

I. Summary

I was holding my daughter in my arms, talking to her and playing with her. As I was asking her what kind of jelly she wanted to buy, a bomb exploded behind us. I saw shrapnel rip through her body. My daughter was killed instantly ... I saw another little girl in school uniform lying not far from my daughter. She was dead, too. How could they do this, planting a bomb in the market? What do they get from attacking innocent people? There was not a single soldier or police there when that bomb went off. The place was packed with children and parents after school, as always... I wanted to ask them, those who did this, to stop, please stop.

—Nit Jombadin, describing a May 28, 2007 bomb attack in a crowded market in Songkhla province's Saba Yoi district that killed her two-year-old daughter.

For nearly four years, Thailand's predominantly ethnic Malay Muslim southern border provinces of Pattani, Yala, and Narathiwat have been the scene of unprecedented violence and brutality. After the January 4, 2004 armed raid on an army depot in Narathiwat province, which marked the renewal of an insurgency, government forces have responded by committing serious and widespread abuses against suspected militants and their supporters. State-sanctioned abuses have most clearly been evidenced by the Krue Se (April 28, 2004) and Tak Bai (October 25, 2004) killings. These incidents, along with numerous cases of arbitrary arrests, torture, "disappearances," and extrajudicial killings, have served to pour fuel on the fire and ensure the spread of insurgency. Human Rights Watch documented one aspect of the government's abusive security operations in the south in a March 2007 report, "It Was Like Suddenly My Son No Longer Existed," which demonstrated a pattern of enforced disappearances and other illegal measures by the security forces.¹

¹ Human Rights Watch, *"It Was Like Suddenly My Son No Longer Existed": Enforced Disappearances in Thailand's Southern Border Provinces*, vol. 19, no. 5(C), March 2007, <http://hrw.org/reports/2007/thailando307/>.

Impunity has reigned for government abuses. The army and police have not pursued criminal prosecutions of their forces—either under the criminal law or military law. Similarly, the Justice Ministry’s Department of Special Investigation and the National Human Rights Commission—charged with investigating extrajudicial killings and other human rights violations—have failed to carry out full and impartial investigations. This has fed the belief among many in the ethnic Malay Muslim community that the government will not provide justice for them. This perception has been reinforced by the government’s decision to maintain the draconian Emergency Decree of 2005, which gives the security forces almost blanket immunity for criminal misconduct and human rights violations in the southern border provinces. All of this has largely obstructed any reconciliation attempts by the Thai government with the ethnic Malay Muslim population in the southern border provinces.

Human Rights Watch will continue to report on government abuses so long as they persist. However, this report is about human rights abuses by separatist militants in the southern border provinces. Militants have carried out a broad campaign of violence and fear, often targeting civilians, killing or injuring large numbers while they were going about their daily activities—on the way to work, picking up their children from school, herding cattle, buying food in a market, eating in a restaurant.

Although the militants have claimed the moral high ground for their struggle because of historical and contemporary grievances, their tactics are anything but moral—and their behavior undermines their claims to legitimacy. From January 2004 to the end of July 2007, militant attacks have resulted in more than 2,400 deaths and 4,000 injured people. Civilian casualties constitute nearly 90 percent of this total.

In addition to intentional attacks on civilians, such as assassinations of civilian officials or schoolteachers, bombings aimed at crowded markets or other civilian locations such as commercial banks, restaurants, department stores, or hotels, separatist militants have also been responsible for numerous indiscriminate attacks. In these cases, the attacker uses a means or method that does not distinguish between civilians and combatants, such as a bomb that is set off to harm security units in populated areas without regard for minimizing or avoiding civilian losses. For example, on June 18, 2007, 15 civilians—all of them ethnic Malay Muslim parents

waiting to pick up their children from school—were seriously injured when separatist militants detonated a bomb hidden in a motorcycle, apparently aimed at a few soldiers guarding Bannang Sta Indarachat School and Bannang Sta Withaya School in Yala’s Bannang Sta district.

