



THAILAND

Descent into Chaos

Thailand's 2010 Red Shirt Protests and
the Government Crackdown

HUMAN
RIGHTS
WATCH



Descent into Chaos

**Thailand's 2010 Red Shirt Protests and
the Government Crackdown**

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Thailand's 2010 Red Shirt Protests and the Government Crackdown

I. Summary and Key Recommendations.....	1
II. Methodology	28
III. Background	29
The People's Alliance for Democracy and Anti-Thaksin Movement	32
September 2006 Coup	35
The 2008 Yellow Shirt Protests.....	37
The 2009 Red Shirt Protests.....	40
IV. The Red Shirt Movement	42
Red Shirt schools and preparation for 2010.....	42
Forming the Red Shirt Guards.....	43
The "Black Shirts"	44
V. Bangkok's Descent into Chaos	47
Start of the "Million Man March"	47
The April 7-9 Confrontations.....	49
The April 10 Clashes.....	52
April 16 Attempt to Arrest UDD Leaders	64
The April 21-22 Confrontations at the Saladaeng Junction.....	64
The April Raids on Chulalongkorn Hospital.....	68
VI. Deadly Days of May: Breakdown of Negotiations and "Live-Fire" Zones.....	74
Role of Maj. Gen. Khatiya Sawasdipol	77
"Live-Fire Zones"	80
VII. The Final Assault: May 19	86
The Army Assault	86
UDD Leadership Surrenders and Arson Attacks	89
Deaths at Wat Phatum Wanaram	92
VIII. Protests and Violence Outside Bangkok.....	102
Ubon Ratchatani	104
Udonthani	107
Khon Kaen	113

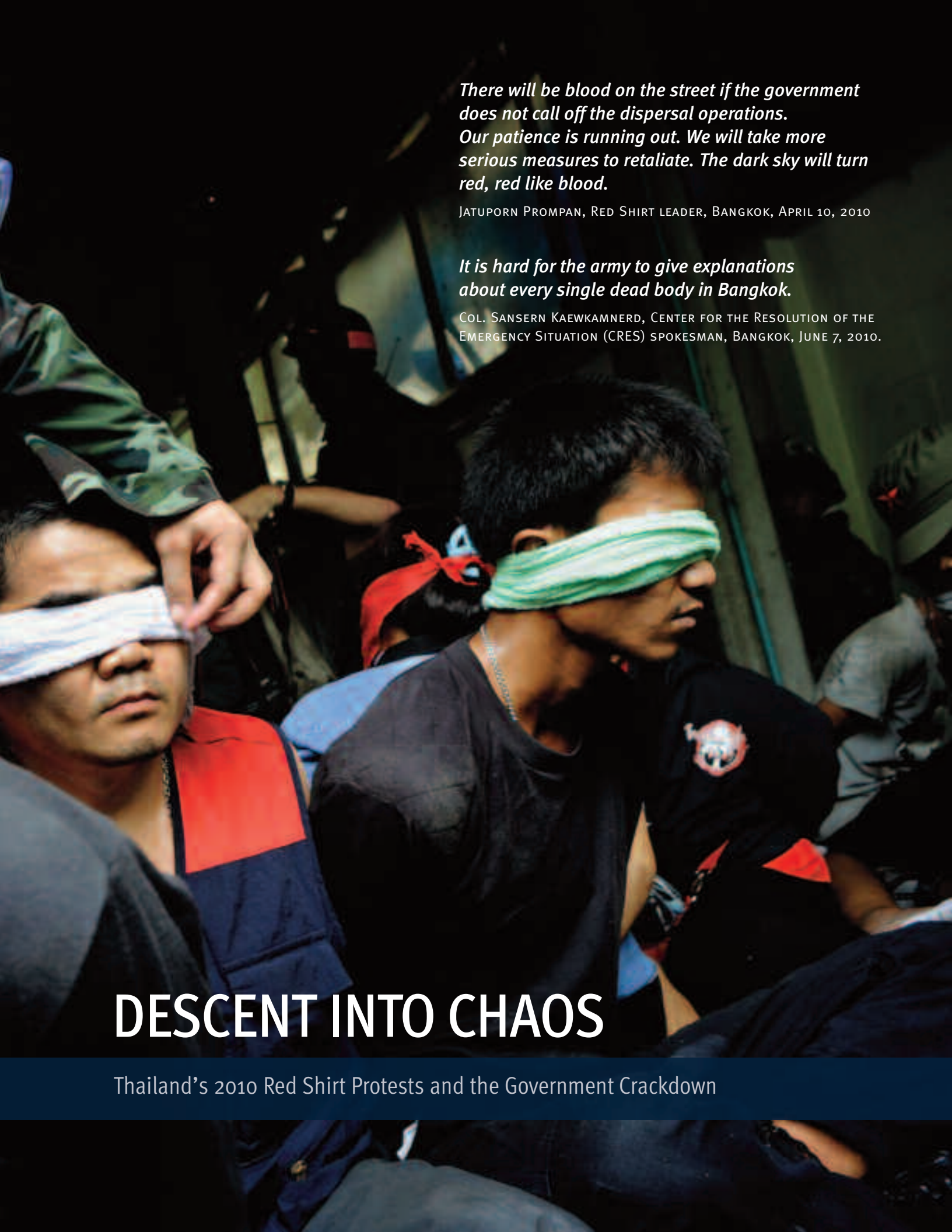
IX. Aftermath: Arbitrary Detention and Surveillance	120
Arbitrary Arrests and Detention	120
Ill-Treatment of Detainees	126
Surveillance and Harassment in the Provinces	131
X. Rolling Censorship of the UDD	136
Lese Majeste Charges	140
Censorship of Community Radio	142
Censorship of Publications	145
XI. Recommendations	147
To the Government of Thailand	147
To Leaders of the UDD, PAD, and Other Opposition Political Groups and Political Parties	148
To Foreign Governments and Intergovernmental Institutions, including the UN Human Rights Council	149
Acknowledgements.....	150
Appendix: Timeline of Thai Political History through the Election of Thaksin Shinawatra	151

Summary and Key Recommendations



Surrendered Red Shirt protesters are blindfolded and have their hands tied behind their back by soldiers on May 19, 2010 in Bangkok.

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There will be blood on the street if the government does not call off the dispersal operations. Our patience is running out. We will take more serious measures to retaliate. The dark sky will turn red, red like blood.

JATUPORN PROMPAN, RED SHIRT LEADER, BANGKOK, APRIL 10, 2010

It is hard for the army to give explanations about every single dead body in Bangkok.

COL. SANSERN KAEWKAMNERD, CENTER FOR THE RESOLUTION OF THE EMERGENCY SITUATION (CRES) SPOKESMAN, BANGKOK, JUNE 7, 2010.

DESCENT INTO CHAOS

Thailand's 2010 Red Shirt Protests and the Government Crackdown



During the mass political mobilization from March to May 2010, Thailand endured the most violent confrontations since the protests against military rule in 1992. At least 90 people died and more than 2,000 were wounded in clashes between security forces and anti-government protesters led by the United Front for Democracy against Dictatorship (UDD), also known as “Red Shirts.” Arson attacks in Bangkok and elsewhere caused billions of dollars of damage.

Thai soldiers fire live rounds into the air (background) and rubber bullets at Red Shirt protesters (foreground) at the Phadung Krung Kasem intersection in Bangkok, during the dispersal of the Phan Fa Bridge protest site on April 10, 2010.

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An apparent member of the Black Shirt militants is seen with an AK-47 in a back street of Soi Tanao, near Kao San Road and the Democracy Monument in Bangkok, April 10, 2010.

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While the political protests, which paralyzed the capital for three months, received global coverage, many of the deaths and injuries occurred beyond the view of news cameras. Fueled by a lack of information, the UDD and government have traded claims and counterclaims about who was responsible for the loss of life.

Based on investigations conducted in Bangkok and in Thailand's central and northeastern regions from June 2010 to April 2011, this report provides the first full account of the violence and the reasons behind it. The high death toll and injuries resulted from excessive and unnecessary lethal force on the part of security forces, including firing of live ammunition at protesters, sometimes by snipers. Soldiers

fatally shot at least four people, including a medic treating the wounded, in or near a temple in Bangkok on May 19, despite army claims to the contrary. The extensive casualties also resulted from deliberate attacks by militant armed elements of the UDD, whose leaders contributed to the violence with inflammatory speeches to demonstrators, including urging their supporters to carry out riots, arson attacks, and looting. The heavily armed "Black Shirt" militants, apparently connected to the UDD and operating in tandem with it, were responsible for deadly attacks on soldiers, police, and civilians.

During and after the protests, the government adopted various measures that seriously infringed on fundamental human rights. These included holding suspects without charge for up to 30 days in unofficial places of detention, arbitrary arrests and detentions of UDD supporters, mistreatment of detainees, and broad censorship of critical media and websites.

Contentious key issues, such as the role of the monarchy and military in Thai politics and society, a dysfunctional and



Pro-government Yellow Shirts supporters affiliated with the People's Alliance for Democracy (PAD), sing while holding a portrait of Thailand's revered King Bhumibol Adulyadej and waving Thai national flags and yellow flags during a rally at the Royal Plaza in Bangkok on April 23, 2010.

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corrupt political system, the failure to hold powerful individuals across the political spectrum accountable for human rights abuses, high-level corruption, widespread economic disparities, and a deep rural-urban divide were key

catalysts for the protests. These have yet to be addressed in any meaningful way. Moreover, while several protest leaders and many UDD rank-and-file have been charged with serious criminal offenses and are awaiting prosecution, government forces implicated in abuses continue to enjoy impunity, sending Thais the message that the scales of justice are imbalanced, if not entirely broken. It is critical for the government to ensure impartial and transparent government investigations that lead to criminal prosecutions against those on all sides responsible for abuses, including those who ordered the unlawful use of force or incited violence.

Impunity and human rights abuses have long been a feature of Thailand's political system and culture. While substantial progress was made after the 1992 attacks by the military on protesters, the human rights situation degraded after Thaksin Shinawatra, a telecommunications billionaire, became prime minister in 2001. Thaksin did many positive things for Thailand, including embarking on an ambitious village-level economic development and social services program. His populist reforms were aimed at winning the loyalty of the marginalized rural and urban poor. But his rule was marred by allegations of corruption, cronyism, increased restrictions on media, and severe human rights abuses, including the extrajudicial killing of approximately 2,800 drug suspects as part of his "War on Drugs" and a brutal counterinsurgency campaign against the ethnic Malay Muslim insurgency in southern Thailand.

Thaksin's detractors tended to view his government as either an effort to run roughshod over democratic institutions and human rights, or a challenge to the traditionalist and royalist political establishment. In 2006, mass protests erupted in Bangkok led by the People's Alliance for Democracy (PAD), or the "Yellow Shirts," which claimed to defend the monarchy. Military leaders staged a coup in September 2006, which Human Rights Watch denounced, and removed Thaksin and his government from power. The coup ushered in a period of serious political instability in which Thailand has faced violent political stand-offs between the "Yellow Shirt" PAD, which opposes a political resolution allowing Thaksin to return to power, and the pro-Thaksin "Red Shirt" UDD.

Thaksin's removal from office did not end his involvement in Thai politics. From exile, he has supported proxies to create a series of political parties which enjoyed enough popular support to win an election in December 2007. However, the governments of prime ministers Samak Sundaravej and Somchai Wongsawat, which Thaksin backed, were removed from power by the Constitutional Court on arguably legally valid but politically motivated grounds. This led to street protests that reached their peak between March and May 2010, beginning on March 12 with the UDD's "Million Man March" on Bangkok.



United Front for Democracy against Dictatorship (UDD)
"Red Shirts" confront soldiers in riot gear near Bangkok's
Ratchaprasong business district on April 10, 2010.

© 2010 Nic Dunlop/Panos



DESCENT INTO CHAOS

After months of careful preparations at hundreds of informal “Red Shirt schools” nationwide, an estimated 120,000 protesters descended on the capital from UDD rural strongholds to call for new elections and the effective end of Prime Minister Abhisit Vejjajiva’s government. Abhisit had been installed in December 2008 with the strong support of the military and the Privy Council.

After a month of largely peaceful rallies, the protests took a violent turn on April 7 when UDD leader Arisman Pongruangrong led protesters in storming the Parliament building while the Parliament was in session, forcing the deputy prime minister and other ministers to flee the site. The government responded by declaring a state of emergency. Using powers put into place by Thaksin, it created a civilian-military crisis center empowered to impose curfews, ban public gatherings, detain suspects without charge, and censor the media.

On April 9, the UDD launched a march to restore the satellite signal for its television network, the People’s Channel. Protesters overpowered and seized the weapons of soldiers who attempted to hold them back from the Thaicom satellite station, north of Bangkok, then negotiated an agreement to restore the signal and return the weapons. Sixteen protesters and five soldiers were injured in the clash.

