



**Thailand
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Lack of Accountability for Politically Motivated Violence

From March to May 2010 Thailand experienced the most violent confrontations since pro-democracy protests against military rule in 1992. At least 90 people died and more than 2,000 were wounded. Research by Human Rights Watch found that a number of factors contributed to this high toll of death and injuries, including excessive use of force by government security forces, actions of armed elements operating within the anti-government United Front of Democracy Against Dictatorship (UDD), and inciting to violence by some of the UDD leaders.

Prime Minister Abhisit Vejjajiva in April 2010 endorsed an independent and impartial investigation into the violence committed by all sides. But while UDD protest leaders and rank-and-file protesters have been arrested and charged, impunity for the government security forces remains complete. Official inquiries, such as those conducted by the National Human Rights Commission and the Independent Fact-Finding Commission for Reconciliation, have been unable to obtain complete information about security forces' deployment plans and operations, autopsy reports, witness testimony, photos, or video footage from the military and the government Center for the Resolution of Emergency Situations (CRES).

There also has been no independent and impartial investigation into alleged criminal offenses committed by the pro-government People's Alliance for Democracy (PAD) during its violent 2008 protests. Prosecutions of PAD leaders and members have stalled, as have efforts to seek compensation for damages caused by their protest. At the same time, little progress has been made to prosecute government officials identified as being responsible for ordering police to use excessive force to disperse the PAD protesters rallying in front of the Parliament on October 7, 2008.

Arbitrary Detention and Mistreatment of Detainees Related to the Enforcement of Emergency Powers

On April 7, 2010 the government proclaimed the Emergency Decree on Public Administration in Emergency Situation in Bangkok and other provinces. The decree allows the CRES, an ad hoc body made up of civilians and military officers, to hold suspects without charge for up to 30 days in unofficial places of detention, and gives officials effective immunity from prosecution for most acts committed while implementing the decree. The CRES also summoned hundreds of politicians, former officials, businessmen, activists, academics, and radio operators for interrogation; froze individual and corporate bank accounts; and detained some people in military-controlled facilities. Human Rights Watch found many UDD detainees had experienced torture and forcible interrogations, arbitrary arrest and detention, and overcrowded detention facilities. To date, the

government has failed to provide the exact number and whereabouts of those detained without charge by the CRES during and after the UDD protests.

Repression of Media Freedom and Freedom of Expression

Even after the lifting of the state of emergency on December 22, 2010, the government continues to conduct a rolling crackdown on freedom of expression and media freedom. Between April and December 2010, emergency powers were used to shut down more than 1,000 websites, a satellite television station, online television channels, publications, and more than 40 community radio stations, considered to be closely aligned with the UDD. Most of those banned media remain shut.

In addition, Thai authorities use the Computer Crimes Act and the charge of *lese majeste* (insulting the monarchy) to enforce online censorship, as well as to persecute dissidents. For example, Chiranuch Premchiaporn, webmaster of online news portal Prachatai, was arrested on September 24, 2010 because reader comments on the site in 2008 were deemed offensive to the monarchy. Should Chiranuch be found guilty of the charges, she could face a total of 50 years' imprisonment or a Thai baht 1 million fine (US\$32,000).

Violence and Abuses in the Southern Border Provinces

Since January 2004, Thailand's southern border provinces of Pattani, Yala, and Narathiwat have been the scene of a brutal internal armed conflict. Of the 4,370 people killed, about 90 percent have been civilians from both the ethnic Thai Buddhist and ethnic Malay Muslim populations.

The Pejuang Kemerdekaan Patani insurgency in the loose network of BRN-Coordinate (National Revolution Front-Coordinate) is a separatist movement involving Thailand's southern border provinces. The insurgents have frequently attacked and killed civilians and instilled terror in the civilian population. As detailed in our 2007 "No One Is Safe" report (<http://www.hrw.org/en/reports/2007/08/27/no-one-safe>), the insurgents use violence to drive out the ethnic Thai Buddhist population, keep ethnic Malay Muslims under control, and discredit the Thai authorities.

Insurgents frequently target teachers and schools, seen as government entities, as documented in our 2010 "Targets of Both Sides" report (<http://www.hrw.org/en/reports/2010/09/20/targets-both-sides>). Insurgents are suspected in the killing of at least 108 government teachers and 27 other education personnel in the southern border provinces since January 2004. Another 103 teachers and 19 education personnel have been wounded. There have been at least 327 arson attacks on government-run schools in the southern border provinces since January 2004. Insurgents have also targeted Malay Muslim teachers at government schools and Islamic school administrators who resist insurgents' efforts to use classrooms for indoctrination and recruiting.