Some attacks also appear to be primarily intended to spread terror among the civilian population. At least 29 victims of militant violence have been beheaded and more than 40 Buddhist Thais and ethnic Malay Muslims have been hacked to death with machetes over the past 43 months. One victim was an on-duty soldier; the rest were civilians or government officials working in non-security-related jobs, or retired government officials.

Increasingly, and particularly since the beginning of 2007, separatist militants seem to favor a new brutal tactic: victims—all of them Buddhist Thais—have been set on fire after being shot or hacked with machetes, sometimes in front of many eyewitnesses. For example, on November 24, 2005, two separatist militants armed with AK-47 assault rifles shot Non Chaisuwan, the 48-year-old director of Bang Kao School in Pattani’s Sai Buri district, as he was about to leave the school in his pickup truck that evening. Terrified students and teachers who witnessed the killing told Human Rights Watch that Non was still alive when the attackers doused his body with gasoline and burned him to death.

Attacks on civilians by separatist militants can be divided into several categories, although these groupings may overlap. The first category is attacks on Buddhist Thai civilians who work for the government. The second is attacks on ordinary Buddhist Thai civilians, including Buddhist monks. In the eyes of many separatist militants, Buddhist Thai civilians are legitimate targets because they represent the occupation of Patani Darulsalam (the Islamic Land of Patani) by *kafir* (infidels). Increasingly, separatist militants have claimed that the southern border provinces are not a place for Buddhist Thais to live, but a *darul harbi* (religious conflict territory). Some of these attacks have been in retaliation for specific abuses against or exploitation of ethnic Malay Muslims by Thai security forces or officials—leaflets stating such claims have been left next to the bodies of victims.

A third category is ethnic Malay Muslims who allegedly collaborated with Thai authorities, such as becoming an informer for the police or a village official. Separatist militants consider an increasingly broad range of activities to qualify persons as *munafiq* (hypocrites)—those who have sided with the occupying forces of *kafir*. Attacks are meant as punishment and as a warning to others.

A fourth category is ethnic Malay Muslims who disagree with or are perceived as undermining the operations of separatist militants. These individuals are targeted because they are seen as traitors who have committed *haram* (forbidden sins) by betraying the ideology of Malay nationalism and Islam. The victims are often religious leaders or parents who obstructed the recruitment or training of new members by separatist militants in their villages, or were known to be critical of the insurgency. Attacks in this category may be seen as separatist militants' attempt to reaffirm their power, using fear to control people in their communities.

Insurgent attacks have had a tremendous impact on local communities. Schools have often been shut down in many districts or even entire provinces, due to security concerns after teachers were killed or schools were set ablaze. The situation has deteriorated so badly to the point that Prime Minister Gen. Surayud Chulanont acknowledged on June 18, 2007 that the government could not guarantee safety for every school and some of them might have to be closed down indefinitely, while students would be transferred to safer locations. Separatist militants have burned down public health centers and murdered public health volunteers, having a dramatic impact on the availability of health services in some areas. Public transportation has occasionally been halted after militants derailed passenger trains, or ambushed passenger buses and minivans. Connection between the southern border provinces and the outside world has been frequently disrupted when separatist militants attacked mobile telephone networks and power supply infrastructure, causing communication and power blackouts over wide areas.

While many groups and ideologies are involved, BRN-Coordinate (*Barisan Revolusi Nasional-Koordinas*, or National Revolution Front-Coordinate), has emerged as the backbone of the new generation of separatist militants. BRN-Coordinate has successfully played on deep-rooted resentments toward the abuses, exploitation,

corruption, and injustice of Thai officials—particularly the heavy-handed response of former Prime Minister Thaksin Shinawatra’s administration—to rebuild and regenerate a serious insurgency in recent years.