On April 10, Deputy Prime Minister Suthep Thaugsuban ordered the army to reclaim the UDD sites at Phan Fa bridge and in Ratchaprasong district, where protesters had set up a camp, paralyzing the capital’s central business district. An initial failed attempt to retake the bridge, which included gunfire by security forces, wounded some 135 persons, including at least 19 soldiers and three police officers. Meanwhile in Ratchaprasong, UDD protesters attacked police officials who tried to serve arrest warrants on their leaders there.

While the military denied that soldiers had used live ammunition, eyewitness accounts, video footage, and forensic evidence from the scene that Human Rights Watch has examined shows that some soldiers fired live ammunition at protesters.

As night fell, renewed clashes erupted when the army attempted to move in on the Phan Fa camp and were confronted by well-armed and organized groups of armed militants affiliated with the UDD. Known as the “Black Shirts,” they fired M16 and AK-47 assault rifles at soldiers, and used M79 grenade launchers and M67 hand grenades at the Khok Wua junction and at the Democracy Monument, devastating army troops in the process. The army unit’s commanding officer, Col. Romklao Thuwatham, was among the first to be killed, apparently in a targeted M79 grenade attack. Many senior officers were wounded. Panicked and leaderless, the troops withdrew into backstreets, often firing



directly at UDD protesters massed before them. The result was Bangkok’s deadliest violence in decades, which left 26 people dead, including five soldiers, and more than 860 wounded.



Relatives of UDD protesters who were killed during the clashes with soldiers on April 10, 2010, appear on stage calling for accountability, Bangkok, May 9, 2010.

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Maj. Gen. Khattiya Sawasdipol, who had allied himself with the Red Shirts, was shot in the head by a sniper on May 13, 2010 in Bangkok. He died in Vajira Hospital on May 17, 2010.

© 2010 Reuters



A foreign photojournalist was behind army lines in Din So Road when the soldiers were attacked by Black Shirts with grenades and gunfire. He told Human Rights Watch:

[T]hey [the soldiers] got hit by a grenade. They fell back and had injured with them, so to give cover to their wounded they returned fire. The Black Shirts were ahead of them, attacking.... I could see their fire incoming at us.... The Black Shirts didn't come to try and take territory—they shoot and then they leave; they hit [the soldiers] and retreat.

A period of relative calm and negotiations between the government and UDD followed. However, violence continued to flare. On April 22, for example, five M79-launched grenades landed in a pro-government Yellow Shirt crowd, killing a woman and wounding at least 78. On April 24 and 29, UDD security guards and protesters armed with sharpened bamboo sticks stormed Chulalongkorn Hospital in a search for soldiers.

LIVE-FIRE ZONES AND THE FINAL ASSAULT

In early May, the government and UDD almost reached an agreement to halt the protests and hold elections for a new government. However, UDD hardliners led by Maj. Gen. Khattiya Sawasdiapol, claiming to represent Thaksin's interests, blocked the deal with more demands. They also threatened to remove moderate UDD leaders, whom they said were collaborating with the government. Amid escalating tensions, the UDD reinforced its Ratchaprasong camp in Bangkok's commercial district with barricades made of tires and sharp bamboo sticks.

On May 12, Prime Minister Abhisit announced that negotiations had failed and warned that the protest camp would be dispersed imminently. On the evening of May 13, a sniper shot Khattiya in the head as he was being interviewed by a *New York Times* reporter near the UDD barricade at Saladaeng junction. Later that night, incensed armed Black Shirts began confronting security forces near the King Rama IV statue in Lumpini Park, firing assault weapons. A photographer described the scene:

They [Black Shirts] started breaking as many lights in the area as they could to make the area darker so snipers couldn't fire at them. Suddenly, I heard a lot of explosions and gunfire for about 20 minutes.

He said Black Shirts took garbage bags containing AK-47 assault rifles hidden behind tents behind the Rama VI statue and started shooting at security forces positioned at the Chulalongkorn Hospital and other buildings, who returned fire.



The assassination of Khattiya, who died from his wounds on May 17, led to rapidly escalating violence on both sides. Starting on May 14, groups comprised mostly of men and urban youth fought openly with security forces surrounding the Ratchaprasong camp, using flaming tires, petrol bombs,

slingshot-fired projectiles, and powerful home-made explosives. On numerous occasions, the Red Shirt protesters were joined by better-armed and fast-moving Black Shirt militants armed with AK-47 and HK-33 rifles and M79 grenade launchers.



A Red Shirt protester aims a slingshot at Thai army soldiers in Lumpini Park, along Wittayu road in Bangkok on May 13, 2010.
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Improvised bombs found at the UDD's barricade on May 19, 2010, Bangkok.
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A Red Shirt protester indicates a hole in a helmet left by what he said was a sniper bullet that killed a rescue worker at a Red Shirt position on Rama IV Road in Bangkok on May 15, 2010.

© 2010 Roger Arnold

On May 14, the government set out new rules of engagement for security forces, allowing them to use live fire under specific circumstances. These included using warning shots for self-defense, and when troops had clear visual site of “terrorists,” a dangerously vague term. In practice, the security forces began deploying snipers to shoot anyone who tried to enter “no-go” zones between the UDD and security force barricades, or who threw projectiles towards soldiers. On many occasions, security forces appear to have randomly shot into crowds of UDD supporters who posed no threat to them, often with lethal consequences.

While Thai authorities have not released comprehensive forensic analyses of the wounds sustained by those killed between May 14 and May 18, incidents reviewed by Human Rights Watch indicate that several unarmed protesters were killed with single shots to the head, suggesting the use of snipers and high-powered scopes. For example, a photographer who was filming a wounded protester in Lumpini Park on the morning of May 14 and found himself under heavy gunfire said: “I didn’t see any armed people getting shot. What you had were snipers with scopes taking people out with headshots, people who at most had a slingshot.”





A protester lies shot as armed soldiers attempt to clear an area occupied by Red Shirts along Rachadamri Road in Bangkok in the early morning hours of May 19, 2010.

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Red Shirt protesters set tires on fire to block army soldiers from advancing along Rama IV Road in Bangkok May 15, 2010.

© 2010 Reuters/Adrees Latif



On May 19, UDD leadership—claiming it was acting to save protesters' lives—unexpectedly surrendered during an army operation to retake areas around the Ratchaprasong camp. As UDD leaders were taken into custody, most unarmed UDD supporters left the area. Security forces fired directly into the UDD barricades with live ammunition, causing deaths and injuries among protesters, medic volunteers, and bystanders. Small groups of armed militants fired assault weapons and grenades at advancing soldiers, causing deaths and injuries, but quickly abandoned the battle.

At the same time, UDD supporters began an apparently coordinated campaign of arson attacks throughout Bangkok. For months, UDD leaders had urged followers to turn the city into “a sea of fire” if the army tried to disperse the protest camps. Apparently following such directives, pro-UDD elements targeted buildings, banks, stores, and small businesses linked to the government or anti-Thaksin associates, including the Thai Stock Exchange, Central World shopping complex (one of the biggest in Asia), and the Maleenont Tower Complex housing Channel 3 Television. The attacks caused billions of dollars in damage.

Several thousand UDD demonstrators sought sanctuary in the compound of a Buddhist temple, Wat Pathum Wanaram, which had been declared a safe zone several days earlier in an agreement between the government and UDD leaders. Fresh violence led to the deaths of six people in or near the compound. The army, which denied any responsibility for the killings inside the temple, suggested the six fatalities were due to an internal Red Shirt dispute. A Human Rights Watch investigation, based on eyewitness accounts and forensic evidence, found that soldiers fatally shot at least two people outside the temple entrance as they fled, while soldiers on



Soldiers break down the Red Shirts' protest camp along Rachadamri Road in Bangkok on May 19, 2010.

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Surrendered Red Shirt protesters are blindfolded and have their hands tied behind their back by soldiers, May 19, 2010 in Bangkok.

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The bodies of Red Shirt protesters and medic volunteers who were shot and killed by soldiers while seeking refuge in Bangkok's Wat Pathum Wanaram temple on May 19, 2010.

© 2010 RedPhanFa2Da

the elevated train tracks shot and wounded others (at least one fatally) inside the temple compound. Narongsak Singmae, a UDD protester who was shot and wounded inside the temple said:

[O]ur leaders told us that temple was a safe zone. I brought along my wife and my son.... Around 6 p.m. I heard gunshots coming from in front of the temple and I saw people running toward me.... Before I could do anything, I was shot in my left leg and in my chest. The bullet went through my leg. But luckily, the bullet that hit my chest was stopped by a coin in my bag. Soldiers shot wildly at anyone that moved. I saw another two men shot by soldiers as they tried to come out from their hiding places and run for safety.

According to witnesses, medic volunteers who were tending the wounded inside the temple compound were amongst those killed. These included a nurse who was shot while tending to a wounded man near the nursing station at the front of the temple, and 22-year-old man who was fatally shot in the head and body inside the medical tent after providing first aid to the nurse. Witnesses told Human Rights Watch that soldiers did not allow medics and ambulances to rescue wounded protesters, possibly causing additional deaths:

I believed many people died because medics and ambulances were not allowed to enter Wat Pathum until almost midnight. I saw a young man suffer from gunshot wounds for about 45 minutes before he died. Some of us tried to crawl out from our hiding places to help the wounded and retrieve dead bodies, but we were shot at by soldiers.

The May violence was not limited to Bangkok. After the UDD started the “Million Man March” in Bangkok on March 12, 2010, parallel rallies took place in northern and northeastern Thailand, political strongholds of Thaksin. These were connected to the main protest stages in Bangkok via the broadcast of the People’s Channel satellite TV, community radio stations, and a live online feed. Leaders told these participants of parallel rallies to prepare to possibly besiege provincial halls if the government used violence to disperse UDD protests in Bangkok. On May 19, in response to events in the capital, UDD supporters in Khon Kaen, Ubon Ratchathani, Udon Thani, and Mukdahan provinces rioted and burned government buildings. In several instances, security forces opened fire on the protesters, killing at least three, and wounding dozens more.

To combat the escalating violence, the government adopted various measures that seriously infringed fundamental human rights. For example, the Emergency Decree on Public Administration in Emergency Situation in Bangkok and other provinces went into effect on April 7, 2010, allowing the government to hold suspects without charge for up to 30 days

in unofficial places of detention. Officials who implemented the decree effectively received immunity from prosecution.

The decree also created the Center for the Resolution of Emergency Situations (CRES), an ad hoc body of civilians and military officers, which questioned, arrested, and detained UDD leaders, protesters, and accused sympathizers. The CRES also summoned hundreds of politicians, former officials, businessmen, activists, academics, and radio operators for interrogation; froze individual and corporate bank accounts; and detained some people in military-controlled facilities. Human Rights Watch found many UDD detainees experienced torture and forcible interrogations, arbitrary arrest and detention, and overcrowded detention facilities.

The state of emergency was finally lifted on December 22. This positive development was, however, undermined by a continuing government crackdown on freedom of expression and media freedom. Emergency powers were used against several media outlets considered to be closely aligned with the UDD, including more than 1,000 websites, a satellite television station, online television channels, publications, and more than 40 community radio stations. Most banned media remain closed at this writing. In addition, Thai authorities used the Computer Crimes Act and the charge of *lese majeste*, or insulting the monarchy, to persecute dissidents and censor online information and opinions.

As a means to reconciliation, Prime Minister Abhisit endorsed an impartial investigation into the violence committed by all sides. However, without the necessary military cooperation, the Parliamentary inquiry commissions, the National Human Rights Commission, and the Independent Fact-Finding Commission for Reconciliation have all been unable to obtain complete information about security forces’ deployment plans and operations, autopsy reports, witness testimony, photos, or video footage from the CRES.



THAILAND'S OBLIGATIONS UNDER INTERNATIONAL LAW

Thailand is a party to the International Covenant on Civil and Political Rights (ICCPR), which obligates the government to uphold and take measures to ensure the realization of basic rights. On April 10, 2010, Thailand invoked article 4 of the ICCPR to formally suspend specific treaty obligations.¹ These were the right to freedom of movement (article 12), freedom of expression and the press (article 19), and peaceful assembly (article 21) in the areas under Emergency Decree. The government did not suspend the prohibition on arbitrary arrest and detention (article 9), nor the right to a fair trial (article 14).

According to the United Nations Human Rights Committee, which monitors state compliance with the ICCPR, any measures that limit rights must reflect the duration, geographical coverage, and scope of the state of emergency and be proportional to the threat.² Further, certain

A tire burns as government security forces clash with anti-government protesters in Bangkok on May 14, 2010.

