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# Thailand

## “If you want peace, work for justice”

### I. INTRODUCTION

Political violence in Narathiwat, Pattani, and Yala Provinces in the Muslim majority far South of Thailand escalated sharply after a raid on an army camp there by an unidentified armed group on 4 January 2004. Since then more than 1,000 people have been killed, including both civilians and members of the security forces. Attacks by armed groups have continued on an almost daily basis, as the authorities have struggled to address the violence by deploying significantly increased numbers of security forces in these provinces and enlarging their powers by enacting new security legislation. The conflict has had an extremely adverse impact on local people, as their ability to travel, trade and work in safety has been greatly restricted, affecting almost all areas of their lives.

Amnesty International conducted field research in the far South and in Bangkok during September and October 2005 and December 2004. The material which follows reflects its findings and covers major human rights concerns, including excessive use of lethal force; threats and attacks against human rights defenders; possible “disappearances”; arbitrary detention; and torture and ill-treatment. It also addresses human rights abuses by armed political groups, such as deliberate attacks against civilians, including killings, death threats, and destruction of property necessary for the survival of the civilian population. During the most recent trip, Amnesty International delegates interviewed some 70 people and met one government official, the Governor of Narathiwat. However, other local military and police officials in the South and civilian officials in Bangkok were not available during the visit. Amnesty International also visited the Queens’ Project in Muang District, Narathiwat, a village which was established by Her Majesty Queen Sirikit to assist people affected by the violence in the South.

Those interviewed by Amnesty International represented a cross-section of Muslim and Buddhist civil society, including teachers, professors, lawyers, leaders of community organizations, rural people and others affected by the violence. The vast majority of those interviewed were villagers who earn their living tapping rubber or otherwise working in agriculture or small trading businesses. The delegation visited many districts in the three provinces, including “red zones” in the districts of Rangae and Sungai Padi in Narathiwat, Panare and Yarang in Pattani, and Bannag Sata in Yala Provinces.<sup>1</sup> Dozens of the interviewees were victims of the violence themselves or relatives or associates of the victims who provided first-hand testimonies to the delegation. Almost all of them expressed intense

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<sup>1</sup> In February 2005 the Prime Minister declared that zones in Narathiwat, Pattani, and Yala provinces would be categorized as red, yellow, or green according to the level of insurgent activities there; see “Prime Minister threatens to pull aid plug on villages in southern hot spots”, *Bangkok Post* 17 February 2005. In October the new Army chief stated that there were 247 red zone villages in the three provinces; see “Managing ‘red zones’ not easy, says Sonthi”, *Bangkok Post*, 12 October 2005.

fear about their own safety and the safety of their families, and requested complete anonymity. For this reason, Amnesty International has not included their names or any other details which could identify those who spoke with the organization.

## II. BACKGROUND

The Sultanate of Patani, which included the present-day Pattani, Narathiwat, and Yala, and parts of Songkla Provinces, was annexed by the Kingdom of Siam<sup>2</sup> in the early 20<sup>th</sup> century. Approximately 80% of the population in this region are ethnic Malay Muslims, who speak a dialect of Bahasa known as Malayu.<sup>3</sup> The written form of the language, known as Jawi, uses the Arabic script. According to Muslim community leaders, many Malay Muslims do not speak or read Thai fluently, as Malayu is their first language. The three provinces are predominantly rural, with extensive rubber and fruit plantations, and a large fishing industry on the Gulf of Thailand.

Muslims in the far South are ethnically, culturally and religiously distinct from the majority Theravada Buddhist Thai population. Malay Muslims in Thailand have strong cultural traditions; one of the most important is the *ponok* system of education, which is widespread in the region. *Ponoks* are Muslim boarding schools with a strong emphasis on religious teachings. Since the upsurge in violence, the authorities have arrested several *ponok* teachers and in May 2005 closed one prominent *ponok* in Pattani Province. Sapae-ing Basor, the head of the Thammas Wittaya *Ponok* in Yala Province is currently being sought for treason by the authorities, who claim he is a key member of Barisan Revolusi Nasional (BRN, an armed political group).<sup>4</sup>

Several Muslim leaders and human rights defenders told Amnesty International that they felt that local Thai Buddhist government officials discriminated against Muslims and were insensitive to Muslim customs and religious practices. One local field researcher reported that when the security forces conducted searches of Muslim houses or *ponoks*, they did not remove their shoes and brought police dogs with them. Young human rights defenders whose house was raided said that the security forces stepped on their prayer mats. Another source said that Muslim detainees are forced to wear short trousers, which is inappropriate clothing for praying. One Muslim academic told Amnesty International that the educational system in the South needs to be improved so that Muslims could obtain better jobs, particularly in the local government administration, where the vast majority of employees are Buddhists. Another source said *"My sense is that Muslims are in a state of constant anxiety."* A Muslim university student commented: *"Our identity is distinct and different but that doesn't make us pro-violence. I want the authorities to have sympathy and respect for the villagers...if they did, perhaps the villagers would be more cooperative."*

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<sup>2</sup> The name of the country changed from Siam to Thailand in 1939.

<sup>3</sup> Twenty per cent of the far South are ethnic Thai or Sino-Thai Buddhists; Buddhists comprise approximately 95% of Thailand's total population.

<sup>4</sup> "Thailand tries eight Islamic teachers on terror charges", *The Bangkok Post*, 12 October 2005.

Almost since the beginning of the annexation armed political groups calling for independence began to operate in the region. One of the most prominent was the Patani United Liberation Organization (PULO), a separatist group formed in 1968 which still issues statements on its website.<sup>5</sup> Muslim armed political groups' activities have ebbed and flowed over the last 100 years, but with the turn of the 21<sup>st</sup> century they increased dramatically.

During the 1980s then Prime Minister General Prem Tinsulanond instituted a number of policies, known as "South in the cool shade" to diffuse conflict there. These initiatives included the establishment of the Southern Border Provinces Administrative Centre (SBPAC) and encouraging local Muslims to enter politics. After Prime Minister Thaksin was elected in January 2001, he began to dismantle administrative structures in the South which had been in place for some 20 years, most notably the SBPAC and the 43<sup>rd</sup> joint civilian, police, and military task force, both of which were disbanded in May 2002. After the most recent upsurge in violence in early 2004, the government established a new coordinating agency, the Southern Border Provinces Peace-Building Command (SBPPBC). The Prime Minister has also frequently changed both military commanders and Defence Ministers responsible for addressing the violence in the South.<sup>6</sup>

Since the 2004 escalation in violence, armed political groups who have launched the attacks have not identified themselves, made political demands, nor are they known to have indicated any willingness to engage in talks with the government. Moreover no group has so far claimed responsibility for individual attacks. They are believed to operate in cell structures in villages, and do not currently attempt to seize and control territory. Their tactics differ from armed political groups operating in the past, who usually only attacked government officials or property. The groups currently active deliberately target civilians as well as officials, including Muslims perceived to be cooperating in some way with the authorities. Insurgents have also sometimes left behind notes at the scene of an attack, stating that as long as the authorities continue to arrest and kill innocent people, they will continue their attacks. For example on 14 October 2005 the head and body of a Buddhist man, one of a reported 15 beheadings, was found with a note stating "*As long as you continue to kill innocent people, we will kill your innocent people.*"<sup>7</sup> Anonymous leaflets have also appeared calling for people not to work on Fridays, most recently in November 2005.<sup>8</sup> All of the above factors have made the task of quelling the violence even more difficult for the authorities.

Increasingly the government has identified Barisan Revolusi Nasional-Coordinate (BRN-Coordinate) as being responsible for some of the violence.<sup>9</sup> The International Crisis Group

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<sup>5</sup> See for example "Thai Muslim militants call for self-government in south", *Agence France Press*, 1 November 2005.

<sup>6</sup> "Thaksin and the Resurgence of Violence in the Thai South: Network Monarchy Strikes Back", Duncan McCargo, University of Leeds, forthcoming in *Critical Asian Studies*, March 2006, cited with the author's permission.

<sup>7</sup> "Man beheaded, two shot dead in southern Thailand", *Agence France Press*, 14 October 2005.

<sup>8</sup> See for example "Security stepped up across region", *Bangkok Post*, 12 November 2005.

<sup>9</sup> See for example "Separatist group reportedly behind standoff in Thai southern village", *Bangkok Post*, 27 September 2005.

(ICG) has named BRN-Coordinate and Pemuda, a separatist youth movement, which is controlled by BRN-Coordinate, as two of the most active armed political groups. ICG reported that Pemuda is believed to be responsible for much of the daily shootings and bombings. Other armed political groups which are reportedly active are the Gerakan Mujahidin Islam Patani (GMIP), fighting for an independent Islamist state and the separatist group New PULO, which is an offshoot of PULO.<sup>10</sup> ICG and other analysts have also stated that there is yet no clear evidence of active support from regional armed political groups such as Jemaah Islamiyah (JI), but that there is potential for such involvement.<sup>11</sup>

Both the government and analysts have struggled to identify and characterize groups and individuals responsible for the attacks. Some observers believe that a substantial percentage of the violence is the result of criminal activities, including arms, drugs and human trafficking, and the settling of personal grudges. Others have commented that people have taken advantage of the atmosphere of confusion and violence in order to commit crimes with impunity. However two local academics told Amnesty International that they believed that armed political groups were responsible for most of the attacks.

