

Harry Nicolaides

The King & I

Life in a Bangkok Prison

The article was published in the 'Monthly' magazine in April 2009. Harry Nicolaides speaks about the unexpected turn in his life after he was arrested in Thailand for writing a book insulting their royal family.

On the night of 31 August 2008 my life took an unexpected turn. I had spent months preparing for an interview in Melbourne with the InterContinental group. I was looking forward to working in the luxurious surrounds of the city's newest five-star hotel.

"Do you have a case, sir?" asked the official at Bangkok Airport's passport control, minutes before I was to walk into the departure lounge for the midnight flight to Melbourne. Within hours I was questioned, photographed and arrested by uniformed immigration officers, and taken to the Crime Suppression Division.

In a dark, damp cell I stripped off my clothes and laid them on the floor, fashioning a bed with my shoes as a pillow. Sleep was impossible: I was thirsty and hungry, confused and alone. In the morning I made a short court appearance, before being handcuffed and shuffled onto an overcrowded prison bus bound for the Bangkok Remand Prison.

Compound One. For weeks I lay on my back, delirious with influenza. When I was able to stand, I shuffled around like a zombie, pushed here and there by the heaving population of sweaty, half-naked inmates, most of them Thai, Burmese or Cambodian.

One night I was so overcome with anxiety that I started to hyperventilate. I begged the cell captain to open the cell door and allow me to walk the corridor. When I started to cough phlegm, I begged again. I shouted in vain for help, then fell to the ground. Someone pushed an old blanket under my head. It was the Thai boy to whom I had been handcuffed on the trip to prison. Everything else was unfamiliar: no guard or cellmate spoke English, and there was

no way to reach anyone on the outside.

Each day we would wake at six o'clock, roll up our blankets and wait to be counted by the prison officers, the *commodores*. Once the officers were satisfied, we would walk the narrow stairs to the passages of the compound yard. More than 500 prisoners would scramble to the long troughs where, using small plastic tubs dipped in stagnant water, we would wash ourselves.

A line would form soon after in front of a tub of water heated over a portable gas stove. Most prisoners used containers stolen from the hospital as cups. The line always grew longer at the front, because prisoners would constantly push in, often using up the entire water allowance before most even got close to the tub.

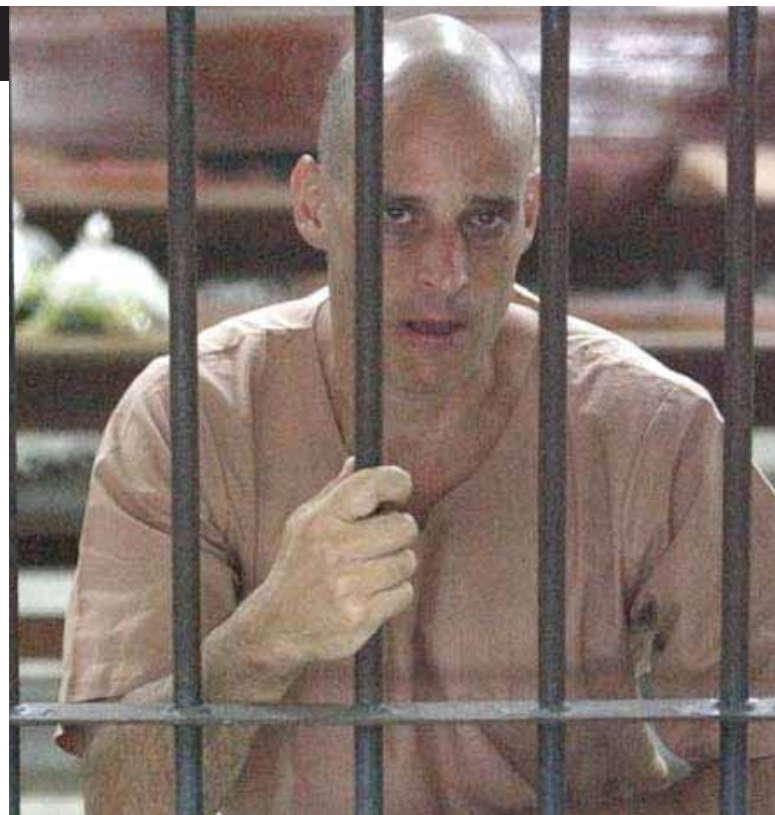
By seven o'clock a bell would ring and prisoners would line up outside the mess hall, where plates of steamed rice husks had been sitting on the benches for half an hour. Though hungry I resisted the temptation to try the murky soups, having seen cats vomit after being fed the scraps. In those early days, after swallowing a few clumps of rice I would cup my hands together to fill them with tap water, knowing I was risking contamination. But I only had to eat the prison food a few times before I realised that visitors could send in food parcels. My girlfriend came once a week, making the 11-hour bus trip from the northern township of Chiang Rai, and two Australians, embassy officials, took turns visiting with special provisions.