Extrajudicial killings, enforced disappearances, arbitrary detentions, and torture have occurred as part of the government's counterinsurgency campaign, and as in reprisals for insurgent attacks on the ethnic Thai Buddhist population and security personnel. But no member of the security forces, either from regular or volunteer units, has been criminally prosecuted for human rights abuses in the southern border provinces. Until today, the government has failed to satisfactorily resolve any of the enforced disappearance cases mentioned our 2007 report "It Was Like Suddenly My Son No Longer Existed"

<http://www.hrw.org/en/reports/2007/03/19/it-was-suddenly-my-son-no-longer-existed-0>) report, including the "disappearance" and presumed murder of prominent Muslim lawyer Somchi Neelapaijit by a group of police officers in March 2004. The Emergency Decree on Public Administration in Emergency Situation, enforced in the southern border provinces since 2005, gives government officials and security personnel effective immunity from prosecution for most acts committed while implementing the decree.

Human Rights Watch remains concerned by the long-term occupation of schools by military and paramilitary forces. The presence of government security forces on school grounds can severely interrupt children's access to education. Fearful that the presence of soldiers will increase the possibility of a future attack, parents may withdraw their children from schools. In such cases, these students sometimes attend schools further away from their home villages, placing them in further danger as they travel long distances.

Refugees and Migrant Workers

Thailand has not acceded to the 1951 Refugee Convention and its 1967 Protocol, and has no domestic asylum law. Thai authorities continue to violate the international prohibition against refoulement by returning refugees and asylum seekers to countries where they are likely to face persecution. Despite strong protests by the United Nations High Commissioner for Refugees (UNHCR) and the United Nations secretary-general, the Thai army on December 28, 2009, forcibly returned 4,689 Lao Hmong, including 158 UNHCR-designated "persons of concern," to Laos. In November and December 2010, Thai authorities sent back to Burma thousands of Burmese fleeing armed conflicts in border areas before UNHCR could assess whether they were returning voluntarily.

The Thai government has failed to fulfill its promise to conduct an independent investigation into instances in 2008, 2009, and 2011 when the Thai navy pushed boats laden with Rohingyas from Burma and Bangladesh back to international waters, which allegedly resulted in hundreds of deaths. A group of 46 Rohingyas have been held at the Immigration Detention Center in Bangkok since January 2009, without access to any mechanism for refugee determination or sufficient medical care. Two of them died in detention in 2009.

Migrant workers from Burma, Cambodia, and Laos continue to be abused with impunity by local police, civil servants, and employers, as documented in our 2010 report "From the Tiger to the Crocodile" (<http://www.hrw.org/en/reports/2010/02/23/tiger-crocodile>). A poorly designed and implemented "nationality verification" registration scheme caused hundreds of thousands of migrant workers to lose their legal status, deepening their vulnerability to exploitation. Female migrant workers are also vulnerable to sexual violence and trafficking.

Abusive "War on Drugs"

As a result of the 2003 "war on drugs" campaign of former Prime Minister Thaksin Shinawatra (documented in our report "Not Enough Graves" (<http://www.hrw.org/en/reports/2004/07/07/not-enough-graves-0>), thousands of people were killed and many more were arbitrarily arrested across Thailand. The 2007 Independent Committee for the Investigation, Study and Analysis of the Formulation and Implementation of Narcotic suppression Policy (ICID) found that the policy formulation and assessment of the "war on drugs" were driven by all-out efforts to achieve the campaign's political goals rather than respecting human rights due process of law. It recommended that further inquiry should be pursued regarding the killings of 2,819 people during the "war on drugs."

There are also concerns regarding the government policy that continues to subject drug users to compulsory treatment at centers run by the military and the Interior Ministry. Each year around 10,000-15,000 people are sent to such centers, where drug treatment is based on military-style physical exercise. Most people experience withdrawal from drugs while detained in prison for assessment, with little or no medical supervision or medication provided.