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fundamental provisions of the ICCPR such as the right to life and freedom from torture or ill-treatment, and freedom of thought, may in no circumstances be restricted.³ Arbitrary deprivations of liberty or deviations from the fundamental principles of a fair trial, including the presumption of innocence, are also not permitted.⁴



The deserted Red Shirt camp at Ratchaprasong intersection in Bangkok after the army dispersed the protesters on May 19, 2010.

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¹ Article 4 of the ICCPR provides that during a time of public emergency that “threatens the life of the nation” and is officially proclaimed, certain rights may be circumscribed “to the extent strictly required by the exigencies of the situation.”

² Human Rights Committee, General Comment 29 States of Emergency (article 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 186 (2003), para. 4.

³ ICCPR, article 4(2).

⁴ Human Rights Committee, General Comment 29 States of Emergency (article 4), para. 11, <http://treaties.un.org/doc/Publication/CN/2010/CN.375.2010-Eng.pdf>.

KEY RECOMMENDATIONS

TO THE GOVERNMENT OF THAILAND

- Immediately conduct an impartial, transparent, and independent inquiry into the violence of April-May 2010 and ensure all perpetrators of serious human rights abuses are brought to justice regardless of their status and political affiliation.
- Ensure the Thai army and other military branches, Thai police, and other government agencies fully cooperate with all information requests from the Ministry of Justice's Department of Special Investigation, the National Human Rights Commission of Thailand, the Truth for Reconciliation Commission of Thailand, and other official inquiries, including those conducted by parliamentary commissions.
- Immediately make public the names, identifying information, place of origin and other specific information of all persons who have been detained for an offense under the Emergency Decree since April 7, 2010. Ensure that all persons detained by the police and other security forces are held at recognized places of detention and are not subjected to torture or cruel, inhuman, or degrading treatment or punishment. Immediately make detainees' whereabouts known to family and legal counsel, allow regular contact with family, and unhindered access to legal counsel of the detainee's choice.
- Provide prompt, fair, and adequate compensation for the victims, and family members of the victims of human rights violations and the misuse of force by state officials. Provide assistance to families who suffered injury or property loss as a result of the demonstrations and the government crackdown.
- Immediately end all restrictions on media that violate the right to freedom of expression, particularly sweeping censorship of UDD-affiliated media outlets, community radio stations, and websites. Drop all criminal charges filed under the Computer Crimes Act and Penal Code for peaceful expression. End arbitrary use of lese majeste charges to intimidate and prosecute government critics and dissidents.

TO LEADERS OF THE UDD, PAD, AND OTHER OPPOSITION POLITICAL GROUPS AND POLITICAL PARTIES

- **Take all necessary measures, including frequent public statements, to ensure that all members and supporters do not engage, directly or indirectly, in violent activities on behalf of the group.**
- **Continually monitor, identify, and disband any armed elements within the group. Report to the authorities any group members who plan violence or unlawfully obtain or use arms.**
- **Cooperate and participate fully with criminal investigations, and investigations by the National Human Rights Commission and the Truth for Reconciliation Commission of Thailand into human rights violations and violence.**

II. Methodology

This report is based on a series of visits by Human Rights Watch to Bangkok and other provinces in Thailand's central and northeastern regions between June 2010 and April 2011. Victims and eyewitnesses were interviewed, as well as those who directly took part in various stages of the protests and violence on both pro-government and anti-government sides. We also spoke to academics, journalists, lawyers, human rights defenders, parliamentarians, and government officials, including security personnel and police. Reports from the Thai authorities and from Thai and international media were also used in our research. Human Rights Watch interviewed a total of 94 persons.

Our research was, nevertheless, limited by the enforcement of the Emergency Decree by the government. Operating under the state of emergency, government officials and security personnel were barred from providing complete information about their operations. Meanwhile, information produced by groups affiliated with the UDD was censored. Even after the lifting of the Emergency Decree in December 2010, many people in anti-government groups remain extremely fearful for their safety.

To protect the safety of our sources, in many cases Human Rights Watch has withheld the full names of interviewees or other information that might identify them, such as exact locations and specific dates of interviews.

III. Background

Since the end of absolute monarchy in 1932, Thailand's trajectory toward democratization has often been disrupted by non-elected forces that exercise veto power over the popularly elected representatives, and sometimes maneuver to drive those elected representatives from office. In the period from 1932 until today, there have been 18 coups, 23 military governments, and 9 military-dominated governments. (See the Appendix for a short timeline of modern Thai political history.)

The election of Thaksin Shinawatra, a telecommunications billionaire, as prime minister in 2001 was a watershed in Thai history. The election was the first under the "People's Constitution" of 1997, which provided for the direct election of both houses of the legislature and explicitly incorporated human rights protections.⁵

Thaksin's Thai Rak Thai Party won on a populist platform promising broad reforms to the country's marginalized poor. Having won 248 Parliamentary seats (more than any party in previous elections), the party needed only three more seats to form a government. Nonetheless, Thaksin opted for a broad coalition with Chart Thai Party and New Aspiration Party, while absorbing the smaller Seritham Party.⁶ Thaksin's political strength became more evident with his legal victory against serious corruption allegations related to asset concealment, when the Constitutional Council by an 8-7 decision cleared him of corruption charges in August 2001.⁷

In 2005 Thaksin was reelected in a landslide. Thai Rak Thai controlled 75 percent of the seats in the House of Representatives, and Thaksin's government instituted many populist reforms that won him the loyalty of many of the rural and urban poor, including an effective universal healthcare program, micro-credit schemes to rural villages, *ua arthorn* (social generosity) programs to provide subsidized housing and other services, education

⁵ Constitution of the Kingdom of Thailand, 1997, Chapter III ("Rights and Liberties of the Thai People"), Chapter VI ("The National Assembly").

⁶ Shortly after, New Aspiration Party merged with Thai Rak Thai Party and Chavalit became deputy prime minister in Thaksin's government. Thaksin was the first modern Thai politician to knit together a coalition into a single party that achieved a majority.

⁷ The National Anti-Corruption Committee (NACC) filed a case charging him and his wife of hiding assets in telecommunication and real estate development companies by transferring his shares to many proxies, including relatives, drivers, gardeners, and maids. The 1997 Constitution required political office holders and senior government officials to declare their assets, along with those of their spouses and children under the age of 20, to the NACC when they start and finish their terms in office.

scholarships and low-cost loans for disadvantaged students, and local innovation and micro-industry through the One Tambon One Project (OTOP) scheme.

Thaksin personally marketed these programs and consciously fostered his public persona as a “can do” CEO whose leadership style emphasized personal commitment and the ability to get things done. Although Thaksin’s reforms were extremely popular in poor rural areas, some royalists accused Thaksin of competing with the extensive rural development programs of Thailand’s King Bhumibol Adulyadej and attempting to usurp royal prerogatives.

At the same time, Thaksin set out to consolidate his hold on power. Thai Rak Thai dominated Parliament by merging with smaller parties and co-opting members of the upper house, the Senate, whose members were constitutionally required to be independent of parties. Independent bodies under the 1997 Constitution were either sidelined or stacked with Thaksin’s allies to such a degree they could not effectively and impartially perform their duties.

Against the backdrop of failing checks and balances under the 1997 Constitution, Thaksin implemented policies that resulted in serious and widespread human rights violations. Among the most egregious of these was the “War on Drugs,” which officially launched in February 2003. Openly encouraged by the Thaksin administration, the anti-drug campaign soon deteriorated into a policy of extrajudicial killings of drug suspects by the police. In the first three months of the campaign, more than 2,800 drug suspects died in extrajudicial killings.⁸ Thaksin and other government officials made thinly veiled threats that drug dealers would be killed. Blacklists were created. No one was held accountable.⁹

Thaksin took a similar approach to quell the ethnic Malay Muslim insurgency in the southern provinces of Pattani, Yala, and Narathiwat. Under his rule, extrajudicial killings, enforced disappearances, and other serious human rights violations in the provinces rose sharply. For example, on April 28, 2004, security forces killed 32 suspected insurgents in a shootout at Pattani’s Krue Sae mosque, which they had occupied, while on October 25, security forces

⁸ According to the 2007 Independent Committee for the Investigation, Study and Analysis of the Formation and Implementation of Drug Suppression Policy (ICID), chaired by former Attorney General Khanit na Nakhon, 2,819 people were killed during the three month-long “war on drugs” between February and April 2003. Of those killed, 1,370 were related to drug dealing, while 878 were not. Another 571 people were killed without apparent reason.

⁹ Human Rights Watch, *Not Enough Graves: The War on Drugs, HIV/AIDS, and Violations of Human Rights*, vol. 16, no. 8(C), June 2004.

were responsible for suffocation of at least 84 protesters in Narathiwat's Tak Bai district, whom they piled into the back of trucks to transport to a nearby army base.¹⁰

Government-sponsored inquiries concluded that senior army commanders and security personnel were responsible for deaths in both incidents but no one was ever prosecuted.

Abusive counterinsurgency operations in the southern border provinces were institutionalized when Thaksin introduced the draconian Emergency Decree on Public Administration in Emergency Situation ("Emergency Decree") in 2005. This effectively provides Thai security forces with legal immunity and broad powers to detain individuals for up to 30 days without charge in unofficial places of detention.

The government's lack of respect for human rights left Thailand's once-thriving human rights community vulnerable. More than 20 human rights defenders were killed across the country while Thaksin was in power. In one of the most alarming incidents, Somchai Neelapaijit, a prominent human rights lawyer, was abducted in Bangkok by police officers in March 2004. His body has never been found, but Thaksin publicly stated on January 13, 2009 that, "I know Somchai is dead..." and that the case "involves government officials."¹¹ Five police officers were arrested and charged with the assault that preceded the "disappearance" and presumed murder. On January 12, 2006, the Central Criminal Court sentenced one officer to three years in jail for physically assaulting Somchai; the rest were acquitted.¹²

Thaksin showed little tolerance for critics, clamping down on the right to freedom of assembly, with regular reports of excessive use of force by police against protesters. The Thai Journalists Association (TJA) and the Thai Broadcast Journalists Association (TBJA) documented numerous cases of Thaksin taking direct and indirect measures via government and private channels to mute Thailand's once-vibrant media. Under government pressure, more than 20 news editors and journalists at public and private news outlets were dismissed, transferred, or had their work interfered with. The government also reined in critical media by withdrawing operating licenses and advertisements, or threatening to do so.

¹⁰ Human Rights Watch, *"It Was Like Suddenly My Son No Longer Existed": Enforced Disappearances in Thailand's Border Provinces*, vol. 19, no. 5(C), March 2007; Human Rights Watch, *No One is Safe: Insurgent Attacks on Civilians in Thailand's Border Provinces*, vol. 19, no. 13(C), August 2007.

¹¹ "P.M. Thaksin's Pledge of Justice for Disappearances Unfulfilled," Human Rights Watch news release, January 14, 2006, <http://www.hrw.org/en/news/2006/01/12/thailand-pm-thaksin-s-pledge-justice-disappearances-unfulfilled>.

¹² The court granted bail to Pol. Maj. Ngern Tongsuk and he has since gone missing, with relatives claiming that he was caught in a flood in September 2008. Other police officers accused of involvement in Somchai's case were allowed to return to duties and have been promoted to higher positions. On March 11, 2011, the Appeal Court gave a verdict, primarily citing insufficient evidence, absolving Ngern and other four police officers of any criminal responsibility in the "disappearance" of Somchai.

Thaksin's cohorts in the Anti-Money Laundering Office harassed prominent journalists and media freedom advocates with criminal defamation actions and abusive investigations.

Thaksin also strained relations with the powerful military, which he sidelined in favor of the police that he could control more easily through appointments and favors. Capitalizing on his political popularity and high approval ratings, Thaksin, a former police officer, tried to put the military under firmer civilian control by shuffling senior military commanders to favor those he saw as loyal. This alienated many top-level officers and bureaucrats who resented being passed over for promotions or saw chances for career advancement undermined. Thaksin also dismissed the traditional role of the Privy Council president, Gen. Prem Tinsulanonda, in recommending and reviewing the military reshuffle lists prior to presenting them to the King for endorsement, and replaced the palace's patronage network with his associates.¹³

The People's Alliance for Democracy and Anti-Thaksin Movement

By early 2006, growing discontent among many social sectors—including intellectuals, NGOs, business elites, the upper-middle class, civil servants, employees of state-owned enterprises, and opposition political parties (particularly the Democrat Party, which could not compete with Thaksin geographically or financially)—had coalesced into an organized protest movement.