Influenced by the potent combination of ethnic Malay nationalism and Islamist extremism, BRN-Coordinate has focused on strengthening its ideological, political, and military foundations, primarily through a wide network of religious teachers, schools, and students to launch its armed struggle for the independence of Patani Darulsalam. Village-based separatist militants in this loose network of BRN-Coordinate call themselves *Pejuang Kemerdekaan Patani* (Patani Freedom Fighters).

Thai authorities have estimated that well-trained separatist militants have established cell-like units (each cell has five to eight members) in two-thirds of the 1,574 villages across the southern border provinces, while there are now more than 7,000 *pemuda* (youth) members of BRN-Coordinate. There is a high degree of operational autonomy in each village—leaders at the village level are able to decide when, where, and whom to attack.

Though more is beginning to be learned about BRN-Coordinate, it remains an enigmatic group. With their stated goal to “liberate” the southern border provinces from Thailand, senior members of BRN-Coordinate have told Human Rights Watch that, at present, they are not interested in dialogue with the Thai authorities. Malaysian officials, including former Prime Minister Mohammed Mahatir, have attempted quiet diplomacy, but it has thus far led nowhere. Some BRN-Coordinate members have also told Human Rights Watch that they have no plans to give up the armed struggle for Patani Darulsalam. Rather, they believe that at least three to five more years of the kind of violence that has taken place since 2004 is necessary before they are in a strong enough position to come into public view and participate in any kind of political process.

The targeting of civilians and the use of indiscriminate violence appears to have caused a deep split between the older and younger generations of militants. Many elders from other separatist groups, such as PULO (Pattani United Liberation Organization), have told Human Rights Watch that they are appalled at the level of

violence and the targeting of civilians such as Buddhist monks and Malay civilians. Specifically, they are also concerned at the willingness and speed with which killings are ordered and operations undertaken.

In response to the growing security challenges caused by the insurgency since January 2004, the Thai government has put the southern border provinces under martial law, adopted special security legislation, and mobilized the security forces and the country's counterinsurgency apparatus to fight the militants. An integrated military-police-civilian command, the Southern Border Provinces Peace Building Command (SBPPBC), was created to coordinate counterinsurgency operations and introduce conciliatory solutions. But Thaksin and the Thai authorities adopted policies emphasizing the use of force with little regard for ensuring the protection of the civilian population and respecting basic rights. The vast majority of police and security personnel sent to the southern border provinces were trained in rudimentary conventional law enforcement and combat, without the needed understanding of counterinsurgency tactics or the social context in the insurgency. The rules of engagement were not properly and effectively spelled out to the troops, leaving many of them with a conviction that they were licensed to resort to extrajudicial measures and excessive force in non-combat situations. Their tactical planning also failed to cope with village-based and urban insurgency. The Thai military was critical of Thaksin's decision to replace the army with the police, his installation of cronies into senior positions, and the poor intelligence gathered about the militants.

The military coup against Thaksin on September 19, 2006, was illegal and represented a serious setback for the country, but it provided an opportunity for a new approach to be implemented in the south. Gen. Surayud Chulanont, a noted reformer when he was army chief and supreme commander of the armed forces, was sworn in to become Thailand's interim prime minister on October 1, 2006. He embarked on a set of initiatives to win back the support of the ethnic Malay Muslim population and to improve the government's counterinsurgency capability. On November 2, 2006, General Surayud's public apology—admitting that what happened in the southern border provinces in the past was mostly the fault of the state—to the assembly of ethnic Malay Muslims in Pattani was televised countrywide. He also announced the reestablishment of the Southern Border Provinces

Administrative Center (SBPAC), which Thaksin had dissolved, to help investigate and take action against complaints from the ethnic Malay-Muslim population concerning corrupt, abusive, or inept government officials.

However, General Surayud has been unable to carry out any significant changes. The army is now being criticized by lawyers and human rights defenders working in the southern border provinces as unwilling to turn his words into reality on the ground. The SBPAC is struggling to reach out to the ethnic Malay Muslim community because it lacks necessary resources and cannot effectively address the question of abuses and injustice—something that General Surayud had pointed out earlier as underlying the problems in the southern border provinces.