Recommendations

Accountability for Politically Motivated Violence:

- The Thai government should immediately conduct an impartial, transparent, and independent inquiry into the violence of April-May 2010 and ensure all perpetrators of serious human rights abuses are brought to justice regardless of their status and political affiliation.
- The Thai government should strengthen capacity of the National Human Rights Commission and the Truth for Reconciliation Commission of Thailand to ensure more effective investigations and public reporting of allegations of human rights abuses.
- The Thai government should ensure that the CRES, the Thai military, and other government agencies fully cooperate with all information requests from the National Human Rights Commission of Thailand, the Truth for Reconciliation Commission of Thailand, and other official inquiries.
- The Thai government should provide prompt, fair, and adequate compensation for the victims, and family members of the victims of human rights violations and the misuse of force by state officials.
- All political movements and political parties should cooperate and participate fully with the efforts to investigate the human rights violations and violence.
- All political movements and political parties should take all necessary measures, including frequent public statements, to ensure that their members and supporters do not engage in violent activities on behalf of the group, directly or indirectly.

Arbitrary Detention and Mistreatment of Detainees Related to the Enforcement of Emergency Powers:

- The Thai government should immediately make public the names and other specific information of all the persons who have been detained for an offense under the Emergency Decree since April 7, 2010. This should include the current status of detainees and their places of detention, and information on accessibility to lawyers, family members, and medical assistance. The Thai government should ensure access to all detention facilities and detainees by independent national or international humanitarian agencies.
- The Thai government should ensure that all persons detained by the police and the security forces are held at recognized places of detention, and are not subjected to torture or cruel, inhuman or degrading treatment or punishment. Authorities should permit regular contacts with family and unhindered access to legal counsel of the detainee's choice.

Media Freedom and Freedom of Expression:

- The Thai government should immediately end all restrictions on the media that violate the right to freedom of expression using draconian laws such as the

Emergency Decree on Public Administration in Emergency Situation, the Computer Crimes Act, and *lese majeste* charges under the Penal Code.

Violence and Abuses in the Southern Border Provinces:

- Insurgent groups should cease all attacks against civilians whatever their religion or ethnicity, and civilian objects, including schools, places of worship, and public health centers.
- The Thai government should and implement a comprehensive security strategy, which should be in full accordance with international human rights and humanitarian law.
- The Thai government should ensure that all persons detained by the police and the security forces are held at recognized places of detention, and are not subjected to torture or cruel, inhuman or degrading treatment or punishment. Thai authorities should permit regular contacts with family and unhindered access to legal counsel of the detainee's choice.
- The Thai government should ensure prompt, independent, and impartial investigations into allegations of abuses by security personnel and government officials, and prosecute those responsible, regardless of rank.
- The Thai government should promptly sign and ratify the Convention against Enforced Disappearance and the Optional Protocol to the Convention against Torture, and adopt all necessary legislation and other measures to comply with their terms.
- The Thai government should provide prompt, fair, and adequate compensation for the victims and family members of those who have suffered violations of their rights by security personnel and government officials.

Refugees and Migrant Workers:

- The Thai government should respect its international obligation not to refoule (forcibly return) any asylum seeker or refugee. The Thai government should also guarantee access to proper screening and status determination procedures by UNHCR for any asylum seeker, including those detained in immigration facilities, prior to deportation or forced return.
- The Thai government should, in the absence of an effective state procedure for assessing the claims of asylum seekers, allow UNHCR to resume Refugee Status Determination activities for all asylum seekers in accordance with its mandate to provide international protection to refugees.
- The Thai government should accede to the 1951 UN Refugee Convention and its 1967 Protocol.
- The Thai government should establish a special commission to independently and impartially investigate the allegations of systematic human rights violations perpetrated by the police and immigration officers against migrant workers.
- The Thai government should accede to the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- The Thai government should reform the process of nationality verification of migrant workers from Burma, Cambodia, and Laos in order to ensure that they are able to enter the verification process without facing harassment by police or local officials, or having to pay excessive charges to brokers.

Abusive “War on Drugs”:

- The Thai government should immediately conduct an impartial, transparent, and independent inquiry into the extrajudicial killings and other serious human rights violations committed in the context of Thailand's "war on drugs," as well as other drug suppression operations.
- The Thai government should provide prompt, fair, and adequate compensation for the victims, and family members of the victims of human rights violations committed in the context of the "war on drugs" and other drug suppression operations.
- The Thai government should take concrete steps to reduce drug users' fear of seeking health services by immediately and publicly declaring that drug users seeking health services will not be penalized or forced into drug treatment based solely on their self-identification as drug users.