The anti-Thaksin campaign quickly evolved from a movement that confronted authoritarian rule and abuse of power into an ultra-conservative and ultra-nationalist movement. Thaksin's critics chose to ground their calls for his removal in the imperative to protect the King from Thaksin's alleged aspiration to transform Thailand into a republic. Thaksin was accused of the crime of *lese majeste* (an affront to the dignity of the monarch), an allegation that is taken extremely seriously in Thailand, as part of a campaign spearheaded by Sondhi Limthongkul, a former Thaksin ally and media mogul.¹⁴

¹³ Prem is commonly seen as a figure who has the King's trust, and thus many of his interventions are therefore assumed to reflect royal preferences. Duncan McCargo and Ukrist Pathmanand, *The Thaksinization of Thailand* (Copenhagen: Nordic Institute of Asian Studies, 2004), p. 130.

¹⁴ For example, in April 2005, Thaksin presided over a ceremony at the Temple of the Emerald Buddha, usually (though not exclusively) officiated by the King. The incident sparked a furor among Thaksin's critics, who accused him of attempting to challenge the leadership of King Bhumiphol Adulyadej. However, in the 1990s Sondhi had been one of Thaksin's most prominent allies. He used his media outlets to portray Thaksin as the future of Thailand and to defend Thaksin against allegations of human rights violations and abuse of power. Sondhi reportedly fell out with Thaksin in 2005 when Thaksin refused to oppose the firing of Virot Nualkhair as a head of the state-owned Krung Thai Bank. Virot allegedly used his powerful position to reduce Sondhi's debts. Sondhi's popular "Thailand Weekly" program was taken off the air in September 2005 allegedly as a result of pressure from the government. See, "Keeping People in the Dark: MCOT Shut Down 'Thailand Weekly,'" (ปิดหูปิดตาประชาชน อสมท สั่งปิดเมืองไทยรายสัปดาห์) *Manager Daily*, September 16, 2005, <http://www.gotomanager.com/news/printnews.aspx?id=39630> (accessed November 16, 2010).

Sondhi began to host public talks that drew large anti-Thaksin crowds. In May 2006, Sondhi's *Manager Daily* newspaper published the "Finland Declaration"—a plan that it alleged Thaksin and senior members of his Thai Rak Thai Party had formulated in Finland in 1999 to institute single party rule, overthrow the monarchy, and establish a republic.¹⁵

In 2006, popular disapproval of Thaksin flared with the sale of his Shin Corporation. After becoming prime minister, Thaksin had retained a fortune estimated at US\$2.3 billion. As required under Thai law, he had divested his interests in Shin Corp. and other companies before entering politics and transferred his Shin Corp. shares to his two eldest children, although many suspected he still made all key decisions regarding his family's holdings. On January 23, 2006, Thaksin's children sold their 49.6 percent stake in the company to Temasek Holdings, the Singaporean government's sovereign fund. The deal became a major political scandal. Critics accused Thaksin of selling off critical national assets to a foreign country because Shin Corp. controlled Thailand's biggest mobile telephone network and satellite services. It was also alleged that Thaksin's children had used a loophole in Thailand's tax code by making the sale through offshore accounts to avoid paying taxes.¹⁶

On February 8, the People's Alliance for Democracy (PAD) was forged. Popularly known as the "Yellow Shirts"—the birth color of King Bhumiphol Adulyadej and a powerful sign of support for the monarchy—the PAD submitted a petition asking King Bhumiphol to use his constitutional powers to remove Thaksin and appoint his own prime minister.¹⁷ Led by some of the most conservative elements of Thai society, the PAD quickly grew, winning support from many who felt marginalized or threatened by Thaksin, including powerful royalists and military elements, members of the democracy and human rights movement, labor unionists from state-owned enterprises, and business leaders.¹⁸

The growing opposition led Thaksin to dissolve Parliament and call an election for April 2, 2006. To delegitimize the election which Thaksin's party was poised to win, the PAD called on the Democrat Party and other key opposition parties to boycott the election. The Thai Rak

¹⁵ The series entitled "Finland Strategy: Thailand's Revolution Plan?," (ยุทธศาสตร์ฟินแลนด์: แผนเปลี่ยนการปกครองไทย?) was written by Pramote Nakhonthap and appeared in the *Manager Daily* on May 17, 19, 22, 23 and 24, 2006.

¹⁶ "In Hot Water," *The Nation*, March 2, 2010, <http://www.nationmultimedia.com/home/in-hot-water-30123738.html> (accessed February 24, 2011).

¹⁷ The petition, which the Democrat Party publicly supported, called on the King, through Prem, to use his powers under article 7 of the 1997 Constitution ("Whenever no provision under this Constitution is applicable to any case, it shall be decided in accordance with the constitutional practice in the democratic regime of government with the King as Head of the State.")

¹⁸ In addition to Sondhi, other core leaders of the PAD were Chamlong Srimuang (former Bangkok governor and member of the fundamentalist Buddhist sect Santi Asoke), Somsak Kosaisuk (leader of state-owned enterprise unions), Somkeit Pongpaibul (political activist and member of the Democrat Party), and Pipob Thongchai (former leader of the influential Campaign for Popular Democracy).

Thai Party won 16.42 million votes (or 56.45 percent). The PAD and the Democrat Party alleged election irregularities, and charged the Election Commission of Thailand (ECT) controlled by Thaksin's allies, with violating election rules.¹⁹ Two days after the election and after meeting with King Bhumibol, Thaksin announced he was resigning as prime minister out of respect for the King, but that he would stay on as caretaker prime minister.²⁰

On April 26, 2006, King Bhumibol spoke publicly about "one-party elections" that were "undemocratic" and effectively called on Thaksin to resign.²¹

On May 8, 2006, the Constitutional Court annulled the April election results and ordered a new election, scheduled for October 2006. The judges then publicly called for the election commissioners to resign. When they refused, the Criminal Court tried and sentenced them to four years in prison on charges of malfeasance, and stripped them of their voting rights and their posts. The imprisonment of the election commissioners created a vacuum in electoral preparation, making it impossible for Thaksin to hold a new election.

Thaksin also faced strong opposition from Prem, the head of the Privy Council, whose significant influence over the military and open criticisms of his government added significant momentum to the anti-Thaksin campaign and fed widespread rumors of an imminent coup.²² On June 29, Thaksin accused "extra-constitutional forces" of plotting to overthrow him, a thinly veiled reference to Prem, who had visited key military units with senior commanders. On July 14, Prem reminded military officers their loyalty should rest with King Bhumibol and not the elected government.²³

¹⁹ The Thai Rak Thai Party was accused of bribing small parties to register candidates in the opposition strongholds in order to avoid the 20 percent minimum vote requirement if only one party ran in those constituencies.

²⁰ "Thai PM Thaksin Says he'll Step Down" *Channel News Asia*, April 4, 2006, http://www.channelnewsasia.com/stories/afp_asiapacific/view/201527/1/.html (accessed February 24, 2011). At the same time, Thaksin attempted to muster his supporters to counter the PAD. After a rally at Bangkok's Royal Plaza on March 3, 2006, the "Caravan of the Poor" was created largely with support from Thaksin's close aide, Newin Chidchob. Members of the "Caravan of the Poor" staged a rally in Bangkok, in parallel to the PAD. On March 30, 2006, more than 2,000 members of the group went to surround the headquarters of the Nation Group, which they accused of bias against Thaksin.

²¹ The King stated: "Should the election be nullified? You have the right to say what's appropriate or not. If it's not appropriate, it is not to say the government is not good. But as far as I'm concerned, a one party election is not normal. The one candidate situation is undemocratic. When an election is not democratic, you should look carefully into the administrative issues. I ask you to do the best you can. If you cannot do it, then it should be you who resign, not the government, for failing to do your duty. Carefully review the vows you have made."

"His Majesty the King's April 26 Speeches," *The Nation*, April 27, 2006, http://www.nationmultimedia.com/2006/04/27/headlines/headlines_30002592.php.

²² See a collection of news regarding Prem's political opinions at *General Prem Tinsulanonda*, <http://www.generalprem.com/news.html> (accessed February 4, 2011).

²³ Prem Tinsulanonda, "A Special Lecture to CRMA Cadets at Chulachomklao Royal Military Academy," July 14, 2006, <http://www.crma.ac.th/speech/speech.html> (accessed on February 22, 2011).

September 2006 Coup

On September 19, 2006, just weeks before rescheduled parliamentary elections and while Thaksin was in New York City for United Nations General Assembly meetings, the military staged a coup, revoked the 1997 Constitution, and removed Thaksin from power.

Led by army commander-in-chief, Gen. Sonthi Boonyaratglin, the coup resulted in a military junta—the Administrative Reform Council under the Democratic System with the King as Head of State. The council’s official English title was later changed to the Council for Democratic Reform (CDR) to avoid “misunderstanding” about the monarchy’s role in the removal of an elected government.²⁴

The CDR justified the coup by saying that Thaksin’s administration had created “problems of disunity and the erosion of solidarity among the Thai people;” that most Thais were skeptical of Thaksin’s government due to “signs of rampant corruption and malfeasance;” and independent agencies had been “interfered with” leading to “problems and obstacles to the conduct of political activities.”²⁵

Martial law was imposed throughout Thailand, and the CDR assumed full control over the military and police forces. The CDR abrogated the 1997 Constitution and abolished the Senate, House of Representatives, Council of Ministers, and the Constitutional Court. The CDR issued orders (using martial law powers) to censor media and ban protests and political activities.²⁶ Thaksin’s close aides, such as Natural Resources and Environment Minister Yongyuth Tiypairat, Prime Minister’s Office Minister Newin Chidchob, Deputy Prime Minister Pol. Gen. Chidchai Wannasathit, and Secretary-General of the Prime Minister Prommin Lertsuridej, were detained. The PAD announced its goals had been achieved.²⁷

On October 1, 2006, the newly renamed Council for National Security (CNS) introduced the Interim Constitution and designated Gen. Surayud Chulanont, a former army commander-in-chief and privy counselor, prime minister. The Interim Constitution deemed all CDR

²⁴ “CDRM Now Calls Itself as CDR,” *The Nation*, September 28, 2006, <http://nationmultimedia.com/breakingnews/read.php?newsid=30014778> (accessed February 2, 2011).

²⁵ Announcement on the Appointment of the Leader of the Council for Democratic Reform, September 20, 2006, Ministry of Foreign Affairs, Royal Thai Government, <http://www.mfa.go.th/web/2455.php?id=740> (accessed February 2, 2011).

²⁶ Arnaud Leveau and Chavarong Limpattamapanee, eds., *State and Media in Thailand During Political Transition* (Bangkok: IRASEC, 2007).

²⁷ “Looking Into Forbidden Book: Grade 6 Social Studies Book Gives Red Shirts Heartache,” (เปิดเนื้อหา ตำราต้องห้าม: วิชาสังคมชั้น ม.6 เตรียมอุดมฯ แสงหัวใจ กลุ่มเสื้อแดง,) *M Thai*, <http://news.mthai.com/webmaster-talk/50125.html> (accessed February 2, 2011).

announcements and orders after the coup to be “legitimate and in accordance with the Constitution.” The Interim Constitution also granted CDR leaders and those acting with them “immunity from all responsibility and conviction.” The Interim Constitution also called for a new constitution. If voters failed to approve the draft, the CNS reserved the right to adopt and amend Thailand’s previous constitutions.²⁸ The junta-appointed National Legislative Assembly also passed the Referendum Act, imposing severe penalties for publicly expressing opposition to the draft constitution.

On August 10, 2007, under domestic and international pressure to return to constitutional and civilian rule, the draft Constitution was approved by 59.3 percent of the voters in a referendum.²⁹ It was formally promulgated five days later amid criticism that it was “an attempt to undermine the capacity of the political parties and elected leaders to challenge Thailand’s conservative forces in the future.”³⁰

The CDR adopted a provision banning the full executive committee of any dissolved political party from participating in politics for a five-year period, even if the alleged conduct occurred prior to the coup.³¹ The provision was then used to dismantle Thaksin’s Thai Rak Thai Party on May 30, based upon a finding the party had bribed smaller parties to participate in the April 2006 election. In addition to dissolving the party, the nine-member Constitutional Tribunal banned 111 Thai Rak Thai Party executives from politics for five years.³² Similar measures were not taken against senior members of pro-PAD parties who participated in the widespread practice of vote buying in their campaigns.

Most of the politicians associated with the banned Thai Rak Thai Party joined the new Thaksin-backed People’s Power Party (PPP), which won a majority of the votes in the December 2007 election, returning Thaksin loyalists to power. In a highly controversial move, the PPP chose former Bangkok governor Samak Sundaravej as prime minister. Widely seen as Thaksin’s surrogate, Samak had been accused of mobilizing right-wing militia elements during the October 7, 1976 massacre of student activists at Thammasat University.

²⁸ Thailand has had 18 constitutions since changing in 1932 from an absolute monarchy to a constitutional democracy.

²⁹ In instances when the proposed draft failed to pass the referendum, the CNS had power to adopt its own version of a constitution by amending previous constitutions of Thailand within 30 days after the referendum date.

