

[After court rejects petition to free dissident, he is released from mental hospital](#)

written by กองบรรณาธิการ | July 22, 2020

KHON KAEN - A government psychiatric hospital unexpectedly released a dissident late today after spending nearly two weeks there. The 47-year-old was admitted against his will on July 9 after wearing a shirt with the slogan, "I lost faith in the institution of the monarchy."

Dr. Nattakorn Jampathong, director of Rajanagarindra Psychiatric Hospital seemed to indicate to *The Isaan Record* that Tiwagorn had been released, saying that any further questions should be asked of Tiwagorn's family.

[An unofficial translation of the Mental Health Act of 2008](#) states that if the physician treating a patient is "of opinion that the patient has recovered from mental disorder" and is not in a "threatening condition," the patient can be discharged.

Earlier in the day, a Khon Kaen court had rejected a petition to end the detention of Tiwagorn at the mental health hospital.

Recognizing the sensitive nature of the case, the court ruled that the petitioner, Jatupat Boonpattaraksa, a political activist, was not eligible to lodge a complaint on behalf of Tiwagorn.

"The Court dismissed the motion over a legal technicality, arguing that Jatupat was not a relative of Tiwagorn and therefore had no right to petition for his release," Phunsuk Phunsukcharoen, the lawyer of Jatupat, told *The Isaan Record*. "But the Court did not say anything about whether the detention of Tiwagorn at the psychiatric hospital was legal."

Jatupat, who is known as "Pai Dao Din", is a [former lèse-majesté prisoner](#) who now serves as the secretary of the Parliamentary Committee on Legal Affairs, Justice, and Human Rights.

He filed the petition with the Khon Kaen Provincial Court on July 21, arguing that the detention was unlawful as Tiwagorn had been admitted to the hospital without his consent. According to the Mental Health Act of 2008, a patient must consent before being admitted to a mental health institution. The petition also said that Tiwagorn was of sound mind and did not pose any threat to the public.



Jatupat Boonpattaraksa (left) and Tiwagorn Withiton in a photo from June 20. Tiwagorn is wearing the shirt with the slogan, “I lost faith in the institution of monarchy,” which led to his detention at a mental hospital.

Lawyer Phunsuk said that the Court based its ruling on its interpretation of [Section 90 \(5\) of the Criminal Procedure Code](#). The section states that in the case of alleged unlawful detention of “any other person for the benefit of the detained person” can submit a petition for release.

“The legal team holds the view that the phrase, ‘any other person for the benefit of the detained person’ legally covers Jatupat as petitioner,” Phunsuk said. “But the court basically argued that a petition for release must come from the father, mother, husband, wife, or from other relatives of the detainee.”

Phunsuk believes that the court’s ruling will narrow and constrict the options to help people who have been unlawfully detained in mental health institutions.



Phunsuk Phunsukcharoen and Monthana Duangprapha from the Center for Human Rights Lawyers stand outside of the Khon Kaen Provincial Court after the motion to release Tiwagorn Withiton from the Rajanagarindra Psychiatric Hospital was rejected.

Standing outside the courthouse after the ruling, Jatupat expressed his regret over the rejection of his petition. But the political activist also hinted at a plan to organize protests to push for the release of Tiwakorn.

“If the court can’t help, it’s like there is no other legal way to get help for Tiwagorn to be freed from the psychiatric hospital,” Jatupat said. “So we might have to invite people in society to gather and call for his release.”

Last week, a small group of student activists from the Student Union of Thailand staged a protest in front of Rajanagarindra Psychiatric Hospital. They called for the immediate release of Tiwagorn.

“People who think differently should not be locked up in a mental hospital,” said Parit “Penguin” Chiwarak, a well-known student activist at the protest.



A student protester holds up a sign calling for the release of Tiwagorn Withiton at a protest on July 17 in front of Rajanagarindra Psychiatric Hospital in Khon Kaen.

[Civil rights groups urge release of Khon Kaen man held at mental hospital](#)