One major tactic used by the security forces to combat attacks has been to arm thousands of civilians in the South for self-defence purposes, which has meant in practice that armed civilians become the targets for attacks. On 14 November 2005 the Royal Thai Army announced that it would recruit, train, and arm a new group of civilians in the three provinces in order to defend their villages.<sup>12</sup> The security forces in Thailand have traditionally armed villagers for self-defence; this was particularly the case during the 1960s and 1970s as part of counter-insurgency tactics against the Communist Party of Thailand (CPT). One such group of civilians is known as the *Chor Ror Bor*, which means "the unit to protect the village". They do not receive a salary but do receive a stipend to cover their expenses. *Chor Ror Bor* members are usually local villagers who perform their duties on a part-time volunteer basis. In the South Muslim *Chor Ror Bor* members are one of the groups of Muslim civilians who are increasingly being killed by Muslim armed political groups.

Sources gave the following account of the killings of two *Chor Ror Bor* volunteers Ma Riki Samae, a 30 year old construction worker, and his uncle Mat Samae, a 53 year old day labourer. They both lived in Kayaklah Sub District, Waeng District, Narathiwat Province in an area of rubber plantations. In early 2005 their village headman had recruited them to volunteer in the *Chor Ror Bor*, one of whose assignments was to guard the village at night on a rotating basis. They were patrolling on a motorcycle at approximately 1900 on 5 April 2005 and were shot multiple times near a Muslim cemetery on the outskirts of their village. Fellow villagers who visited the scene immediately afterwards discovered that their pistol had been stolen. Ma Riki Samae was shot four times in the torso and leg and Mat Samae was shot in the chest and hand. Family members were interviewed by the authorities once about the

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<sup>10</sup>See page i, *Southern Thailand: Insurgency, not Jihad*, International Crisis Group, 18 May 2005, Asia Report No 98.

<sup>11</sup> See page 21, *Thailand's Emergency Decree: No Solution*, International Crisis Group, 18 November 2005, Asia Report No 105.

<sup>12</sup> "Around 20,000 villagers in south to get arms, intelligence training", *The Nation*, 15 November 2005.

killings, and the Southern Border Provinces Peace Building Command came to their houses the day after the killings and gave each family 200,000 baht.<sup>13</sup> Ma Riki Samae was the major breadwinner for his parents and six brothers and sisters; Mat Samae had eight children and a wife to support. No further investigation was apparently conducted by the authorities into their murders.

### **III. KEY 2004 HUMAN RIGHTS DEVELOPMENTS IN THE SOUTH**

On 4 January 2004, an unidentified armed group attacked a Royal Thai Army base in Cho Airong District, Narathiwat Province. Four soldiers were killed and some 400 weapons were stolen; at the same time 20 schools were set on fire in what appeared to be a coordinated operation. Prime Minister Thaksin Shinawatra responded by declaring Martial Law in the three provinces, the provisions of which gave the military a wide range of powers. It was unclear which provisions of the 1914 Martial Law Order were in effect in the South, but it appeared that those most frequently used by the military included ones authorizing the search of premises and the detention of suspects, and the construction of military checkpoints throughout the area. The authorities arrested an unknown number of people under its provisions and increased the numbers of security forces in the area. However, political violence continued to increase.

On 12 March 2004, Somchai Neelapaijit, a prominent Muslim lawyer who was representing some of those arrested in relation to the violence and had initiated a campaign calling for the lifting of Martial Law in the South, "disappeared" in Bangkok. His whereabouts are still unknown. His "disappearance" has had a profound impact on the work of other Muslim human rights defenders in the South; local Muslims told Amnesty International that since his "disappearance", they felt that they did not have any recourse with regard to harassment and intimidation.

On 28 April 2004 an armed political group launched coordinated attacks on government facilities in Yala, Pattani, and Songkla provinces. The 28 April is the anniversary of a separatist uprising in 1948 in the South, when many Muslims were killed in three days of violence. In the early morning of 28 April groups of men armed with knives, machetes and guns attacked 11 bases and checkpoints in these provinces, resulting in the deaths of five members of the Thai security forces. Over 100 Muslims were killed by the security forces in response to the attacks. In one incident 19 young men were shot dead by the security forces in Susoh village, Sa Ba Yoi district, Songkla Province. Fifteen of them were reported to have had gunshot wounds in the back of the head, suggesting that they were shot either while fleeing or were killed in what amounts to extra-judicial executions. In another major incident that day, 31 men inside Krue Se Mosque in Pattani Province, were killed by the security forces after some of them had attacked a nearby checkpoint and killed two members of the security forces. At the time Amnesty International wrote to the government, expressing

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<sup>13</sup> One US dollar is equal to approximately 40 Thai baht.



concern about the state's response to the 11 attacks, including use of lethal force and fear of possible extrajudicial executions.

On 25 October 2004 some 1,500 people gathered in front of Tak Bai police station, Narathiwat Province, protesting the continuing detention of six "village defence volunteers".<sup>14</sup> After several hours demonstrators reportedly attempted to storm the police barrier. The security forces used a water cannon and tear gas to disperse the crowd; some of the demonstrators then threw rocks and other materials at the security forces. The soldiers fired shots into the air and at head height directly into the crowd. Seven people were shot dead during the demonstrations and many of the demonstrators were later beaten by soldiers while being forced to lie face down for several hours in the hot sun on the ground with their hands tied behind their backs.<sup>15</sup> Almost 1,300 people were subsequently loaded into trucks in six layers and transported to Inkayut Military Camp in Pattani Province. The journey took five hours, during which time those on the bottom layers were crushed by people piled on top of them. Seventy-eight people died, reportedly as a result of suffocation, renal failure, and collapse of major internal organs.

In December 2004 Amnesty International interviewed three young Muslim men, all of whom had been transported in trucks to the military camp on 25 October. Two of them reported that troops wearing army boots had kicked them and beaten them with sticks after their arrest. One of the two individuals had also been hit on the face with a rifle butt. Another young man told Amnesty International that he was suffering from acute renal failure as a result of the treatment he had received at the hands of the soldiers and could not sit or stand. His companions reported that his spine had been severely damaged. The victim reported that he was undergoing dialysis for kidney failure, but that he had received no reparation from the government. He also showed Amnesty International delegates a large ulcer on his left forearm, several inches long, which appeared not to have healed. He explained further that while he was in the truck, he was on the bottom layer of the six layers of people and that his head was covered with a black plastic bag by troops. Fellow prisoners helped him to remove the bag so that he could breathe. He had been admitted to three hospitals over a period of 16 days, but none of them had been able to bring about an improvement in his condition.

Amnesty International also obtained on a confidential basis copies of 28 testimonies of people who had been arrested by soldiers at the Tak Bai protest site. Nine of the victims who provided testimonies stated that soldiers wearing military boots had kicked them and/or beaten them with sticks after forcing them to lie face down on the ground. Soldiers then forced them into the truck bed, and piled the men six deep before transport to Inkayut Military Camp, Pattani Province. During their journey soldiers reportedly hit and kicked those individuals who lifted their heads up. Many of the people who provided the testimonies said that they had not participated in the demonstration and had been on their way to or from home;

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<sup>14</sup> According to reports, they were subsequently released.

<sup>15</sup> Videotapes and still photographs of the demonstration were widely available and have been viewed by Amnesty International.



had stopped to see what was happening; or had been detained before or after the demonstration by the security forces.

Five relatives of men who had died either at the Tak Bai site or later on their way to Inkayut Army Camp in military trucks also gave testimonies made available to Amnesty International. After their family member went missing, the relatives travelled to the camp, where they identified their relations' photographs. All of the photos indicated that the five deceased men had swollen faces; two appeared to have broken necks; and three of the five faces of the corpses revealed evidence of fresh wounds.

Amnesty International is gravely concerned that the security forces used excessive lethal force during the Tak Bai demonstration, killing seven people by firing directly into the crowd. Moreover the way in which some 1,300 people were transported from the police station to the military base constituted severe cruel, inhuman and degrading treatment. By stacking the men six deep in trucks, the security forces were putting the men in a life-threatening situation which resulted in the deaths of 78 of them.

The government established two commissions, one to investigate the killings at Krue Se Mosque on 28 April 2004 and the other to investigate the security forces' violent suppression of the 25 October 2004 demonstration in Tak Bai. These reports were made public in April 2005 by the National Reconciliation Commission.<sup>16</sup> The report of the Krue Se Mosque siege concluded that the security forces used excessive force disproportionate to the threat presented by the men inside the mosque.<sup>17</sup> The report on the Tak Bai incident concluded that the authorities did not deliberately harm the demonstrators; however it also found that officials who oversaw their transport were "guilty of dereliction of duty".<sup>18</sup> No one in the security forces has been brought to justice for the use of excessive lethal force in suppressing the 28 April attacks or at Tak Bai on 25 October and the severe ill-treatment of demonstrators during the latter incident.

#### **IV. DEVELOPMENTS DURING 2005**

##### **(i) The National Reconciliation Commission**

In the February 2005 general elections Prime Minister Thaksin Shinawatra's Thai Rak Thai Party won a majority of parliamentary seats and formed a one-party government. Later that month the Prime Minister established the 50-member National Reconciliation Commission (NRC), chaired by former Prime Minister Anand Panyarachun, to build "peace and reconciliation" in the far South. This initiative was welcomed by civil society as a mechanism to identify problems and find peaceful solutions. Under its mandate the NRC established five sub-committees: 1) Subcommittee for the Promotion of Trust, Justice and Human Rights; 2)

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<sup>16</sup> Please see the following section for a description of the National Reconciliation Commission.

<sup>17</sup> "Krue Se Mosque Incident: Militants met to plan attack", an English language summary of the report in *The Nation*, 16 April 2005.

