HOW TO PREPARE**

U.S. employees traveling to countries with *lèse majesté* laws may be accustomed to Western standards where freedom of speech is limited only by the potential to bring actual harm to others. Therefore, it is important for security managers to impart a clear understanding of the potential consequences for violation of laws and insult to monarchies or authorities as they vary by country. Sentences can be violent in nature, even resulting in corporal or capital punishment.

In general, it is important to be aware of the different legal codes in foreign countries and to abide by their laws. Security managers should incorporate *lèse majesté* laws into any pre-travel briefings, just as they would other location-specific issues. Authorities can levy charges based on verbal and written offenses alike, and many find themselves charged after posting their opinions on social media—sometimes years after the fact, and many times when they had posted from abroad. Many of the countries who prosecute for *lèse majesté* do not have the same privacy protections as the United States. In some cases, the government may be able to view even social media profiles with the most private settings. Authorities have even used private messages sent over WhatsApp to charge individuals. Noting a deference for the freedom of expression, it may nevertheless be smarter to avoid implication of crime in any forum, no matter how private it may seem.

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Many organizations, like [Reporters Without Borders](#), [International Service for Human Rights](#), [Amnesty International](#), Human Rights Watch, and [United Nations Office of the High Commissioner on Human Rights](#) criticize *lèse majesté* laws for the limitations they place on freedom of speech. While it is safe to criticize from outside of these states, doing so from within could result in arrest and detention, and having a paper trail (such as social media postings or academic publications) could imperil you if you were to travel to the country. U.S. nationals detained in a foreign country may not be able to leave until legal proceedings have concluded, even if the process takes years. For that reason, it is important to impart the costs of *lèse majesté* violations prior to travel.

Finally, it is useful to study the cultural context of a country before traveling there. Expanding cultural and political understanding will help personnel avoid unintentionally offending the leadership's interests while abroad. A greater understanding of a country's culture will also bring a better understanding of the direction a country and its laws are moving: for example, will authorities ignore an existing *lèse majesté* law, as is the case in much of Europe? Are times are changing enough to warrant an excise of the law from the books, as occurred in 2015 in Norway, and in 2017 in [Morocco](#)? Or is a government moving in the opposite direction, taking a firmer stand to protect its image, as has happened recently in Turkey, and was rumored earlier this year in [Malaysia](#)? While it is always advisable to heed local regulations, for those planning for operations in the future, the evolution of culture and the law is sometimes just as important to note.

## ADDITIONAL RESOURCES

For additional information on private-sector security abroad, contact OSAC's [Research & Analysis Unit](#) and consider the following resources:

- [OSAC Crime and Safety Reports](#)
- OSAC Report: [How Government Oversight of Media and Communications Affects Operations in Africa](#)
- OSAC Report: [Bahrain: It Matters What You Say](#)
- OSAC Report: [Red Shirt Leaders Accused of Sedition](#)

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