³⁰ Allen Hicken, “The 2007 Thai Constitution: A Return to Politics Past,” *Crossroads*, Vol 19. No. 1, 2007.

³¹ Announcement by the Council for Democratic Reform No. 27: Amendment of Announcement by the Council for Democratic Reform No. 15, September 21, 2006, <http://www.mfa.go.th/web/2455.php?id=740> (accessed February 4, 2011).

³² “No way back for Thai Rak Thai,” *Bangkok Post*, November 17, 2009, <http://www.bangkokpost.com/news/politics/160275/no-trt-return> (accessed February 4, 2011).

The 2008 Yellow Shirt Protests

In February 2008, Thaksin returned to Thailand from exile. In May, tens of thousands of PAD Yellow Shirts took to the streets of Bangkok, enraged by what they saw as Samak's role as Thaksin's proxy and governmental efforts to amend the constitution to pardon Thaksin.³³ The protests soon spread to other provinces.

Pro-government groups responded by violently attacking at least a dozen PAD rallies across Thailand between May and July 2008, often with police looking on. In the most serious incident, on July 24, a group of approximately 1,000 members of the Khon Rak Udon ("Lovers of Udon") group based in Udon Thani province, led by radio host Kwanchai Praipana,³⁴ of local FM radio station 97.5, and Uthai Saenkaew, the brother of then-Agriculture Minister Theerachai Saenkaew, attacked a peaceful rally of about 200 PAD members at the Nong Prajak public park with swords, axes, knives, iron clubs, and slingshots. FM radio 97.5, reportedly urged pro-government supporters to violently attack the PAD rally. Around 500 police and district defense volunteers stood by without attempting to arrest the attackers or stop the violence, which critically injured 13 PAD members. Human Rights Watch documented similar violence, often led by persons associated with the pro-Thaksin PPP, in Sakol Nakhorn, Chiang Mai, Sri Saket, Chiang Rai, Mahasakham, and Buriram provinces.³⁵

In an apparent attempt to escape impending court verdicts on conflict-of-interest and corruption charges, Thaksin left Thailand in August 2008 to seek refuge in England, where he remained at least until October 2008. In October 2008, the Supreme Court's Criminal Division for Holders of Political Positions sentenced him *in absentia* to two years in prison on conflict of interest charges.³⁶ Thaksin has not to date returned to Thailand.³⁷

³³ "PAD Calls Rally to Protest Rewrite," *The Nation*, May 23, 2008, <http://www.nationmultimedia.com/home/PAD-calls-rally-to-protest-rewrite-30073778.html> (accessed February 20, 2011). The PAD also accused the Samak of government of being unpatriotic regarding the bilateral disputes with Cambodia over the border demarcation and registration of Preah Vihear temple as a World Heritage Site.

³⁴ Kwanchai became of the core leaders of the UDD protests in 2009 and 2010.

³⁵ "Thailand: Protect Opposition Rallies from Attack; Investigate Violence by Pro-Government Groups," Human Rights Watch news release, July 26, 2008, <http://www.hrw.org/en/news/2008/07/25/thailand-protect-opposition-rallies-attack>.

³⁶ The court ruled 5 to 4 that Thaksin was guilty of conflict of interest while he was prime minister by facilitating his wife's land purchase of land from the Bank of Thailand's Financial Institutions Development Fund (FIDF) at a discounted price in 2003.

³⁷ After British authorities revoked his visa in 2008, Thaksin has sought refuge in many places using his political and business connections, including China, Dubai, Cambodia, Russia, and Montenegro. He is currently in Dubai, and actively involved in Thai politics.

On August 26, 2008, PAD protesters stormed and occupied the pro-government National Broadcasting Services of Thailand (NBT) television station in Bangkok. PAD then took over Government House, the seat of government, compelling Prime Minister Samak and his staff to flee their offices. On August 29, clashes broke out between PAD protesters and riot police seeking to disperse them from several protests sites; pro-PAD railway workers went on strike; and PAD supporters briefly shut down the airports of the southern provinces, including Hat Yai, Phuket, and Krabi.

On September 1, a large group of UDD Red Shirts tried to storm the PAD protest camp at Makhawan bridge in Bangkok, sparking a street battle between PAD and UDD supporters that left one UDD member dead and more than 40 wounded. Samak declared a State of Emergency, which was revoked on September 14.

On September 9, the Constitutional Court found that Samak had breached constitutional provisions against conflict of interest by cabinet members by hosting and receiving payment for a televised cooking show, “Tasting and Grumbling,” while he was prime minister.³⁸ The Constitutional Court dismissed Samak as prime minister. On September 17, Parliament elected Deputy Prime Minister Somchai Wongsawat, Thaksin’s brother-in-law, as the new prime minister.

In the first week of October, the police arrested PAD leaders Chaiwat Sinsuwong and Chamlong Srimuang, and charged them with treason, insurrection, and other serious crimes. Early on the morning of October 7, PAD protesters mobilized to block Somchai Wongsawat from delivering his policy speech to the Parliament, accusing him of being a puppet of Thaksin. To clear the area, police riot units and border patrol police units used tear gas and rubber bullets, in some cases firing teargas canisters at close range directly at the protesters. PAD protesters shot at the police with guns and slingshots, threw bricks and metal pipes, tried to run over police officers with a pickup truck, and stabbed police officers with flag poles. The clashes lasted the entire day.

According to the Public Health Ministry, two PAD supporters were killed and 443 injured, including four who required limb amputations. About 20 police officers were also injured. The horrific blast injuries suffered by some protesters prompted an investigation by the National Human Rights Commission, which concluded on October 13 that Chinese-made teargas canisters with excessive explosive power may have caused the deaths and severe

³⁸ See Constitution of the Kingdom of Thailand (2007), sections 265 and 267, http://www.senate.go.th/th_senate/English/constitution2007.pdf.

injuries. On October 13, Queen Sirikit attended the funeral of Angkhana Radappanyawutt, a 28-year-old PAD protester, praising the sacrifice she had made to defend the monarchy.³⁹

On November 25, two days after declaring its “Final War” campaign, the PAD carried out “Operation Hiroshima,” occupying and shutting down Bangkok’s main Suvarnabhumi airport when Prime Minister Somchai was due to land. The next day PAD members also shut down Bangkok’s second airport, Don Muang, to prevent international flights from being rerouted there. Protesters forcibly ejected police officers at Don Muang airport seeking to monitor the protests. The government imposed a state of emergency and called on the military to restore order. The military refused to comply. Instead, the army commander-in-chief, Gen. Anupong Paochinda, flanked by the heads of the Navy, Air Force, and Police, publicly called on the government to resign in an interview broadcast live on national television.⁴⁰ Government attempts to evict PAD demonstrators from the airports were unsuccessful.

On November 26, several explosions occurred at Don Muang airport, injuring some protesters. Responsibility for the blasts remains unclear. On the same day, pro-government supporters of the Chiang Mai Lovers 51 group attacked a pro-PAD radio station in Chiang Mai and killed the owner, the father of a local PAD leader. A series of grenade attacks began against PAD protest sites, including an attack on December 1 when a grenade exploded on the PAD protest stage at Government House, killing one person. Another grenade attack on December 2 at Don Muang airport killed one and wounded many others.

On December 2, the Constitutional Court found the three main pro-Thaksin parties guilty of electoral fraud during the December 2007 election. It dissolved the PPP, Chart Thai, and Matchima Thippatai, and barred the executives of the three parties from participating in politics for five years. The decision disqualified Prime Minister Somchai from office. The PPP denounced the ruling as a “judicial coup.” Within hours, PAD leader Sondhi held a press conference and announced that the PAD was ending its protest. But he also warned the public that the PAD would return in force if Thaksin’s nominees returned to power.

As the result of these judicial interventions and with the backing of the military, on December 15, 2008, the opposition Democrat Party was able to garner enough Parliamentary

³⁹ http://www.youtube.com/watch?v=Tx7n_BnRcvo. Senior military commanders, leaders of the Democrat Party, leaders of the PAD, and members of the Privy Council attended the funeral.

⁴⁰ “Behind the Scene: Military Commanders Launched Silent Coup on TV Pressuring Somchai to Resign,” (เบื้องหลังผบ.เหล่าทัพออกทีวี ปฏิวัติเงียบ กดดันสมชายออก) *Siam Intelligence*, <http://www.siamintelligence.com/silence-coup-via-television-interview/> (accessed February 3, 2011).

votes to elect Abhisit Vejjajiva as prime minister. Although few expected this government to remain in power for long, it continues in office at time of writing.

To date, there has been no independent and impartial investigation into the politically motivated violence that the PAD committed during its 2008 protests, including unlawful use of force, violence in street battles after the march to Parliament on October 7, and forcible occupation of Government House and Bangkok's airports. Prosecutions of PAD leaders and members have stalled, as have efforts to seek financial compensation for damages caused by their protest, amid a growing public perception that the PAD is immune from legal accountability. At the same time, the National Anti-Corruption Commission ruled on September 7, 2009 that the national police chief Gen. Patcharawat Wongsuwan and six other high-ranking police officers should be charged with criminal offenses and subject to disciplinary action, and that former Prime Minister Somchai and his deputy Chavalit Yongchaiyudh should face criminal charges for ordering police to use force to disperse PAD protesters in front of Parliament on October 7, 2008.

The 2009 Red Shirt Protests

In March 2009, Thaksin in exile accused Prime Minister Abhisit of being a puppet of the Privy Council president, General Prem. He called on his followers in the UDD to start a "people's revolution" with the slogan *khon ammat* ("Down with the Nobles").

Thaksin's call, which many PAD supporters construed to be anti-monarchy, accentuated political divisions in Thailand. On April 7, UDD protesters attacked Abhisit's convoy in Pattaya, shattering his car windows. Clashes between the UDD and pro-government groups spread in Pattaya on April 10 and 11, culminating in UDD protesters storming the hotel where the 14th summit of the Association of Southeast Asian Nations (ASEAN) was due to take place. The government canceled the summit and declared a State of Emergency in Pattaya on April 11, and in Bangkok and surrounding provinces on April 12. On April 12, UDD protesters forced their way into the Interior Ministry in Bangkok, where Abhisit was meeting with senior officials, and again attacked his motorcade, dragging people from cars and beating them.

On April 13, street battles erupted in Bangkok when UDD protesters, who had been blocking main intersections in Din Daeng district with buses and taxis, attacked approaching soldiers with guns, petrol bombs, slingshots, and other home-made weapons. UDD protesters also threatened to explode trucks carrying liquefied petroleum gas near residential areas and hospitals. Soldiers used teargas and live ammunition to disperse protesters and clear blockades. Some soldiers fired assault weapons at protesters. Clashes erupted across

Bangkok the next day, when two neighborhood watch group members were killed in a clash with UDD supporters. At least 123 people were injured, including four soldiers.⁴¹ Thousands of protesters then retreated to their main camp outside the Government House on April 14. UDD leaders finally agreed to disperse in the face of overwhelming government-mobilized troops. Protesters were allowed to leave and offered bus rides home, while their leaders surrendered to the police.⁴²

UDD leaders accused Abhisit of applying “double standards” by using security forces against the UDD, but failing to prosecute PAD protesters for violence and crimes during the protests in 2008.

⁴¹ “End of Protests Is Time for Accountability,” Human Rights Watch news release, April 15, 2009, <http://www.hrw.org/en/news/2009/04/15/thailand-end-protests-time-accountability>.

⁴² The UDD protesters were photographed individually, and had details of their identification cards recorded by police before they left Bangkok. The UDD leaders were released on bail after the government lifted the state of emergency on April 24, 2009.

IV. The Red Shirt Movement

Red Shirt schools and preparation for 2010

After UDD protests were dispersed in April 2009, UDD leaders retreated to their rural strongholds, particularly concerned by the relative ease with which the army had dispersed the protests, and that the government had dismissed Thaksin's claims that protesters had been killed and their bodies "disappeared" during the dispersal.⁴³

In addition to regrouping and analyzing mistakes, UDD leaders began planning a new round of bigger, better-organized protests for 2010, which they dubbed a "Million Man March" on Bangkok. To ensure success, the UDD organized more than 450 "Red Shirt schools" nationwide, where hundreds of thousands of Red Shirt supporters received an intense one-day course on its version of how to achieve democratic governance. According to a local organizer, the program focused on the nature of "real democracy," how democracy and Thai politics fell short of this goal, and how to establish "real democracy" in the future.⁴⁴

The UDD in early 2010 began to organize large rallies, barely covered by mainstream media, in rural areas in the north and northeast. For example, a UDD rally on January 31 in Khon Kaen province drew an estimated 100,000 people, and a rally the next day in Ubon Ratchathani province drew a reported 50,000.⁴⁵ Other events took place in many smaller towns and villages throughout northern and northeastern Thailand. One foreign journalist investigating reports of Red Shirt activity in the north attended a 2,000-person fundraising dinner in the small town of Srang Khom in Udon Thani province, and heard of a similar 3,000-person dinner in a nearby small town the same night, featuring a call-in from Thaksin.⁴⁶ The UDD also trained hundreds of "Red Shirt Guards" to provide security at the rallies. Different volunteer groups were formed to feed and provide other services to the hundreds of thousands of protesters who would soon travel to the capital.⁴⁷

⁴³ During dispersal operations on April 13, 2009, Thai and foreign journalists were allowed to closely follow the troops. The UDD claims that at least six demonstrators were killed during the crackdown and their bodies taken away by the army, but has not been able to substantiate this claim with independent sources.