After breakfast the prisoners would be seated in the concrete yard facing the office of the building chief. At eight o'clock the Thai national anthem was broadcast from a small radio, followed by the invocations of a Buddhist monk. Each assembly began and ended in the same way, with the counting and recounting of prisoners. From there we were sent to work.

The prison workshops were ramshackle structures held together with bundles of barbed wire, crumbling concrete and rotting shingles, each dedicated to a single task - making paper cups, stitching sandals, bundling plastic straws, assembling paper bags - and prisoners worked all day, earning \$3 a month. Most foreign nationals, those from Africa and Asia, were sent to the workshops. Whites (a handful mainly from Belgium, the Netherlands and the Czech Republic, Canada and the US) were assigned duties such as cleaning cells or washing troughs, which gave me the chance to talk to some English speakers.

On one of my regular visits to the prison hospital I encountered Christopher Neil, the convicted Canadian sex offender known as Swirly Face. We had a long conversation about legal strategies - we shared the same Thai lawyer - and handling the media, which was showing an interest in my case. On my subsequent visits to the hospital we met again, and I understood he was convalescing there. It was not until some weeks later, when another prisoner chided me for talking to Neil, that I realised who he was. After his discharge from the hospital, I ran into him a few more times between compounds.

In Compound One I also met Thaksin Shinawatra's lawyer - the one allegedly involved in bribing the Thai judges hearing the corruption charges against the former prime minister. We met in the small library, where we discussed the law of *lese majeste* - offending the monarchy - and prison life. He brought some legal texts with him and explained that if intent is absent in a crime, Thai law deems the defendant innocent. He recommended I plead guilty and use diplomatic channels to convey an apology to the palace while waiting for a royal pardon. Fighting would be futile, he said, as no Thai lawyer could dispute the



charge without impugning the King and the institution of the monarchy. "Make yourself comfortable and wait," he concluded, before resuming his daily exercise routine in glowing white running shorts and sneakers. He was released a few weeks later.

In those first few weeks I began to receive regular visits from friends and consular staff. I also managed to scribble my first, desperate letters to my family in Melbourne. While my Thai lawyer had informed me that that the charge of *l0se-majesti* against me stemmed from a paragraph in my novel *Verisimilitude*, the details of the charge were unclear and I did not know how long I could expect to be held. What was clear was that the crime carried a maximum sentence of 15 years.

Compound Five. Three weeks after arriving at the prison I was transferred to another compound. Every 12 days I would be dressed in the standard-issue orange uniform and taken outside the compound to a part of the larger complex. I would wait with about 30 other prisoners to be taken, in groups of ten, into a small room where we would stand before a camera with a feed to a Bangkok court. Each time, a panel of judges on a TV screen would tell us that the police were continuing their investigations, and ask if we had any objection to being held for a further 12 days. I said nothing - other prisoners had told me that objecting made no difference.

During the first weeks, I had believed my release on bail was imminent. The charge, the situation, seemed preposter-

ous: perhaps I would be summoned to a hearing where the matter would be resolved summarily. Yet each of my four bail applications failed and I began to see that nothing would happen until 12 weeks - the maximum remand period under Thai law - had elapsed.

I agonised over my plea, discussing the ramifications with my Thai lawyer, family and fellow prisoners. A guilty plea would allow the case to be heard and resolved quickly after the 84-day investigation period, but I risked accepting responsibility for a crime I did not understand. A not-guilty plea would keep me in prison for a minimum of six months after the first hearing, at 84 days, until a trial began - with no guarantee that the matter could be finalised in one trial.

Over the next month I met prisoners who had chosen to defend themselves and had spent up to three years in detention, making periodic court appearances. I came to see that the Thai legal system is designed to discourage people from contesting charges, and offers the inducement of a commuted sentence - half the declared sentence - if the defendant pleads guilty. Those who do choose to fight have to deal with errant witnesses, missing or incomplete evidence, translation difficulties, court-assigned interpreters and submissive Thai lawyers unwilling to challenge judicial authority. Some prisoners have even had the same judge for both their sentencing and subsequent appeal.

Article to be continued in tomorrow's edition

Article from [The Monthly » April 2009]