<sup>18</sup> "Tak Bai Report: Army chiefs deemed responsible", an English language summary of the report in *The Nation*, 26 April 2005.

Subcommittee for the Resolution of Conflict by Peaceful Means; 3) Sub-Committee for the Study of Methods of Development for the Promotion of Human Stability; 4) Sub-Committee for the Promotion of the Power of Cultural Diversity in Thailand; and 5) Sub-Committee for Reconciliation at the Local Level.<sup>19</sup> Local members of NRC subcommittees in the far South have conducted field research with people affected by the conflict, with a view towards proposing policies to promote peace and reconciliation. The NRC has also made a number of recommendations, including in May 2005 that Martial Law be lifted in the South<sup>20</sup> and that southerners should be able to participate in making decisions with regard to local policies there.<sup>21</sup> The final report of the NRC will be made public in early 2006.

### (ii) The new Emergency Decree

On 15 July, one day after a major attack by insurgents on Yala town, the Cabinet enacted the Emergency Decree on Government Administration in States of Emergency, B.E. 2548, which authorized the Prime Minister to declare a state of emergency. On 19 October the Prime Minister used the provisions of the new Decree to declare a state of emergency in Yala, Narathiwat, and Pattani Provinces. It replaced the 1914 Martial Law Act previously in force there.<sup>22</sup> The Emergency Decree's provisions include *inter alia*: detention without charge or trial for up to 30 days; administrative detention; the use of unofficial detention centres; press censorship; and legal immunity from prosecution for law enforcement officers.<sup>23</sup> The Emergency Decree was approved by Parliament in August. Under the Decree's provisions, the government renewed the state of emergency in the three southernmost provinces in October for a further three months. Immediately after the promulgation of the Emergency Decree in July 2005, NRC Chairman Anand Panyarachun stated his opposition to the Emergency Decree because it granted legal immunity to officials and gave the Prime Minister complete power to declare a state of emergency.<sup>24</sup> The Decree was also widely condemned by other members of civil society, including the Lawyers' Council of Thailand.<sup>25</sup>

### (iii) Further violence

Daily killings and bombings continued in the three provinces throughout 2005 and attacks were characterized in some cases by greater sophistication and coordination. For example on 26 October raids by armed groups took place in a large number of locations in all three

<sup>19</sup> *The National Reconciliation Committee, July 2005, Committee Structures and Responsibilities; The Independent Committee for National Reconciliation and its Sub-Committees*, a document made available to Amnesty International (unofficial translation).

<sup>20</sup> "Martial Law could go", says PM, *Bangkok Post*, 6 May 2005.

<sup>21</sup> "NRC: Give people in South a say", *Bangkok Post*, 10 August 2005.

<sup>22</sup> The Martial Law Act has not been repealed; on 3 November 2005 martial law was declared in two districts of Songkla Province. See for example "Thai military puts two southern districts under martial law", *The Nation*, 3 November 2005.

<sup>23</sup> For a full discussion of the Decree see *More Power, Less Accountability: Thailand's New Emergency Decree*, International Commission of Jurists, August 2005.

<sup>24</sup> "Crisis in South: Anand and PM in show of unity", *The Nation*, 26 July 2005.

<sup>25</sup> "Several southern Thai Muslims held by army after raid on school", *Associated Press*, 22 July 2005.

provinces when weapons were stolen and four people killed.<sup>26</sup> Muslim villagers’ distrust and fear of the authorities also manifested itself to a new degree. On 29 August after Satopa Yushoh, the imam in Lahan village, Sungai Padi District, Narathiwat Province was shot dead by unknown attackers, a group of almost 100 villagers, mostly women and children, prevented government officials from entering the village by blocking the entrances. Villagers were reported to believe that it was the security forces themselves who killed the imam. Moreover, the imam himself, who did not die immediately after being shot, was reported to have said that soldiers killed him, and to have refused to go to the hospital, for fear of being abducted by the security forces there.<sup>27</sup>

Shortly after this incident, reports emerged that 131 Muslims had fled to Malaysia and formally sought asylum with the Malaysian government. The Malaysian government permitted the United Nations High Commissioner for Refugees (UNHCR) office in Kuala Lumpur to interview them amidst demands from the Thai Government to return some of them. The Malaysian government stated that it would not do so unless it received guarantees that they would not be subjected to human rights violations on return. On 8 December 2005 the Malaysian government handed over one of the 131 asylum-seekers, Hamzah Saud, to Thai government custody. A warrant for his arrest had been reportedly issued in March 2004. On return to Thailand he was charged with nine offences, including murder and treason,<sup>28</sup> both of which could result in a death sentence under Thai law. Amnesty International opposes the death penalty in all cases and has reported on the imposition of death sentences in Thailand.

On 20 September two Muslim civilians in a teashop in Moo 7, Tanyonglimo subdistrict, Rangae District, Narathiwat Province were shot dead and four others seriously injured in a drive-by shooting by unknown attackers. Two marines in the area visited the village and were seized by the villagers, who reportedly believed that the security forces shot the two people in the teashop. They blocked officials from gaining access to Moo 7, and the following day amidst ongoing attempts by local authorities to negotiate with the villagers, the dead bodies of the two marines were discovered in the village. The killings were widely believed to have been perpetrated by an armed political group. Autopsies of the marines’ bodies revealed that they had been tortured to death.<sup>29</sup>

In a welcome development, on 19 September 2005 a Memorandum of Understanding was signed establishing a legal aid centre at the Pattani campus of the Prince of Songkla University to be jointly administered by the National Reconciliation Commission, the Lawyers’ Council of Thailand<sup>30</sup>, and the National Human Rights Commission. Under the agreement, legal aid centres will be established in all three provinces in order to provide residents there with “legal protection” and to monitor the government’s implementation of the

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<sup>26</sup> “Militants kill four, snatch 42 guns in south Thailand”, *The Nation*, 27 October 2005.

<sup>27</sup> See pages 9-10, *Thailand’s Emergency Decree: No Solution*, International Crisis Group, 18 November 2005, Asia Report No. 105.

<sup>28</sup> “Suspected Thai militant in court after Malaysian extradition”, *Agence France Presse*, Bangkok, 9 December 2005.

<sup>29</sup> See pages 15 - 19, *Thailand’s Emergency Decree: No Solution*, International Crisis Group.

<sup>30</sup> Formerly known as the Law Society of Thailand.

Emergency Decree. In particular, lawyers from the Lawyers' Council will assist those who have been arrested. NRC Chairman Anand Panyarachun called on the government to provide adequate funds for lawyers to provide these services.<sup>31</sup> According to legal sources Amnesty International met with, previously there were not enough lawyers to assist people arrested in relation to the violence, nor sufficient funds to pay the volunteer lawyers.

**(iv) Consideration of Thailand's initial report to the UN Human Rights Committee**

On 19 and 20 July 2005 the UN Human Rights Committee (HRC) considered the initial report of Thailand on its implementation of the International Covenant on Civil and Political Rights (ICCPR). In its concluding observations, the Committee expressed concern *inter alia* about the new Emergency Decree; about persistent allegations of extrajudicial executions and ill-treatment by the police and army, particularly in the south during 2004; and about reports of the widespread use of torture and ill-treatment of detainees by law enforcement officials.<sup>32</sup> With regard to the new Decree, the expressed concern "...that the Decree provides for officials enforcing the state of emergency to be relieved of legal and disciplinary actions, thus exacerbating the problem of impunity. Any detention without external safeguards beyond 48 hours should be prohibited."<sup>33</sup>

In a written reply to questions which the HRC posed to the delegation during its consideration of Thailand's initial report, the Royal Thai Government stated that: "As of 15 July 2005, Thailand had never declared a state of emergency since becoming party to the International Covenant on Civil and Political Rights in 1996. However, on 15 July 2005, the Thai Cabinet has approved the replacement of the 1952 Act by the new 2005 Administration in Emergency Situation Act, which will be submitted to Parliament when it resumes its session in September 2005."<sup>34</sup> During the HRC session, the Government delegation said that they would make a declaration to the UN Secretary-General that it is facing a time of emergency as required under Article 4(3) of the ICCPR. However, as of December 2005 the Thai Government has not notified the Treaty Section of the UN Secretariat that they will derogate from any of the provisions of the ICCPR. Article 4(3) states *inter alia*:

*"Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation."*

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<sup>31</sup> "Legal Aid alliance formed in the far South", *Bangkok Post*, 20 September 2005.

<sup>32</sup> See Human Rights Committee, Concluding Observations of the Human Rights Committee, Thailand, CCPR/CO/84/THA.

<sup>33</sup> *Ibid.*, para. 13.

<sup>34</sup> Reply of the Kingdom of Thailand on the List of Issues To be taken up by the Human Rights Committee in connection with the consideration of the initial report of Thailand under Article 40 of the International Covenant on Civil and Political Rights-ICCPR.