⁴⁴ Human Rights Watch interview with local Red Shirt leader, Chonburi, June 17, 2010.

⁴⁵ Marwaan Macan-Markar, "Rural Thailand Simmers with Anti-gov't Rage," *Inter-Press Service*, February 8, 2010; Nirmal Ghosh, "Red Shirts Warn Thai Army to Stay Neutral," *The Straits Times*, February 4, 2010.

⁴⁶ Human Rights Watch interview with Marwaan Macan-Markar, Bangkok, June 9, 2010.

⁴⁷ Human Rights Watch interview with local Red Shirt leader, Chonburi, June 17, 2010.

While most UDD leaders sought Thaksin's return to power and some have acted as his proxies, many mid-ranking and lower level members of the UDD movement had broader aims: including continuing the populist reforms that Thaksin began, and reforming Thailand's political structure. The traditional political establishment, revolving around the Privy Council, military, judiciary, and allied business interests, has vigorously opposed these efforts.

Forming the Red Shirt Guards

Security arrangements surrounding the UDD movement were complex and organized, aimed at preventing a repeat of 2009, when the military force dispersed the UDD Songkran protests with relatively little force and minimal casualties.

In February 2010, Maj. Gen. Khattiya Sawasdipol, popularly known as "Seh Daeng" traveled to Dubai to meet Thaksin.⁴⁸ Upon his return, Khattiya said he would focus his energies on "my duty as head of a unit of security guards to provide protection for the Red Shirt supporters," and that "the guards will make sure the Red Shirts will not be put down by government security forces."⁴⁹ It is unclear what precise instructions Thaksin gave him.

The composition, command structure, and relationship of the Red Shirt Guards to the UDD leadership remain unclear. But Human Rights Watch's research, including extensive interviews with UDD leaders and protesters, found that UDD claims to be a peaceful mass mobilization were undermined by the presence of highly skilled and deadly armed groups, including the "Black Shirts," who were responsible for a number of attacks against soldiers and civilians, but about whom crucial questions of their command and role remain unanswered.

The most visible element of the UDD security units were the "Red Shirt Guards"—men usually dressed in black uniforms with a red handkerchief in a style modeled closely after the uniforms of the *Thahan Phran*, the hunter-soldier paramilitary border rangers created to serve in counter-insurgency warfare against the Communist Party of Thailand in the 1970s. Khattiya had been instrumental in recruiting active and retired members of *Thahan Phran* to work as UDD security units, emphasizing their poor background, in contrast to the elite status of commissioned officers who were siding with the PAD and the Democrat Party-led government. While on duty, some Red Guards displayed the insignia of the *Thahan Phran*

⁴⁸ "Seh" is a common reference to a military officer who graduated from the Staff College, and "Daeng" was Maj. Gen. Khattiya's nickname.

⁴⁹ Wassana Nanuam, "Khattiya told to end quarrel with red shirts," *Bangkok Post*, February 26, 2010.

and are believed to have been former or active members of that force. The Red Guards numbered somewhere around 500 members during the Bangkok protests.⁵⁰

In addition to the Khattiya recruits, most Red Shirt Guards from broader groups were recruited and commanded by the network of activist-turned-politician, Ari Krainara.⁵¹ The Red Shirt Guards underwent rudimentary training in crowd control and other public order functions and received UDD-issued identity cards.⁵² Their main role at the protest sites was to maintain public order and protect UDD leaders. Working in rotating shifts, they helped keep the protest camps well organized.⁵³ Most Red Shirt Guards were not visibly armed. On some occasions they helped to calm violent confrontations and even protected soldiers and police from being attacked by angry UDD protesters, as was the case when soldiers retreated after being attacked by heavily armed militias on April 10. Nevertheless, Human Rights Watch found cases of Red Shirt Guards involved in low-level violence, especially when manning checkpoints around the UDD rally sites.

The “Black Shirts”

The UDD’s public deployment of hundreds of security guards dressed in uniforms resembling those of the paramilitary *Thahan Phran* implied a militaristic element to the protest movement. Indeed, many assumed that Red Shirt security guards were behind the armed violence against government forces.

However, Human Rights Watch’s investigations found that the attacks did not originate with Red Shirt Guards, but with a secretive armed element within the UDD whom protesters and media called the “Black Shirts” or “Men in Black”—though not all were dressed in black.⁵⁴

Members of these armed groups were captured on photographs and film armed with various military weapons, including AK-47 and M16 assault rifles, as well as M79 grenade launchers, during their clashes with government security forces.⁵⁵

⁵⁰ Anthony Davis, “Red Rising—Protests in Thailand Widen the Political Divide,” *Jane’s Intelligence Review*, May 14, 2010.

⁵¹ Ari Krainara was elected a member of Parliament in 2006 from the Thai Rak Thai Party in Nakhin Sri Thamarat province. Following the September 2006 coup, he joined with others to build the anti-coup network that ultimately became the UDD, mobilizing in particular former and current student activists from Ramkhamhaeng University.

⁵² “UDD to deploy 5,000 red guards,” *Bangkok Post*, March 13, 2010.

⁵³ Anthony Davis, “Red Rising—Protests in Thailand Widen the Political Divide,” *Jane’s Intelligence Review*, May 14, 2010.

⁵⁴ Officials from the Attorney General’s Office said during a senate hearing on March 3, 2011, that about 30 to 50 heavily armed Black Shirts were engaged in a series of attacks on military and civilian targets. “Attorney-General Joined DSI Accusing Soldiers Shot Red Shirts,” (อัสส.จับมือ DSI โยนบาปทหารยิงแดง) *Asia Satellite TV*, March 3, 2011, http://www.astv-tv.com/news1/viewnews.php?data_id=1009710&numcate=1 (accessed March 3, 2011).

A journalist, who spent several days together with a group of armed militants at the Ratchaprasong protest camp, described to Human Rights Watch his experience with the Black Shirts:

The day I met up with the group, they were near Lumpini Park and the Rama IV [road] junction, living in a tent. I was not allowed to photograph them. I met about 17 or 18 of them, but they said they were part of a group of 30. They had more people helping them, helpers and their own medics. They were all ex-military, and some of them were still on active duty. Some of them were paratroopers, and at least one was from the Navy. They had AR-15s, TAR-21s, M16s, AK-47s [military assault rifles], but I didn't see them with M79s [grenade launchers]. They told me that their job was to protect the Red Shirt protesters, but their real job was to terrorize the soldiers.

[T]hese guys were fearless. They operated mostly at night, but sometimes also during the day. They went out in small teams [to confront the army]....

They didn't use walkie-talkies, just mobile phones and runners [to deliver messages]. I saw no interaction with the Red Shirt leaders. But these guys were contacted by someone, someone recruited them to come, I have no idea who. Someone provided them with weapons.... They rationed their bullets—when they went out they had 30 bullets [each].

They weren't really "black" shirts—they were sometimes in green military uniforms and others dressed like Red Shirt protesters. They didn't have any relationship with the Red Guards, and weren't interested in dealing with the Red Shirt leaders.... They took their work very seriously. The guys I met, they knew how to move and shoot. They also had experience handling explosives.... The Black Shirts didn't come to try and take territory—they shoot and then they leave, they hit [the soldiers] and retreat.⁵⁶

⁵⁵ "New Evidence Showing Hooded Gunmen Who Fired AKs and M79s," (โจมตีหน้า ไอ้โหม่งมืออาชญา ทิมยิง เอ็ม ๗๙ !!! หลักฐานใหม่) *OK Nation blog*, June 5, 2010, <http://www.oknation.net/blog/print.php?id=607242>; and "What Happened at Khok Wua Junction," (เกิดอะไรที่แยกคอกวัว 10/4/53) <http://www.youtube.com/watch?v=ueBRpMc2QCY> (accessed November 7, 2010).

⁵⁶ Human Rights Watch interview with Olivier Sarbil, Bangkok, June 14, 2010.

A Thai journalist stationed near Bon Kai junction said the Black Shirt militants he encountered during the May 17-19 clashes were well-armed, appeared to be trained in military tactics, and seemed to have a separate command line from the Red Shirt Guards:

From what I saw, the Black Shirt militants and the Red Shirt protesters were fighting alongside each other in the areas around Bon Kai junction. But they did not share the same command line. The Red Shirts seemed to be driven by anger as they saw soldiers moving in and opening fire at the protesters. They burned tires and used slingshots to shoot metal bolts, rocks, and fire crackers at soldiers. They also tried to use petrol bombs and homemade rockets, made of PVC [durable plastic] and metal pipes, to attack soldiers. But the aim of their rockets was not accurate enough to hit soldier bunkers and cause any serious damage. Some of the Red Shirts went out on foot and motorcycles to challenge soldiers to come out from their bunkers and fight openly. But they had to dash back behind the barricades when soldiers shot them with rubber bullets and live rounds. This cat-and-mouse game went on all day. I only saw two of the Red Shirts firing at soldiers with revolver pistols.

The Black Shirts, on the other hand, were well armed. They attacked soldiers with AK-47 and HK-33 assault rifles, and M79 grenade launchers. They were also very cautious when they moved around, using smoke as their cover. They appeared to benefit from the havoc created by the Red Shirts, which distracted soldiers as well. The Black Shirts did not stay in one spot for too long. They moved around, took their positions, opened fire, and then retreated. The way they operated reminded me of those with military training. Some of the Black Shirts used walkie-talkies, while others use mobile phones, to communicate with each other. Their operations seemed to be coordinated by a man who always had sunglasses on. At one point, I heard him giving orders to the Black Shirts to fire M79 grenades at the bunkers and sniper posts of soldiers. But when I asked the Black Shirts about that man, they told me I should not raise that question again if I want to stay behind their line. The Red Shirts that I talked to said they did not know who that man was either. Nevertheless, they believed that the Black Shirts were there to protect them and help them fight more effectively.⁵⁷

⁵⁷ Human Rights Watch interview with Thai journalist [name withheld], Bangkok, September 10, 2010.

V. Bangkok's Descent into Chaos

Start of the “Million Man March”

On March 12, 2010, after months of preparation, the UDD brought its “Million Man March” to Bangkok. Police estimate that 120,000 UDD protesters converged on the capital from UDD strongholds in the north, northeast, west, and south of Thailand, unhindered by government-ordered police and army checkpoints.⁵⁸ Protest organizers put the number at 250,000.

Police and army checkpoints ordered by the government did little to stop protesters from reaching Bangkok, since officials manning the checkpoints apparently preferred to avoid confrontations with the incoming protesters. On March 14, the UDD held its first mass rally at the Phan Fa Bridge, which became a protest site for a month. UDD leaders demanded Parliament's dissolution and new elections.⁵⁹ Thaksin addressed the protest via video from an undisclosed location: “The people who caused the problems in the country these days are the ruling elite,” he said.⁶⁰

During the first stages of the UDD protests, the Thai government pursued a strategy of restraint in the apparent hope the protests would lose steam, placing limited obstacles in the way of protesters and avoiding confrontation with security forces. Prime Minister Abhisit said he would meet to discuss Thailand's future with the UDD, but that early elections would not be on the agenda. The government applied the Internal Security Act to limit the movement of the protesters, allowing the army to set up checkpoints and declare curfews. But such measures failed to stop the UDD's fast growing protest.

After establishing a two kilometer-long Phan Fa Bridge protest camp adjacent to Government House, the UDD leaders embarked on a series of events to intensify the impact of their protests. They began driving long protest convoys of Red Shirt supporters through different parts of Bangkok, disrupting traffic but also demonstrating the support they enjoyed among

⁵⁸ “Authorities Blocked Red Shirts: Setting Up Checkpoints,” (รัฐสภักัดจุดเสื้อแดง ผุดด่านตรวจ) *Thai News Network*, March 11, 2010, <http://www.tnnthailand.com/news/details.php?id=10318> (accessed March 15, 2011); “Nuttawut Said March Begins At Noon,” (ณัฐวุฒิ ย้ำ12 มี.ค.เที่ยงตรง เคลื่อนพล,) *Teenee.com blog*, March 11, 2010, <http://tnews.teenee.com/politic/47932.html> (accessed March 15, 2011); “Reds Pushed Through Checkpoints, Swarmed Bangkok: Emergency Decree to be Activated, (แดงแหกด่านฉลุย พรุ่งกรุง จ่อใช้พรก.ฉุกเฉิน,) *ThaiRecent.com*, March 14, 2010, <http://thairecent.com/First/2010/585898/> (accessed March 15, 2011).