It is clear that the prescriptions of advocates of reconciliation and justice will not easily stem the violence by militants. While the failed political and security strategy of Thaksin's government certainly has fueled the conflict, a change of policy by the government is unlikely to have short-term effects on the leadership of the BRN-Coordinate or its militants. The commitment of many separatists has deepened and hardened since the Krue Se and Tak Bai incidents, posing a large hurdle for any ethnic Malay Muslim leaders who seek to stake out and hold the center ground.

Whatever approach the Thai government adopts, it is clear that continuing government abuses will only make matters worse. What is required is even-handed and patient governance from Bangkok, serious and public measures to end impunity, and the building of bridges and dialogue with moderate ethnic Malay Muslims. This path may take some time to bear fruit, but it is the way that a moderate policy will be available to develop in which the use of violence against civilians is broadly considered to be unacceptable.

Key recommendations

1. Separatist groups should cease all attacks against civilians whatever their religion or ethnicity, the civilian population, and civilian objects, including schools, places of worship, and public health centers.
2. Separatist groups should cease all attacks that do not discriminate between combatants and civilians, and take all feasible precautions in the choice of

means and methods of attack against military objectives to avoid or minimize harm to civilians and civilian objects.

3. Separatist groups should take all necessary steps to ensure that members and militants of separatist groups understand and respect the obligation to protect civilians. They should discipline or expel militants or commanders who target civilians, or use indiscriminate or disproportionate force that unnecessarily harms civilians, or unlawfully detain or mistreat any person in custody.
4. Separatist groups should agree to abide by international humanitarian law, particularly Common Article 3 to the 1949 Geneva Conventions and Protocol II of 1977. They should seek assistance from impartial humanitarian agencies to obtain compliance with international law.
5. Separatist groups and the Thai government should stop threatening, undermining, and discrediting the effort of persons working to protect and report on abuses, such as the National Human Rights Commission, human rights lawyers, journalists, and others who have played a crucial role in reporting allegations of abuses.
6. The Thai government should devise and implement a comprehensive security strategy—which must be in full respect of international human rights and humanitarian law, as well as in cooperation with local communities—to effectively monitor, prevent, and respond to insurgent attacks on civilians and civilian objects.
7. The Thai government should establish necessary measures, such as an emergency fund, to ensure that those affected by insurgent attacks may safely continue to have access to education, healthcare, and other public services.
8. The Thai government should prosecute officials, regardless of rank, who are responsible for abuses or who knew or should have known about the abuses but took no action. It should provide prompt, fair, and adequate compensation for the victims and family members of those who have been abused by security personnel and government officials. In this regard, the Thai government should strengthen the independence and capacity of the Ministry of Justice, the Office of the Public Attorney, and the National Human Rights Commission to ensure stronger investigations and reporting of

- allegations of abuses. It is vital that each is able to act independently and have the resources and security to perform their respective functions.
9. The international community should condemn any group for attacks targeting civilians or civilian objects, or that is indiscriminate or cause disproportionate civilian casualties.
 10. The international community should support efforts by the National Human Rights Commission and the human rights community in Thailand to safely monitor, investigate, and report on allegations of abuses by all parties.

Human Rights Watch's full recommendations can be found in Part VIII.

Methodology

This report is based on a series of visits by Human Rights Watch to the southern border provinces between March 2006 and July 2007. Our research was limited by security concerns for the families of the victims and eyewitnesses in what is a dangerous and volatile region. We also interviewed academics, journalists, lawyers, human rights defenders, and government officials (including police and security personnel) in Bangkok and the southern border provinces. We interviewed members and militants of separatist groups. Reports from the Thai authorities and from Thai and international media were also used in producing this report.

In certain cases, Human Rights Watch has withheld the full names of interviewees or any information that might identify them—such as village names and specific dates of interviews.