Amnesty International attended the Committee's session on Thailand in Geneva and met with some members of the Royal Thai Government delegation from the Ministry of Justice.<sup>35</sup> During the meeting, the organization expressed its major concerns with regard to the Emergency Decree, which had been promulgated a few days before the HRC session. The delegation reassured Amnesty International that the government would not suspend the right for anyone deprived of their liberty to challenge the lawfulness of their detention, as set out in Article 9(4) of the ICCPR and Section 240 of the 1997 Thai Constitution. The delegation also stated that all other constitutional safeguards would be applied, including the presumption of innocence. Moreover, the delegation stated that detainees held under the provisions of the Emergency Decree would have access to legal counsel and their families. Amnesty International appreciates that it was afforded the opportunity to discuss its concerns with the delegation. However, the organization is concerned that in practice these essential safeguards, including prompt access to legal counsel and families, and the right to challenge the lawfulness of their detention, have been denied to detainees held under the Decree.<sup>36</sup>

## **V. FAILURES OF THE CRIMINAL JUSTICE SYSTEM**

### **(i) Introduction**

Amnesty International appreciates the serious security threat posed by the upsurge in violent attacks in the South, and strongly condemns the deliberate killings of scores, possibly hundreds of civilians and other serious human rights abuses by unidentified armed political groups. The organization acknowledges that the government has a duty to protect the safety of people in the South and to bring to justice perpetrators of human rights abuses. Any action taken by the government in carrying out this duty must be in full conformity with international human rights law and standards. In this regard the organization is concerned by the failure of the Thai criminal justice system to protect basic human rights of people in the far South.

The failure to investigate human rights abuses and other deficiencies in the Thai justice system have been the subject of Amnesty International reports from 1997 to 2004. The organization's concerns include torture and other cruel, inhuman or degrading treatment or punishment, particularly prolonged shackling of prisoners; and impunity for those who kill human rights defenders, especially rural people.<sup>37</sup> Moreover, Amnesty International has been concerned for many years about the climate of impunity for the security forces in Thailand. No one has been brought to justice for killings and "disappearances" during the May 1992

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<sup>35</sup> Prior to the session, Amnesty International made a submission to the Human Rights Committee. Parts of the submission concerning the South are incorporated in this report.

<sup>36</sup> See **Arrest and Detention, Section V (v)** below for examples.

<sup>37</sup> See *Amnesty International, Thailand: Widespread abuses in the administration of justice*, June 2002 (AI Index 39/003/2002); *Thailand: Grave Developments – killings and other abuses*, November 2003 (AI Index 39/009/03); and *Thailand: Memorandum on Human Rights Concerns*, October 2004, (AI Index 39/013/2004).

military crackdown on pro-democracy demonstrators in Bangkok.<sup>38</sup> More recently Amnesty International has expressed grave concern about the way in which the government-launched "war on drugs" was conducted from 1 February to 30 April 2003, during which 2,245 people were reportedly killed. According to the government, the vast majority of the killings were cases of drugs traffickers killing one another; however, the government failed to effectively investigate the deaths, many of which were alleged to be the result of extrajudicial executions. Amnesty International is also concerned that the failure to bring the perpetrators of these killings to justice has contributed to a large degree to the climate of impunity among the security forces.<sup>39</sup>

## **(ii) failure to investigate**

With regard to Pattani, Yala, and Narathiwat Provinces, Amnesty International is particularly concerned by the authorities' failure to conduct proper investigations into attacks on both Buddhist and Muslim civilians. Scores of villagers of both faiths told the organization that either no investigation was conducted whatsoever, or that a very cursory investigation took place. They expressed their frustration at the lack of protection in the villages, in spite of the high numbers of security forces, particularly in "red zones", identified by the government as those areas with the highest level of violence. Members of Thai civil society have also noted the government's inability to identify in most cases individuals and groups responsible for the violence in the South. Former Prime Minister Anand Panyarachun, the Chairman of the National Reconciliation Commission, commented in July 2005 that *"In 85% of murder cases, the government does not know who the perpetrators were, which shows the government has failed to find the real wrongdoers."*<sup>40</sup> This failure on the part of the authorities to properly investigate the killings of Buddhist and Muslim civilians in the three provinces has contributed to the overall climate of fear there.

As discussed above, during 2004 the Thai security forces used excessive lethal force and committed possible extrajudicial executions against those who attacked government facilities on 28 April. They also shot dead seven people during the October 2004 Tak Bai demonstrations and subjected hundreds of others to severe ill-treatment, resulting in 78 deaths. Deaths from these two incidents account for almost 200 of more than 1,000 deaths since January 2004. During 2005 there have been no major confrontations between the security forces and armed political groups or demonstrators resulting in large numbers of deaths. However Muslims continue to be killed in ambiguous circumstances, where no proper investigations are carried out by the security forces. Amnesty International was able to obtain

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<sup>38</sup> At least 52 people were killed and scores of others injured or "disappeared" when the military opened fire on thousands of demonstrators. For further information please see *Amnesty International, Thailand: the Massacre in Bangkok*, October 1992, (AI Index ASA 39/10/92).

<sup>39</sup> Pages 3 - 13, *Amnesty International, Thailand: Grave Developments – Killings and Other Abuses*, November 2003, (AI Index ASA 39/008/2003).

<sup>40</sup> "Weary southern Thailand fears worst over state of emergency", *Agence France Presse*, 22 July 2005.



detailed information about one such murder in 2005 from a confidential source. Riduan Waemano, a 24 year old Muslim student at Ramkhamhaeng University, was shot dead on 20 June 2005 along with two other friends shortly after his father's *ponok* was raided and shut down by the authorities. On 19 May 2005 the army searched the Jihad Wittaya *Ponok* in Taloh Kapo Subdistrict, Yaring District, Pattani Province and closed the school, stating that it was linked to a separatist network. Abdullah Waemano, the owner of the school, was suspected of being a separatist leader, and is being sought by the police.<sup>41</sup>

Riduan had reportedly gone with his friends to a house outside his village in Yaring District, Pattani Province, and the three were shot dead at prayer time around 19.30. A pick-up truck with no license plates reportedly arrived at the house when all three were shot multiple times in the head and torso by their attackers using guns with silencers. Ten minutes after the attack, a group of police reportedly arrived at the scene; however no forensic investigation is known to have been performed, as bullet casings were found around the house the next day by local people. The murders remain unsolved. According to an article in *The Nation*, an English language daily newspaper, the Governor of Pattani reported that the three had been killed by insurgents and said that police had found leaflets promising to free the Muslim south from Thai rule. The article stated further that relatives were extremely surprised by the Governor's statement as the family had received a phone call from the authorities saying that Riduan had been in an accident and was in hospital. When they arrived at the hospital, they found that he had been shot dead.<sup>42</sup>

### **(iii) "Disappearances" and possible "disappearances"**

Enforced disappearances" are described in the 3<sup>rd</sup> preambular paragraph of the UN Declaration on the Protection of All Persons from Enforced Disappearances as taking place when,

*"...people are arrested, detained or abducted against their will or otherwise deprived or their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law."*

The Rome Statute of the International Criminal Court defines the crime against humanity of "enforced disappearance of persons" as,

*..."the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or*

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<sup>41</sup> "Violence in the South/Prepaid phones, school raided", *Bangkok Post*, 20 May 2005.

<sup>42</sup> "Pattani Killings: Dead Muslims were 'silenced' ", *The Nation*, 22 June 2005.



*whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time."* <sup>43</sup>

An unknown number of people appear to have "disappeared" since the upsurge in violence beginning in early 2004. Official and semi-official bodies have tried to establish mechanisms whereby complaints could be received from relatives of the "disappeared" or from families of people who may have fled from their homes. However, attempts to gather information on "disappearances" have been greatly hampered by attacks and anonymous death threats against those living in the South who have attempted to conduct investigations and document individual cases.<sup>44</sup> Human rights defenders working on the issue told Amnesty International that it was extremely difficult to estimate how many have "disappeared" because of threats they have received on the one hand, and because villagers are often too frightened to come forward with information on the other. Several individuals reported that they had stopped investigating "disappearances" for the time being. However, Amnesty International was able to gather first-hand information about four cases of "disappearances" or possible "disappearances" of Muslim civilians. All of the cases described below occurred in the aftermath of the January 2004 weapons theft and army camp raid in Narathiwat; local observers told Amnesty International that there was a series of "disappearances" at this time.<sup>45</sup>

In all four cases, the authorities failed to conduct proper investigations and identify those who were responsible for the abductions or the fate or whereabouts of the "disappeared". One local human rights defender compiling information on "disappearances" told Amnesty International that some families of the "disappeared" did not even attempt to file a case with the police "because there is no point". Other investigators reported that some families attempted to file a case, but the police refused to accept it; still others did manage to file a case, but no investigation appeared to have been conducted.

On 9 January at approximately 2am, Ibrahim Kayo, a Muslim bus conductor in his mid 40s, was taken from his house in Pawang Village, Banang Sata District, Yala Province by a group of 10 armed men in uniforms similar to those worn by the police. They said that they wanted to question him, but they did not indicate where they were taking him or the subject matter of the interrogation. Relatives filed a case at the District Police Office and subsequently visited the police station repeatedly. Fellow villagers also conducted a search for him. His family was later informed that his body was in Narathiwat; however, on 10 April 2004 when they saw the body, it had decomposed beyond recognition and they were unable to positively identify it.

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<sup>43</sup> The Rome Statute of the International Criminal Court, Art. 7(2)(i). Article 7(1) provides that a crime against humanity under the Statute means an act listed in that Article (including "enforced disappearances of persons") "*when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack*".

<sup>44</sup> Please see section below on Human Rights Defenders.

<sup>45</sup> Amnesty International obtained a partial list of people who had "disappeared"; the most recent case on the list was mid 2005.

In a related case Ibrahim Kayo's friend Abu Diman, a 24 year old man who worked on his family's fruit orchards, was reportedly also abducted on 9 January by the same group of armed men from a teashop. The group then took Abu Diman with them when they moved on to abduct Ibrahim Kayo from his house. Abu Diman's family also filed a report at the Banang Sata police station but they received no news about his whereabouts, or any ongoing investigation.