⁵⁹ Thomas Fuller, “Protests Urge Resignation of Leaders in Thailand,” *New York Times*, March 14, 2010.

⁶⁰ *Ibid.*

ordinary Bangkok residents, thousands of whom came out to cheer the passing vehicles.⁶¹ Adopting a tactic from the earlier PAD protests, they also attempted to disrupt the functioning of government, descending in thousands on the 11th Infantry Division army base where Abhisit had attempted to organize an alternative seat of government away from the surrounded Government House.

On March 16, the UDD mounted a highly symbolic protest at Government House, pouring liters of blood drawn from UDD supporters on the building's gates and walls. A Brahmin priest performed a "cursing" ceremony against the government.⁶² A similar protest with splashed protesters' blood was held at the office of the ruling Democrat Party.⁶³

Shadowy violence also began to occur, with an unclaimed grenade attack on the 1st Infantry Division headquarters (where all top army commanders have houses) on March 15; four M79-launched grenades wounded two soldiers.⁶⁴ On March 23, two grenades were fired at the Ministry of Public Health building on the outskirts of Bangkok, shortly after a cabinet meeting there to discuss extending the Internal Security Act.⁶⁵

On March 27, further grenade attacks using M79s took place at the army-run Channel 5 television station, the Customs Department, and the National Broadcasting Service of Thailand television station, wounding another five soldiers and a civilian guard.⁶⁶ The same day, UDD leaders Veera Musikapong, Nattawut Saikua, and Jatuporn Prompan announced that the UDD would march to the temporary government command at the 11th Infantry Division base to give an ultimatum to Abhisit regarding the dissolution of Parliament. "Abhisit must talk to us," Jatuporn said. "He cannot run away. We will get the government to give power back to the people. Our goal must succeed tomorrow. If not, we will take our struggle to another step."⁶⁷ Thaksin also stated similar demand via a video call to address UDD protesters at Phan Fa Bridge camp.

⁶¹ Thomas Fuller, "Thai Protesters Shut Down Parts of Bangkok," *New York Times*, March 15, 2010.

⁶² Thomas Fuller, "Protesters Dump Blood at Thai Government Site," *New York Times*, March 16, 2010.

⁶³ Ibid.

⁶⁴ Ben Doherty, "Grenades wound soldiers in Thai Fracas," *Sydney Morning Herald*, March 16, 2010.

⁶⁵ "Thailand Extends Harsh Security Law," *Agence France Presse*, March 23, 2010.

⁶⁶ "Thai Soldiers Injured in TV Station Blast," *Agence France Presse*, March 28, 2010.

⁶⁷ "Red Shirts will march to 11th Infantry Division to talk to PM," (เสื้อแดงประกาศบุกกราบ 11 คอยกับนายกฯ) *Matichon*, March 27, 2010.

At 5 a.m. on March 28, two grenades were fired with M79s into the 11th Infantry Division base, injuring three soldiers. At 6:30 a.m., UDD leader Kwanchai Praipana began to mobilize protesters to march to the 11th Infantry Division base. Abhisit gave a televised statement that the government would not negotiate under pressure. Deputy Prime Minister Suthep, who was in charge of security affairs, said that martial law would be enforced at the 11th Infantry Division base if the UDD breached the compound.

To defuse the growing tension, the prime minister's secretary-general, Korbsak Sabhavas, was sent to negotiate with UDD leaders for a meeting with Abhisit, but only on the condition that the protesters retreat from the 11th Infantry Division base. After UDD leaders agreed to call the protesters back to their Phan Fa Bridge camp, Abhisit led a government negotiating team in a face-to-face meeting at the King Prajadhipok Institute with UDD leaders Veera, Jatuporn, and Weng Tochirakarn.

Neither side moved significantly from their established positions in the negotiations, which took place on March 28 and 29 and were televised live nationwide. Abhisit maintained that he would dissolve Parliament in nine months if there was a safe and peaceful environment for a new election, while UDD leaders demanded that Abhisit dissolve Parliament within 15 days for the group to end its anti-government activity and allow politicians from the government side to campaign for a new election.⁶⁸

On April 3, after failing to convince Abhisit to dissolve Parliament, the UDD changed tactics by moving its supporters into Bangkok's upscale central commercial center in the Ratchaprasong district, which it vowed to occupy until it achieved its political objectives—a tactic reminiscent of the PAD's occupation of Bangkok's airports in 2008 to bring down the then Thaksin-backed government.

The April 7-9 Confrontations

On April 7, protests took a violent turn when UDD leader Arisman Pongruangrong led thousands of protesters from the Phan Fa Bridge and Ratchaprasong UDD camps to the Parliament building while cabinet ministers and parliamentarians were meeting. Arisman, a singer and former lawmaker, had led similar efforts to disrupt government meetings during

⁶⁸ "Word-By-Word: Abhisit Negotiated With Red Shirt Leaders," (อ่านคำต่อคำ อภิสิทธิ์ เจรจา แกนนำเสื้อแดง) *OK Nation blog*, <http://www.oknation.net/blog/vincentoldbook3/2010/03/29/entry-2> (accessed March 11, 2011); "Second Round of Government-UDD Negotiation Failed," (เจรจากรัฐบาล-นปช.สองยกเหลว) *Thai MSN News*, <http://news.impaqmsn.com/articles.aspx?id=314982&ch=pl1> (accessed March 11, 2011).

the April 2009 protests, including the April 11, 2009 storming of the ASEAN summit in Pattaya.⁶⁹

Protesters reached the Parliament building at about 1 p.m. and forced their way inside by smashing the barred gate with a truck.⁷⁰ Riot police retreated. An observer from Nonviolence Network, a non-governmental peace advocate group, told Human Rights Watch:

My team arrived at the Parliament around 11 a.m. We found that the areas in front and on the side of the Parliament were packed with the protesters, but there was no sign of violence. Some of the protesters even sang and danced, while some were talking to riot police. We saw UDD leaders Suporn and Payap giving anti-government speeches. But both leaders said they would not order the protesters to break into the Parliament. They even said the protesters would give MPs and their staff safe passage.

But the situation changed around 1 p.m. when Arisman arrived at the scene. It took less than 10 minutes for Arisman to incite the protesters and order them to push through the front gate to “hunt down” [Deputy Prime Minister] Suthep [Thaugsuban].⁷¹

Arisman called on protesters to find and detain Deputy Prime Minister Suthep Thaugsuban, who had earlier ordered riot police to use teargas against them. The protesters, urged on by Jarun Hosukal, a pro-Thaksin Puea Thai Party parliamentarian, assaulted a military police officer who was part of Suthep’s protection team and seized his weapons, including an M16 assault rifle and a pistol. The protesters later handed the weapons to police and filed a formal complaint that the armed guard violated the prohibition on weapons inside Parliament. During the commotion, Suthep, cabinet ministers, and MPs fled the compound by using a ladder to climb into a neighboring compound. They later were evacuated by helicopter.

⁶⁹ The subsequent arrest of Arisman triggered UDD protesters, led by former MP Suporn “Rambo” Attawong, to violently attack the Interior Ministry in Bangkok on April 12, 2009, while Prime Minister Abhisit was meeting with senior government officials. The UDD protesters smashed the windshields of official cars with concrete blocks and beat and detained a number of officials, including the secretary-general of the prime minister, Niphon Prompan. See “Thailand: End of Protests is Time for Accountability,” Human Rights Watch news release, April 15, 2009, <http://www.hrw.org/en/news/2009/04/15/thailand-end-protests-time-accountability>.

⁷⁰ See “Arisman invaded Thai Parliament house,” <http://www.youtube.com/watch?v=DHD2LrrTt88> (accessed August 7, 2010); Other leaders of the UDD, who joined Arisman in the Parliament raid, such as Payap Panket, Kwanchai Praipana, and Suporn Attawong, would play a major role in many violent attacks against the security forces and civilians.

⁷¹ Human Rights Watch interview with a Nonviolence Network volunteer [name withheld], Bangkok, July 23, 2010.

Following this humiliation, the government later that day declared a state of emergency in Bangkok and the surrounding provinces. The Emergency Decree on Public Administration in Emergency Situation (“Emergency Decree”) established a civilian-military crisis center known as the Center for the Resolution of Emergency Situation (CRES). Chaired by Suthep, CRES was empowered to impose curfews, ban public gatherings, restrict movements, detain suspects without charge, and enforce censorship. The government immediately began shutting down websites critical of the government and pulled opposition radio and television stations from the airwaves.

CRES targeted the People’s Channel, broadcast from the Thaicom satellite stations in Nonthaburi and Pathumthani provinces north of Bangkok, accusing the channel of disseminating misinformation and inciting unrest. The broadcasts by the People’s Channel were the primary means of connecting UDD supporters in other provinces with the main protest stages in Bangkok, and were the main channel of communication for UDD leaders to mobilize protesters into actions in and outside Bangkok. Thaksin also used the People’s Channel to give telecasts or telephone speeches to UDD members and supporters. CRES dispatched armed soldiers and police to take the People’s Channel off the air, cutting off news of the Red Shirt protests.

Termination of the broadcast signal of the People’s Channel inflamed tensions. “We must bring back the people’s media for democracy ... [W]e will not return [to UDD rally camps] until we can put the People’s Channel back on air,” UDD leader Nathawut Saikua vowed on April 9. Around 10 a.m. that day, Nathawut Jatuporn Prompan, Arisman, and Karun Hosakul led thousands of UDD protesters to the Thaicom station in Pathumthani province to restore the People’s Channel signal. Soldiers and police who were guarding the satellite station and had encircled the compound with razor wire attempted to beat back protesters with shields, batons, water cannons, rubber bullets, and teargas, but were overpowered by protesters who disarmed many of the soldiers and seized their weapons. The clash injured 16 protesters and 5 soldiers.

The security forces withdrew in single file amid the cheering protesters, with some police openly displaying support for the UDD by brandishing red armbands and other UDD symbols. The UDD ended the siege after it reached an agreement with Police Lt. Gen. Krisda Pankongchuen, the Region 1 provincial police chief, army commanders, and Thaicom executives, that the government would allow the People’s Channel signal to be reconnected.

This was the basis of the UDD's agreement to return the seized weapons to Krisda. The next day, the government again took the station off the air.⁷²

The April 10 Clashes

On the morning of April 10, Deputy Prime Minister Suthep ordered the army to reclaim the Phan Fa Bridge and Ratchaprasong protest camps, in what he said was a response to UDD leaders ignoring the emergency decree.⁷³ As the crackdown commenced, pro-government television stations stopped broadcasting news from the protests and began airing sports programs and documentaries. Bangkok's above-ground BTS Skytrain system was shut down after UDD leader Arisman announced he would lead protesters in a takeover of BTS stations to prevent security forces from using the train to deploy troops to Ratchaprasong.

At around 1 p.m., UDD leader Kwanchai Praipana led Red Shirt protesters from the Phan Fa Bridge camp to the 1st Army Region Headquarters on Rajdamnoen Nok Road to demand the army stay in its barracks and not deploy against Red Shirt camps in the city. Acting government spokesman Panitan Wattanayagorn told media on behalf of the CRES that the UDD's dispersal had begun at 1:30 p.m. "The government has no other option but to uphold the law," he said. "The use of force by police and soldiers, as well as civilian officials, will be carried out carefully and proportionately. This is the policy given by the prime minister."⁷⁴ The CRES's stated rules of engagement involved the following seven steps: (1) show of force by lining up the security officers holding riot shields and batons; (2) informing and warning the protesters that the officers are about to use force; (3) use of shields; (4) use of water cannon or high-powered amplifiers; (5) use of throw-type tear gas; (6) use of batons; and (7) use of rubber bullets.⁷⁵

Protesters who tried to storm the army headquarters were stopped with water cannons and teargas. They threw rocks and bricks at soldiers, who responded with batons, shields, rubber bullets, and teargas. In some cases, soldiers fired rubber bullets from shotguns directly at protesters, causing serious injury.⁷⁶ Video footage and photos also show some

⁷² Seth Mydans, "Demonstrators Storm TV Station in Thailand," *New York Times*, April 9, 2010; "Thai Protesters Storm Into TV Compound," *Associated Press*, <http://www.youtube.com/watch?v=oc8qz989MnU> (accessed August 15, 2010).