Also on 9 January 2004 Sata Labok, a 32-year-old trader from Moo 6, Bangpor Sub District, Muang District, Narathiwat Province, "disappeared" after reporting to the police station. On 8 January a group of approximately 20 policemen reportedly arrived at his family home and asked to search the house. The police searched the premises and his car, but reportedly did not find anything illegal. They then confiscated his car and a motorcycle belonging to his relative. Later that afternoon Sata Labok brought the vehicle registration documents to the local police station, and the vehicles were returned to him.

On 9 January he reportedly drove into Narathiwat town and met a relative working as a van driver who asked him to bring a client's package to another courier van service. Sata Labok took the package to the van service at Yawarat intersection, where he met a police officer who reportedly told him to go to the police station, but did not give any reason. Sata Labok then left the courier service office, followed by the policeman. The police had reportedly accused him of involvement in a bombing incident. One week after the "disappearance", the family went to the police station in their district but no investigation was known to have taken place. However, the government initially offered the family 100,000 baht in compensation, but later reduced the offer to 10,000 baht and payment of Sata Labok's son's school tuition.

On 26 January 2004 Ibrohim Se, a 39 year old rubber tapper and former religious teacher, was abducted from his house in Tohpoka village, Narathiwat Province, at around midnight by a group of armed men in masks. About five or six men in two vehicles entered the house and seized him while others searched the bedroom. The family reported the events the next morning to the police, who told them that it must be criminals rather than the authorities. The family never heard from the police again although the relatives searched for Ibrohim Se at a military camp in Hat Yai, Songkla Province. His whereabouts are still unknown.

Amnesty International is concerned that all four of these people may have "disappeared", particularly in light of the fact that all four abductions took place shortly after the 4 January 2004 arms raid in Narathiwat province. However, the circumstances of these possible "disappearances" will not be established unless the Thai Government initiates immediate, effective, independent and impartial investigations, and brings those found responsible to justice. The Declaration on the Protection of All Persons From Enforced Disappearance states *inter alia* that no state shall practice or tolerate "disappearances", which should be considered offences under national criminal law. The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions<sup>46</sup> states *inter alia* that governments should prohibit by law extrajudicial executions and ensure that there is a strict chain of command for the security forces.

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<sup>46</sup> Endorsed by the UN General Assembly on 15 December 1989 in resolution 44/162.

#### **(iv) Attacks on Human Rights Defenders and civil society**

Amnesty International interviewed a number of human rights defenders in the South, including field researchers, university students, and academics. Since early 2001 in Thailand, 19 human rights defenders have been assassinated, one has "disappeared", and several have survived assassination attempts.<sup>47</sup> Others have received repeated anonymous death threats, or have been placed under surveillance. This pattern of abuse is also true in southern Thailand, where the atmosphere is particularly tense and volatile. Some human rights defenders were threatened on the phone, through the internet and through personal mail. One human rights defender reported that an anonymous caller had telephoned in early 2005 and told him "*Be careful or you may die.*" Several human rights defenders reported that they no longer visit villages or go out at night. Some had stopped their investigations completely because they were afraid of the consequences. Nevertheless they have continued to express concern about rural people who are under threat. One young Malay Muslim man said, "*Even though I'm a university student I am subject to abuse -- what about the villagers? They suffer more... Villagers are constantly losing – they suffer grief, loss, and pain. If you want peace you need to focus on justice and humanity.*"

At least one human rights defender has been attacked in the South, but survived the assassination attempt. At approximately 8.30am on 1 September 2005 Mustafa Satopa, a Malay Muslim field researcher was shot twice in the shoulder and back near his home in Pattani after being followed in a threatening manner on two occasions. He had been investigating the cases of people who had gone missing in the south, including possible "disappearances", since the upsurge in political violence there. Two weeks before he had been shot, he was followed by armed men on motorcycles.<sup>48</sup> Amnesty International does not know what progress, if any, has been made in the investigation of the attack. The organization calls on the government to investigate this case promptly and thoroughly, so that those found responsible are brought to justice.

Amnesty International is also concerned about the lack of progress in the investigation of the "disappearance" of Somchai Neelapaijit, a Muslim lawyer and human rights defender who has been missing since 12 March 2004. The Department of Special Investigation (DSI), which is an investigative unit in the Ministry of Justice, took up the case in July 2005. However, Somchai's wife stated publicly that she was disappointed by the DSI's lack of progress in the investigation.<sup>49</sup> In August 2005 the trial began of five police officers arrested in relation to Somchai's "disappearance". They were charged with robbery under Section 340 of the Penal Code of Thailand and "compelling other persons to act" under Penal Code Section 309. When asked in July 2005 by the Human Rights Committee about the investigation into attacks on human rights defenders, the Thai Government responded: "*...4 police officers have been charged with the offence of deprivation of his liberty...However, the 4 police officers have not been charged with a more serious offence because there is no*

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<sup>47</sup> Pages 13 – 22, *Amnesty International, Thailand: Grave Developments – Killings and Other Abuses*, November 2003, (AI Index 39/009/03).

<sup>48</sup> "Army asked to put Satopa under its protection", *Bangkok Post*, 13 September 2005.

<sup>49</sup> "Somchai's wife to lead protest at DSI office", *Bangkok Post*, 23 November 2005.

*substantial evidence to prove that Mr. Somchai Neelapaijit was dead...”. Amnesty International calls on the Government to ensure that all “disappearances” be made offences under Thai criminal law, according to Article 4 of the Declaration on the Protection of All Persons From Enforced Disappearance. Article 14 of the Declaration states that anyone alleged to have perpetrated an act of enforced disappearance shall be brought to justice.*

The violence in Pattani, Yala, and Narathiwat Provinces has affected all levels of society, including educators, school children, farmers and rubber tappers, local businessmen, imams and Buddhist monks. People involved in trading activities told Amnesty International that rubber and textile traders from outside the region were too frightened to come to the South, which had a negative effect on business. Both Muslims and Buddhists in many areas in the three southern-most provinces avoid travelling after dark, and almost everyone Amnesty International spoke with said that they made sure to be at home by nightfall. The space for civil society, including university students, lawyers, and community leaders, to operate effectively and safely has significantly contracted since the upsurge in violence there. The deterioration in the security situation has also affected relations between Buddhist and Muslim civilians in “red zones”. Villagers and other local people told Amnesty International that previously relations between the two groups had been cooperative but now there was fear and distrust between them.

However, it is important to note that there are still places where civil society can function. Not all areas in Pattani, Narathiwat, and Yala provinces are red zones and the security situation can vary from village to village. Amnesty International spoke with peace and reconciliation groups, including women’s groups bringing together Muslim and Buddhist women whose family members have been killed. The National Human Rights Commission (NHRC) has sponsored several workshops to assist people affected by the violence; for example in September 2005 the NHRC conducted a workshop for Muslims and Buddhists to learn how to help people traumatized by the violence. On 25 August 2005 the Issara News Centre was established in Pattani, in an effort to provide better cultural understanding and a wider range of reporting on the South. Funded by the NRC, with cooperation from the Thai Journalists Association and the Southern Thai Journalists Association, it employs a pool of reporters based in the South who produce stories which newspapers can use free of charge.<sup>50</sup> Grassroots groups such as local small-scale Muslim fishermen in Pattani Province established the Traditional Fishermen’s Forum, which has been effective in securing their livelihoods and protecting their fishing stocks from trawlers.<sup>51</sup>

#### **(v) Arrest and Detention in the South**

Since the 2004 upsurge in political violence, the authorities have arrested an unknown number of those suspected of involvement in or support for armed political groups. It is difficult to estimate how many people are currently in detention, as suspects are being arrested on a regular basis; some of these have been released if there is insufficient evidence and some have been acquitted. At the time of writing, legal sources stated that there were over 60 active

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<sup>50</sup> “Centre tries to tell real story of South”, *The Nation*, 29 September 2005.

<sup>51</sup> “Peaceful means the best way to fight for the right to fish”, *Bangkok Post*, 27 September 2005.

cases relating to the violence in the South. A number of people have been arrested in relation to the killings of the two marines in Tanyonglimo Sub District on 21 September 2005. Others who have been arrested in relation to the violence are currently on trial. For example a trial of eight *ustazes*, or Muslim religious teachers, began in October 2005 and was continuing as of December 2005. According to reports, they have been charged with treason, arson, and multiple murders committed between 1995 and 2004.<sup>52</sup>

Amnesty International delegates talked to several lawyers who cited a number of specific instances of suspects being denied legal counsel in the initial stages of detention. Moreover legal sources and community leaders said that Malay Muslim suspects in detention are never provided with a Malayu – Thai interpreter and that they often have difficulties in understanding questions during interrogation. Detainees were also required to sign a document only available in the Thai language stating that they have read and understood it. Malay Muslim defendants and witnesses in trial hearings are also not provided with interpretation services.

Those arrested in connection with the violence have been held in several locations, including police stations, Inkayut military camp in Pattani Province, Yala Provincial Prison, and Yala Police Training School. Local sources described specific cases of Muslims arrested and detained under the provisions of Martial Law before July 2005, and subsequently under the 2005 Emergency Decree.<sup>53</sup> One source said that a group of three Prince of Songkla University students who were reportedly arrested in relation to attempted killings of government officials in January 2005 were denied legal counsel and access to their families at the time of their arrests. The authorities cited the Martial Law, which was still in force at the time. They were initially held at a police station incommunicado, and later transferred to Inkayut Camp.

Under Article 12 of the Emergency Decree, detainees arrested under its provisions “*shall be detained in a designated place which is not a police station, detention centre, penal institution or prisons...*”, that is, an unofficial place of detention. In practice those arrested under its provisions are generally taken to Yala Provincial Police Training School or Inkayut army camp. According to legal sources, those arrested in connection with the killings of two marines in Tanyonglimo Sub District were held in the Yala Police Training School and denied legal counsel for several days. A group of people arrested in connection with the bombings in Yala on 14 July 2005 were also taken there and were denied access to lawyers and families. Amnesty International is concerned by the arrest and detention provisions of Section 12 of the Emergency Decree, which allow for detention without charge for 30 days. Although Section 12 requires that a court warrant be obtained in order to arrest and detain someone, and to continue detention for over seven days, it does not explicitly state the right of detainees to challenge the lawfulness of their detention, as guaranteed by Article 9(4) of the ICCPR, to which Thailand is a state party. Moreover Article 12 provides for people arrested under its provisions to be held in unofficial places of detention. Article 10 of the Declaration

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<sup>52</sup>“Thailand tries eight Islamic teachers on terror charges”, *Bangkok Post*, 12 October 2005.

<sup>53</sup> In order to protect both witnesses and those who have been arrested, Amnesty International has not included any identifying information, including names.

on the Protection of all Persons from Enforced Disappearance states *inter alia*: “1) Any person deprived of liberty shall be held in an officially recognized place of detention...”. It also states: “2) Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel...”. Holding people in recognized places of detention is a safeguard against torture and “disappearance”.

Holding detainees in incommunicado detention is also contrary to international human rights law and standards and facilitates torture and ill-treatment. Principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>54</sup> states that a person deprived of their liberty shall have the right to communicate with members of his family and communicate with the outside world.

Amnesty International is concerned that the right to prompt legal counsel has been denied for many people arrested and detained under the provisions of the Emergency Decree. Some of those detained under the Provisions of the 1914 Martial Law Act in force until 19 July 2005 were also denied immediate access to legal counsel. In both cases detainees were not able to see a lawyer for several days. The UN Human Rights Committee has stated in an authoritative General Comment, as an important safeguard against torture and other ill-treatment: “Provisions should also be made against incommunicado detention...The protection of detainees also requires that prompt and regular access be given to doctors and lawyers and, under appropriate supervision when the investigation so requires, to family members.”<sup>55</sup>

Elsewhere the Human Rights Committee has stressed that “all persons arrested must have immediate access to legal counsel”.<sup>56</sup>

Amnesty International is also concerned that there are no Malayu – Thai language interpretation services provided for detainees or for court witnesses. The right to an interpreter applies at all stages of criminal proceedings, including during police questioning and preliminary examinations or inquiries. Principle 14 of the UN Body of Principles Protection of All Persons under Any Form of Detention or Imprisonment states *inter alia*: “A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands...” the reasons for his arrest, any charges brought against him, and an explanation of his rights and how to avail himself of such rights, at the moment of his arrest.<sup>57</sup>

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<sup>54</sup> Adopted by the General Assembly resolution 43/173 of 9 December 1988.

<sup>55</sup> Human Rights Committee, Forty fourth session (1992), General comment No. 20: Article 7 (Prohibition of torture or cruel, inhuman or degrading treatment or punishment) , UN Doc. HRI/GEN/1/Rev.7 (2004), at 150., para. 11.

<sup>56</sup> Concluding Observations of the HRC: Georgia, UN Doc. CCPR/C/79/Add.74, 9 April 1997, para. 28.

<sup>57</sup> See Principles 10 and 13 of the UN Body of Principles.



Articles 14(3) of the ICCPR provides that every person charged with a criminal offence has the right, among others,

*"To have the free assistance of an interpreter if he cannot understand or speak the language used in court;  
To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;"*.

**(vi) Torture and other ill-treatment**

Some detainees held in relation to the violence have been kept continuously for prolonged periods in heavy metal shackles weighing 4 ½ kilograms. Amnesty International was told that a group of six students arrested in the aftermath of the 4 January 2004 army base raid were being held in such shackles in Yala Provincial Prison. Shackling of death row prisoners is routine in Thailand in Bangkwang Maximum Security Prison. Amnesty International has also reported on other cases of continual shackling of people not under sentence of death.<sup>58</sup> Continuous shackling in heavy metal chains constitutes cruel, inhuman, or degrading treatment or punishment; in this regard Amnesty International renews its calls to the Corrections Department not to permit shackling in the prison system.

Amnesty International has reported the use of torture by prison officials and members of the security forces in Thailand of people in custody, especially members of vulnerable groups such as ethnic minorities, migrant workers, and refugees.<sup>59</sup> With regards to the South, five Malay Muslim men whom Somchai Neelajaipit was representing before he "disappeared" in March 2004 had reportedly been tortured by police in February 2004, as documented by Somchai himself, members of the Thai Senate and of the Thai National Human Rights Commission.<sup>60</sup> More recently at a seminar about the three southernmost provinces at Chulalongkorn University the Muslim Lawyers' Association reported that the police used torture and intimidation in order to obtain a confession from a suspect. The Association further stated that many of those arrested under the Provisions of the 2005 Emergency Decree were being held incommunicado and had been tortured, ill-treated, or threatened by the police.<sup>61</sup>

During its 2005 visit to southern Thailand, Amnesty International interviewed a Malay Muslim who recounted how he had been tortured by police in 2002. The man, who was related by marriage to a prominent PULO leader, was arrested in October 2002 and charged

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<sup>58</sup> See page 16, *Amnesty International, Thailand: A human rights review based on the International Covenant on Civil and Political Rights*, January 1999, (AI Index ASA 39/01/99).

<sup>59</sup> See pages 3-10, *Amnesty International, Thailand: Widespread Abuses in the administration of justice*, June 2002, (AI Index 39/003/2002).

<sup>60</sup> For further details please see page 23 and Annex 10, *Asian Legal Resource Centre, Institutionalised torture, extrajudicial killings and uneven application of law in Thailand, an alternative report to the initial report of Thailand to the Human Rights Committee*, March 2005.

<sup>61</sup> "Muslim lawyers in southern Thailand demand end to police torture", *Bangkok Post*, 27 November 2005.



with the murder of a village headman. The police took him initially to Panare District Police Station, Pattani Province for interrogation, during which, he said, they poured hot water on him and beat him when he did not answer questions to their satisfaction. They threw a large wooden chair at him, which they also used to beat him. He was interrogated for three days and nights, and asked if he was "*feeding the insurgents*". His family was only permitted to see him after four days. He was eventually allowed access to legal counsel, and was acquitted a few months later.

Amnesty International is concerned by the persistent reports of the use of torture and ill-treatment by the authorities in Thailand. The use of torture and ill-treatment contravenes Article 7 of the ICCPR, to which Thailand is a state party and which prohibits these practices in all circumstances. Under Article 4(2) of the Covenant, no derogation is allowed from this provision even in situations of emergency. The organization notes the government's stated intention to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),<sup>62</sup> and calls on the government to ratify that Convention, and incorporate its provisions into domestic law, implement it in practice and ensure that the security forces and prison officials do not torture or ill-treat anyone.

**(vii) The "blacklist" and detention in military camps**

Reports emerged in August 2005 that the authorities had established a "blacklist", or "list of suspects" who were thought to be supporters of or sympathetic to the insurgents. Scores of young Muslim men were told by village and district officials that their names appeared on the list, and were strongly urged to report to the provincial government. Media reports stated that they had "surrendered" to the authorities<sup>63</sup> and some were required to attend a residential camp at an army base for one week to 10 days.

In September and October 2005 Amnesty International gathered first hand information about the blacklist. It is not known how the authorities gathered names for the "blacklist" or what the basis was for determining who would appear on the list. Those who turned themselves in were not believed to have been charged with any offence. Community leaders have said that young devout Muslim men, including religious teachers and those who have graduated from universities in Muslim countries, appear to be most at risk of appearing on a "blacklist". To Amnesty International's knowledge, there is no judicial mechanism for appeals to be made to challenge inclusion in the "blacklist".

These developments are particularly disturbing in view of the way in which the 2003 "drugs war" was conducted. At that time the Ministry of Interior established a "blacklist" of almost 42,000 suspects, but it was never revealed how the list was compiled. Those whose names appeared on the list often presented themselves to the local authorities in order to clear their names. However, many of them were shot dead on their way home from turning themselves

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<sup>62</sup> See page 2, *Amnesty International, Thailand: Memorandum on Human Rights Concerns*, October 2004, (AI Index AI 39/013/2004). This report reflects details of the visit of AI's Secretary General to Thailand in July 2004 when the then Minister of Justice told AI that the government was planning to ratify CAT.

<sup>63</sup> See for example "Suspected insurgents surrender in Thai south", *Bangkok Post*, 16 September 2005.

in at police stations or other local government offices by unknown assailants in circumstances which suggested that the killings were possible extrajudicial executions.<sup>64</sup>

Amnesty International interviewed several young Muslim men in Sungai Padi District, Narathiwat Province, who in August and September 2005 had been told by village headmen and other local authorities that their names were on the blacklist, and had then gone to the military camp as required by the authorities. While they were not physically forced to go through this process, they felt that they did not have a choice in the matter. They reported first to the district office, and then they were instructed by officials to go to the provincial government office. At no stage were charges brought against them, nor were the reasons for their inclusion on the list formally explained to them. When one of them asked officials why he was on the list, he was told it was because he and a few of his friends had been seen meeting as a group.

When they arrived at the Narathiwat provincial offices, a medical team took DNA samples and fingerprinted them. They were then presented before the print and broadcast media at a press conference attended by the governor and the 4<sup>th</sup> Army Commander. They had not been informed ahead of time about these events, and were extremely surprised to be photographed and questioned by the media. The caption on one of the photographs stated *"The First Surrender"*.

They were told that it was compulsory for them to go to Phra Phok Klaw military Camp in Songkla Province. All of them reported that they were treated well at the camp, and that they were not questioned by soldiers. They attended workshops, were encouraged to express their ideas, and were provided with halal food and permitted to pray. One of them told Amnesty International: *"The camp was okay. But that isn't the point. The point is afterwards. Everyone thinks we did something. It is hard to live these days – we are scared of both sides. Our daily lives have been changed enormously."*

The Governor of Narathiwat told Amnesty International that the residential camp sessions would be suspended during Ramadan and resumed afterwards. On 10 December 2005 a group of 137 men reported to the Yala town hall for a ceremony in front of the media and local and national officials. They were told to report for a "peace-building training" at an army barracks in Khlong Hoi Khong District, Songkla Province. Many of the participants complained that they had been forced to take part in the ceremony and one Muslim man was told by the authorities not to speak to the media.<sup>65</sup> They also said that they feared being targeted by the insurgents after their stay at the army camp. The Governor of Yala stated that only seven of the 137 were suspected of being insurgents or sympathizers, and that the rest had been "urged" to join the "surrender ceremony" for those who had been "misguided".<sup>66</sup>

The concept of "blacklists" is alien to the rule of law and human rights. Under international human rights law and standards, those suspected of internationally recognized criminal

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<sup>64</sup> See Amnesty International, *Thailand: Grave developments - Killings and Other Abuses*, November 2003, (AI Index Number ASA 39/009/2003).

<sup>65</sup> " 'Risk group' cries foul over training", *Bangkok Post*, 11 December 2005.

<sup>66</sup> " Kongsak presides over 'surrender'", *The Nation*, 11 December 2005.

offences may be prosecuted, on an individual basis, in judicial proceedings that meet international standards of fairness. The government cannot declare certain persons as "blacklisted" and on that basis detain them in camps, without accusing them of any crime, expose them to the media without their consent, or violate any other of their human rights. Amnesty International is also concerned that such practices could be used to settle personal or political scores. Moreover, the process of being blacklisted and mandatory camp attendance stigmatizes these people and denies them the right to be presumed innocent. The right to presumption of innocence requires that public officials refrain from prejudging any case.<sup>67</sup>

Amnesty International calls on the government to clarify the use of any "blacklists" or "lists of suspects", and, if such a list is authorized, to provide information about its contents, and by which agency and under what provisions of the law they were drawn up. The organization also reminds the Thai Government that under Article 9(1) of the ICCPR, no one may be subjected to arbitrary arrest or detention, and calls upon the government to ensure that persons are not otherwise adversely affected by being on a "blacklist", namely, personally identified on the basis of unsubstantiated suspicions.

## **VI. HUMAN RIGHTS ABUSES BY ARMED POLITICAL GROUPS**

As no group or individual is known to have claimed responsibility for the killings and other attacks which happen on an almost daily basis, it is impossible to categorically state that they were all committed by armed political groups. As mentioned above, it is not unlikely that some of the killings were of a criminal nature. However, the circumstances of the attacks in the far South which fit a discernable pattern indicate that most of the attacks and killings are political in nature.

Several of the attacks have been well-coordinated, particularly the arms raids of 4 January 2004 and 26 October 2005, and the 28 April 2004 attacks on security forces in 11 places in three provinces. Drive-by shootings and bombings, often killing several people, occur on an almost daily basis. Armed political groups launch these attacks in towns, villages, rubber plantations, and on roads. Unlike tactics employed in the past by armed political groups, who normally only targeted government officials, these insurgents have targeted and killed scores, possibly hundreds of Buddhist and Muslim civilians.

People from almost all walks of life have been victims of the insurgents. Members of the police and armed forces and local civilian government officials are routinely targeted. Armed political groups target teachers, principals, and other government employees working for the Department of Education, most of whom are Buddhist. One educator and local leader told Amnesty International in September 2005 that since early 2004, over 60 employees of the department have been killed. In November the Chairman of the Confederation of Teachers in the Three Southern Provinces reported that 70 Education Department employees have been

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<sup>67</sup> See the UN Human Rights Committee, Twenty first session (1984), General comment No. 13: Article 14 (Administration of Justice), UN doc.HRI/GEN/1/Rev.7(2004), at 135, para. 7.

killed, including 37 teachers.<sup>68</sup> Others who are at risk of being killed are Buddhist monks; on 16 October 2005 a Buddhist monk was beheaded and two boys staying at the temple were killed in a Buddhist temple in Panare District, Pattani Province.<sup>69</sup>

Muslims who are perceived to be cooperating with the government are increasingly targeted for killings. They include those suspected of being informants, Headmen or Deputy Headmen and *Chor Ror Bor*.<sup>70</sup> On 16 November 2005 insurgents killed nine Muslim villagers in Rangae District, Narathiwat province. The victims included Luteng Arwarebueza, an alleged former insurgent and his eight month old baby.<sup>71</sup>

Amnesty International obtained information about the killing of a Muslim deputy village headman, presumably by an armed political group. Nima Niyek was shot on 28 January 2005 while selling food from his pickup truck near his village in Cho Airong District, Narathiwat Province. Sources said that "*he was friendly with everyone – officials, elderly villagers – he helped them.*" A witness reported that Nima Niyek was shot by two men on a motorcycle and that Nima Niyek recognized the assailants, saying "*Ah, it is you who shoot people.*"

A few days before Nima Niyek was shot, a group of soldiers had reportedly come to his house and asked for addresses of people involved in the Tak Bai demonstration in October 2004. He was shot in the abdomen, but survived for seven days in Narathiwat hospital. During that time the police came to question him, but he reportedly refused to speak for fear of reprisals against his family. The family received over 500,000 baht from the authorities but at the time of writing no one has been brought to justice for his murder.

#### **(i) Killings of Buddhist villagers**

Amnesty International delegates interviewed scores of Buddhist villagers in Ba Cho and Rangae Districts, Narathiwat Province, in December 2004 and September 2005. Most of them worked as rubber tappers on their own land or as day labourers on others' land. Normally rubber tappers go to work in the plantations at around 2 or 3am, as the latex flows more freely when it is cool. However all of those interviewed reported that they now did not go to work before sunrise because they were afraid of being attacked by insurgents. This has also affected their incomes as they are paid by the amount of latex they can collect. What follows are summaries of selected cases which are representative of killings by armed political groups.

In December 2004 the organization's delegates interviewed several villagers in Pa Lu Ka Samaw Sub District, Ba Cho District where four of their relatives had been killed by insurgents and one critically injured. The population of the village was 70% Buddhist and 30% Muslim in an agricultural area where everyone worked as farmers. Village leaders reported that relations between the two groups, including imams and monks, were good.

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<sup>68</sup> "Teachers fail in bid to save risk allowance", *Bangkok Post*, 22 November 2005.

<sup>69</sup> "Monk, temple boys murdered", *Bangkok Post*, 17 October 2005.

<sup>70</sup> Please see **Section II. Background**, above, for details about the killing of two Muslim *Chor Ror Bor* members.

<sup>71</sup> "Former Islamic insurgent and eight relatives killed in Thai south", *Agence France Presse*, 16 November 2005.

However, Buddhist villagers stated that relations between themselves and fellow Muslim villagers were *"not bad, but not the same as before"*. They said that the families of Muslim victims who have been killed in the South received larger amounts of money more promptly as compensation from the authorities and that they would like to see *"equality of treatment"*.

Those who were killed include Klien Kai Chai Chan, a 55-year-old retired policeman from the village, who was shot in the head and killed on 25 August 2004 when he was driving his motorbike home. A fellow villager, Sombat Noopan, a 33-year-old rubber tapper, was shot dead at 4am on 11 July 2004 in a rubber plantation where he was working. Another man was severely injured when he was driving a motorcycle on his way back from the village on 2 November 2004. A fourth man had his throat slit. In all four cases the victims' families said that no one had been arrested by the authorities, who had not conducted thorough investigations. The failure to conduct proper investigations contributed to the climate of fear in the village. One of the victims' relatives told Amnesty International: *"I am afraid of strangers – too frightened to sit in front of my house and I'm always worrying."*

In late September 2005 Amnesty International interviewed dozens of Buddhist villagers in the "red zones" of Tanyong Mas and Tanyonglimo Sub Districts, Rangae District, Narathiwat Province. On 20 September 2005 two Muslims were shot dead in a teashop by unidentified gunmen in a pickup truck and the next day two marines were discovered to have been tortured to death in the Muslim village Moo 7, Tayonglimo subdistrict.<sup>72</sup> Both incidents further contributed to the already intense climate of fear in the area among villagers of both faiths. Buddhist villagers there, who were visibly agitated and fearful, told Amnesty International that they felt abandoned by the government because proper investigations had not been conducted into the many killings of their relatives and they were not receiving adequate protection. Those interviewed included teachers, rubber tappers, day labourers, and local business people.

One interviewee described three attacks during 2005 on railways, killing or injuring workers. Railway lines in the South have often been a target of armed political groups. The first incident occurred at 6am on 27 March 2005 on the track between Sungai Kolok and Sungai Padi districts, Narathiwat Province, when two bombs were detonated by a mobile telephone, followed by multiple gunshots. In this case 11 railway workers and 10 security forces were injured, two of them Muslims. When the police attempted to approach the scene, they were blocked by spikes on the road, a common tactic used by insurgents. The second incident took place at 8.30am on 21 June 2005 when gunmen opened fire on a group of railway workers, slightly injuring three of them. The source indicated that even when villagers know the identity of the attackers, some of whom lived locally, they were too frightened to confront them or report them for fear of reprisals. The third attack occurred at approximately 1500 on 27 August 2005, when Sawat Buaphet, a 40 year old railway employee, was shot dead between Yala and Kae Kaen railway station, Raman District, Yala province. He was riding on his motorcycle on his way to work when two men also on a motorcycle drove by and shot him several times.

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<sup>72</sup> Please see above, **Section iii. Further Violence, in IV. Developments during 2005.**

One family member described the killing of her relative on 27 October 2004 in what appeared to be a reprisal killing for the Thai security forces' violent suppression of the 25 October Tak Bai demonstration. Prasit Kunteekan, a 57 year old owner of a large petrol station in Tanyong Mas village, was shot dead when he was working at the station. He was shot twice near the heart by two men on a motorcycle in the middle of the afternoon and died later at Narathiwat Hospital. A note was left at the scene, which read "*This is too little compared to what's happened to the innocents of Tak Bai.*"

A teacher from Tanyonglimo Sub District reported that Pramote Keopromrat, a 63-year old retired local teacher, was killed in August 2005 when gunmen shot him in the back while he rode his motorcycle to a local teashop. When an Amnesty International delegate asked if there had been any assistance from the authorities in this case, the assembled villagers burst out laughing. Teachers travelling to and from schools are routinely escorted by the security forces, but attacks on convoys continue to occur. Some teachers said that they were not escorted, but that the soldiers guarded the route. One local leader said that about 1,000 teachers from Narathiwat Province had asked to be transferred out of the region. According to reports, over 1,000 teachers from the area have already been transferred.<sup>73</sup>

A group from a small village of 24 households very near Moo 7, Tanyonglimo Sub District where the killings of the marines took place, reported that seven fellow villagers had been shot dead since February 2004. They also said that soldiers rarely came to their village, and that the *Chor Ror Bor* guarded the village at night. They only travelled in groups and were also worried about sending their children to school. They told Amnesty International that the authorities had told them to buy guns and look after themselves. They had not been able to tap rubber for two months because they were too frightened to walk past Muslim villages and had no other source of income. One said: "*Can the government help us find jobs? We just live a meaningless existence...Nothing is safe. We are just waiting for death to visit us.*"

Amnesty International interviewed several families of the seven men who had been shot dead by the insurgents. Their names are as follows: Dam Petthate, age 60; Udom Yodnsoen, age 40; Phon Khonspitak, in his 50s; Tiraska Yodkeo, age 32; Sa-ngad Kraikaew, age 43; Sa-ngad Wichienrat, age 33; and Somkhuan Sichai, age 45. A relative reported that Somkhuan Sichai was on his motorcycle returning home from visiting his mother in a neighbouring village at 1800 on 3 September 2005 when he was shot twice in the chest and the abdomen. He died two days later at Sungai Kolok Hospital. The family filed a report at the local police station, but the relative said that the police had not to date followed up with an investigation. One hundred of the family's rubber trees were destroyed on 1 April 2005. A relative of Sa-ngad Kraikaew, a rubber tapper, said that he was killed on his way to the plantation at 6am 14 August 2005. He was shot in the torso while riding his motorcycle and died instantly. The police interviewed his wife but no further investigation had been conducted.

Buddhist villagers from Narathiwat Province also told Amnesty International about the destruction of their rubber plantations and threats from armed Muslim men. Many of those interviewed said that they believed the Muslim insurgents were attempting to force them to

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<sup>73</sup> "Students return to school but teachers are fleeing in droves", *The Nation*, 1 November 2005.



flee from the three southern provinces and move to other parts of Thailand. A villager from Ba Cho District showed Amnesty International a typed message in Thai which read: *"Thai Buddhists if you are still on our land we will kill you all. Get out from our land. Otherwise you will eat bullets again."* He said that the note had been sent to the Narathiwat police on 27 October 2004. In September 2005 Buddhist leaders in Rangae District estimated that thousands of Buddhists from the three southern provinces had left the region, and that one half of the Buddhists in that district had moved to other parts of Thailand.

One day labourer from Rangae District reported that on the morning of 25 September 2005 he was surrounded while working on a rubber plantation by fully armed young Muslims on motorcycles who told him to stop tapping rubber. The men left the scene after the headman and some *Chor Ror Bor* came to the plantation. The rubber tapper said that he was now too frightened to work. He said, *"Please speed up the solution – it is getting unbearable. We can't make a living. Once they threaten you, they carry out the threat. Please tell the local officials and those in Bangkok.... We are so stressed. Our problems are getting worse and worse."*

One large group of rubber tappers from Tanyonglimo Sub District, Rangae District told Amnesty International about the destruction of their rubber plantations at the hands of the insurgents. One man whose rubber trees were cut down said that when he went to check on his plantation, a group of young Muslims followed him in a threatening manner, and that subsequently he completely abandoned his land. A woman who had her whole plantation burned to the ground said that she attempted to file a case with the police, but that they wouldn't accept it initially, and only after her father intervened and said that he had a police connection was the case taken up. She said *"Why are we Thai Buddhists left to rot whereas Muslims get help instantly... Why do they neglect us? – we are suffering here."* Another group of four rubber tappers said that their plantations were all destroyed on 23 April 2004; they said that the police had not conducted an investigation. The tappers said that neighbouring plantations owned by Muslims were not destroyed.

Amnesty International condemns in the strongest possible terms the killings of civilians by armed political groups in the far south of Thailand. The situation there probably does not amount to an armed conflict, as defined under international humanitarian law (IHL). Regardless of the formal legal categorization of the situation in southern Thailand, Amnesty International believes armed political groups remain bound by fundamental principles of humanity, which are reflected in the rules of IHL. Fundamental rules of IHL include the prohibition of targeting civilians for attack (the civilian population as such, as well as individual civilians, must not be the object of attack) and prohibition of terrorizing the civilian population. Acts or threats of violence whose primary purpose is to spread terror among the civilian population are prohibited. IHL also prohibits destruction of property and destruction of the means of survival of the civilian population. Armed political groups must immediately cease all attacks on civilians and other human rights abuses.

The government of Thailand has a responsibility to protect the human rights of everyone in its jurisdiction. In this regard, Amnesty International is concerned that security forces are not adequately protecting areas of the far South, in some instances abdicating their responsibility



by arming villagers to defend themselves. Also, the police or other investigative bodies have not properly investigated killings of both Buddhist and Muslim civilians. The organization calls on the Royal Thai Government to initiate prompt and effective investigations into these attacks. Those found responsible must be brought to justice in proceedings which meet international fair trial standards with no possibility of the death penalty.

## **VII. CONCLUSION AND RECOMMENDATIONS**

Amnesty International recognizes the challenges facing the Thai authorities in responding to the crisis in the far South. Nevertheless the organization has serious concerns about the methods used by the government in dealing with the violence there. These include arbitrary arrest and detention procedures; torture and ill-treatment of those arrested in relation to the violence; failure to investigate killings and possible "disappearances"; and impunity of the security forces under the provisions of the 2005 Emergency Decree.

In order to improve the human rights situation in Pattani, Yala, and Narathiwat Provinces, Amnesty International makes the following recommendations to the Royal Thai Government:

1. Initiate prompt, impartial, independent, and effective investigations into all allegations of human rights violations, including torture and other cruel, inhuman or degrading treatment or punishment, "disappearances", and excessive use of lethal force, with a view to prosecuting suspected perpetrators, and ensuring full reparations for survivors or families of victims.
2. Ensure that all people in detention have immediate access to legal counsel, to adequate medical care, and to their families, and are brought promptly before a judge and accorded an opportunity to challenge the legality of their detention.
3. Ensure that no one is held in unofficial places of detention, as holding people in unofficial places of detention can facilitate torture and "disappearances".
4. Issue clear instructions to all officials, including the Royal Thai Police, the Royal Thai Army, and prison guards, not to torture or ill-treat prisoners or others who are deprived of their liberty. Ensure that continuous shackling of prisoners is not used in prisons or other detention centres.
5. Ensure that "blacklists" are not used to detain people without charge in military camps. The process of being blacklisted and mandatory camp attendance stigmatizes people and denies them the right to be presumed innocent.
6. Conduct thorough investigations into killings and other attacks against civilians by armed political groups and ensure access to reparation for victims and their families.
7. Ensure that trials of those arrested in connection with the violence meet international fair trial standards, including the right to legal representation, to the free assistance of an interpreter, and to a judicial appeal, and that the death penalty is not imposed.
8. Ensure that human rights defenders are able to conduct their work in safety, and that all attacks against them are promptly investigated and those found responsible brought to justice.

9. Ensure that "disappearances" are made offences under Thai criminal law.
10. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, incorporate its provisions into domestic law, implement it in practice and ensure that the security forces and prison officials do not torture or ill-treat anyone.
11. Ratify the Rome Statute of the International Criminal Court.
12. Repeal all laws, orders or decrees that authorize government officials to violate the human rights of individuals, such as conducting arbitrary arrests, searches and seizures; detaining persons in unofficial facilities; detaining persons without charge or trial; arbitrarily restricting freedom of movement, speech, assembly or association; causing damage to property and conducting such acts with impunity.

**To armed political groups**

Amnesty International calls on leaders of armed political groups to:

1. Instruct all those under their command not to attack civilians or their property under any circumstances and make clear that such attacks will not be tolerated.
2. Publicly condemn attacks on civilians.