⁷³ "Sansern Confirms Suthep Ordered Crackdown," *The Nation*, April 10, 2010.

⁷⁴ "At Least 10 Killed, More than 500 Wounded in Thai Clashes," *GlobalSecurity.org*, April 10, 2010, <http://www.globalsecurity.org/military/library/news/2010/04/mil-100410-voa05.htm> (accessed on August 15, 2010).

⁷⁵ Thai Embassy in Singapore, <http://www.thaiembassy.sg/announcements/backgrounder-current-political-situation-in-thailand> (accessed January 6, 2011).

⁷⁶ Santipong Inchan, for example, was shot with a rubber bullet in his right eye as he and other protesters clashed with soldiers at Khok Wua junction on April 10, 2010. His eye was damaged and had to be surgically removed.

soldiers firing M16 and TAR21 assault rifles in the air. They continued to use live ammunition during the afternoon.



Soldiers armed with TAR21 assault rifles and shotguns clear areas on April 10, 2010 that the UDD previously occupied on Rajdamnoen Nok Road. © 2010 Private

The army moved towards the estimated 5,000 protesters gathered at the Phan Fa Bridge camp in the early afternoon. UDD protesters clashed with the advancing soldiers for about three hours near the Makhawan Bridge, until soldiers retreated to the nearby Education Ministry buildings at about 4:15 p.m., abandoning their attempt to disperse the protesters. At least 135 people were hurt in the clashes, including 19 soldiers and 3 police officers.⁷⁷ During the daytime clashes, the army used helicopters to drop teargas on the protesters, angering the crowd. Unknown gunmen opened fire at those helicopters, injuring one soldier on board.⁷⁸

⁷⁷ Patrick Barta and Wilawan Watcharasakwet, "Protesters, Troops Clash in Bangkok; 18 Dead," *Wall Street Journal*, April 10, 2010.

⁷⁸ "CRES Said 64 Soldiers Wounded, Colonel Shot on Helicopter," (ศอฉ.แจ้งทหารเจ็บ64นายพันเอกถูกยิงคา ฮ), April 10, 2010, <http://www.komchadluek.net/detail/20100410/55453/ศอฉ.แจ้งทหารเจ็บ64นายพันเอกถูกยิงคา ฮ..html> (accessed March 2, 2011).

Vinai Dithajon, a Thai photojournalist at the scene of the clash in front of the 1st Army Regional Headquarters, told Human Rights Watch that soldiers and riot police initially formed a line in front of Army Headquarters and slowly moved towards the protesters, pushing them back towards the UDD camp at Makkhawan Bridge. The situation then intensified as more Red Shirts arrived to defend the camp, then briefly calmed as soldiers awaited new orders and received water from Red Shirt protesters who knelt before them, only to worsen again when soldiers ordered the Red Shirts to leave the camp, donning gas masks and threatening to use teargas if they refused. Additional soldiers armed with assault rifles also appeared and tried unsuccessfully during the afternoon and night to take control of the Phan Fa Bridge camp and Rajdamnoen Road.

The clashes became steadily more violent. Vinai described what happened until he was himself shot and wounded by one soldier at approximately 4:30 p.m.:

The military warned the protesters they would use teargas if the protesters refused to move, and put on their gas masks. Other soldiers arrived armed with M16s as well. Then the military fired teargas at the Red Shirts, but the wind brought the teargas back on the soldiers and many of them were overcome by the gas; they didn't all have masks. Some of the Red Shirts started to run. Then the shooting started. Soldiers were running away from their own teargas. The Red Shirts moved close to the UN building and started throwing things at the soldiers, and the soldiers fired rubber bullets. The protesters threw whatever they could at the soldiers, whatever they could find in the cooking tent, eggs, cooking oil, whatever. The military moved and stopped, moved and stopped. The soldiers separated in smaller groups. They fought for about 15 minutes and then they took a break, the protesters started begging the soldiers not to attack the camp and gave them water.

Then another group of soldiers started firing their water cannon and teargas from the side of the Government House. I started to go over there, but I heard many gunshots and decided to walk back to the Red Shirt barricade. The soldiers and the Red Shirts were fighting again for about 30 minutes or so. The soldiers were firing rubber bullets at the protesters, and their M16s mostly up in the air. I tried to photograph them firing rubber bullets and then saw that the soldiers were also aiming their M16s at the crowd, but not firing at that moment. I kept photographing as the Red Shirts charged the soldiers and the soldiers ran away. There were many people injured there from the

rubber bullets and the tear gas. The Red Shirts were charging with bamboo sticks so the soldiers moved back a bit.

I was photographing, and suddenly I was shot in the leg at about 4:30 p.m. The bullet went right through my flesh. I was wearing a white shirt, jeans, and a green journalist armband and had two Canon D20 cameras. After I got shot, I was laying there and the Red Shirts came to help me.... I asked them to treat me there because I had lost a lot of blood.⁷⁹

Military spokesperson Col. Sansern Kaewkamnerd continued to deny throughout the day that the army had used live ammunition, saying, “Rumors have it troops used live ammunition—this is untrue.”⁸⁰ But video of the clashes that Human Rights Watch examined shows live ammunition being fired in semi-automatic mode, protesters collecting bullet casings and rounds from the ground, and many protesters apparently suffering from bullet wounds.⁸¹ Human Rights Watch has obtained photographs showing that assault rifle magazines that soldiers used on April 10 were loaded with live, green-tipped 5.56mm ball M855 ammunition.

Meanwhile, at the Ratchaprasong camp, UDD leaders and protesters expected the government to launch a dispersal operation and used trucks and cars as barricades to stop riot police from advancing closer. At about 11:15 a.m. three unarmed plainclothes police officers led by Police Lt-Col. Chalermpan Ajonbun went behind the main stage at Ratchaprasong to present arrest warrants for UDD leaders. Urged on by UDD leader Worawuth Wichaidith, who accused Chalermpan of not being a real police officer, protesters attacked the three officers until Red Shirt Guards intervened and escorted them to safety.⁸²

⁷⁹ Human Rights Watch interview with Vinai Dithajon, Bangkok, June 16, 2010.

⁸⁰ For example, “Exclusive Thailand: Footage Show Soldiers Firing Directly at Protesters,” http://www.youtube.com/watch?v=x2N8xAF5eUw&oref=http%3A%2F%2Fwww.youtube.com%2Fresults%3Fsearch_query%3Dfrance%2B24%2Bthailand%26aq%3Df&has_verified=1 (accessed March 3, 2011).

⁸¹ None of the assault rifles were fitted with a blank firing adaptor (BFA), which prevents gases from escaping and allows the rifle to retain enough energy from the discharged blank to force the bolt to retract, ejecting the spent blank shell and loading a new blank round. Without a BFA, the operator of an assault rifle firing blanks must manually operate the weapon’s charging handle to chamber another blank round. But none of the soldiers was seen recharging their weapons manually, despite firing repeated shots.

⁸² “Red Shirts Assaulted Police Officer,” (เสื้อแดงรุมกินโต๊ะนายตำรวจ) *RYT 9 news blog*, April 10, 2010, <http://www.ryt9.com/s/nnd/880259> (accessed September 14, 2010).



A UDD protester shows assault rifle magazines loaded with green-tipped 5.56mm ammunition, which protesters seized from soldiers during the April 10, 2010 clash in front of Army Headquarters. © 2010 Private

After several unsuccessful attempts to breach the UDD barricades, riot police began to withdraw from Ratchaprasong at about 5:30 p.m. On the stage, UDD leaders announced that they had reached an agreement with senior police officers that police would not attempt to disperse the Ratchaprasong camp. As word of violence near the Phan Fa Bridge reached the Ratchaprasong camp, UDD leaders called on the protesters to go to Phan Fa Bridge camp to “defend” their fellow protesters from being “massacred” by the soldiers, saying that the government had set a deadline to disperse the Phan Fa Bridge camp by 6 p.m. “There will be blood on the street if the government does not call off the dispersal operations,” Jatuporn declared. “Our patience is running out. We will take more serious measures to retaliate. The dark sky will turn red, red like blood.”⁸³

Shortly after nightfall, clashes between the army and the protesters restarted. During the afternoon, the military had deployed armored vehicles and army trucks in two streets near

⁸³ “Jatuporn Threatened There Would Blood on the Road,” (จัดพรพูให้รอดถนนเลือด,) *Spring News*, <http://tv.springnewstv.com/news.php?gid=1&page=1> (accessed September 14, 2010); “Guns-Explosives, Riots! Half A Thousand Killed-Wounded,” (ปืน-ระเบิดระงม จลาจล! ดาย-เจ็บครึ่งพัน) *Khao Sod*, http://www.khaosod.co.th/view_news.php?newsid=TUROdo1ERXdNVEV4TURRMU13PTo=§ionid=TURNdo1RPTo=&day=WpBeE1DMHdOQzB4TVE9PQ== (accessed September 14, 2010).

the Phan Fa Bridge camp (Khok Wua junction and Din So Road), leading to a tense standoff with Red Shirts. At Khok Wua junction, Red Shirt negotiators were successful in physically separating army troops from angry protesters. However, they came face-to-face near Democracy Monument and Din So Road, the site of an army massacre of protesters in 1992.

At Khok Wua junction, pro-government Yellow Shirt supporters also came out behind the army lines, according to a military medic. The medic told Human Rights Watch that the Yellow Shirts came to the back of the army lines to offer the soldiers cold water and then urged the soldiers to attack the Red Shirts, shouting provocative slogans like, “Kill the Red Shirts! Kill them all!”⁸⁴

The evening’s first clashes broke out around 7:20 p.m. at Khok Wua junction at the foot of the Khao San Road tourist district, but soon spilled over into a much greater area. Video footage taken just before the clashes reached the Democracy Monument in front of Din So Road around 8 p.m. shows the army trying to calm the crowd by playing music, and Red Shirt protesters dancing and engaging amicably with the soldiers. Suddenly, shots rang out. Within minutes a full-scale riot erupted, with protesters throwing rocks, sticks, and chairs at the soldiers. Several grenades and Molotov cocktails were also hurled at soldiers, who were forced to retreat. Intense gunfire followed. As the army attempted to move on the camp, they were confronted by well-armed men who fired M16 and AK-47 assault rifles at them, particularly at the Khok Wua intersection on Rajdamnoen Road. They also fired grenades from M79s and threw M67 hand grenades at the soldiers.⁸⁵ News footage and videos taken by protesters and tourists show several soldiers lying unconscious and bleeding on the ground, as well as armed men operating with a high degree of coordination and military skills.⁸⁶ According to some accounts, they specifically aimed at the commanding officers of the army units involved in the crowd dispersal operations, sowing panic among the soldiers.⁸⁷ Human Rights Watch investigations concluded this group consisted of Black Shirts deployed among the UDD protesters.

⁸⁴ Human Rights Watch interview with military medic [name withheld], Bangkok, June 16, 2010.

⁸⁵ “Reuters Thai Riot Video from Hiro Muramoto 10 Apr 2010,” <http://www.youtube.com/watch?v=WBqWOKrhz4&feature=related> (accessed March 3, 2011). (showing an M79-launched grenade landing among soldiers); “Red Shirt Grenade Attack on Thai Troops,” <http://www.youtube.com/watch?v=ZnYT2-8QoPk> (accessed March 3, 2011). (showing two M79 grenade launcher attacks near the Democracy Monument, and military casualties afterwards).

⁸⁶ “Thai Army Clash with Red Protesters at Democracy Monument,” http://www.youtube.com/watch?v=ztF6hUryt88&has_verified=1 (accessed March 3, 2011).

⁸⁷ “What Happened at Khok Wua Junction,” (เกิดอะไรขึ้นที่แยกคลองวัว 10/4/53) <http://www.youtube.com/watch?v=ueBRpMc2QCY> (accessed November 7, 2010).

A medic deployed with the army at Khok Wua junction said the clash began when the army attempted to advance and clear the road of the protesters, who responded using plastic police shields captured earlier. The army responded first with teargas and then with rubber bullets. Gunfire suddenly came from the top story of a building on the corner of Khok Wua junction, although the medic, who was treating wounded soldiers further back in the alley, could not confirm the target of the gunfire. During a site inspection, Human Rights Watch researchers found more than 50 impact rounds on the building, presumably fired by soldiers. According to the medic, as the clash became more violent, a group of armed men believed to be Black Shirts arrived at the scene to confront the soldiers:

Suddenly, a big van drove up from Khao San Road, and parked on the corner of the junction. Immediately, a big group of military-looking men with UDD guard jackets jumped out and ran into the military lines. I was busy tending the wounded. The van stopped and they ran inside the military lines and then there were loud bomb blasts. Almost immediately, the group of men from the van had gone out of sight, but there was still violent fighting. After that group of men came, all of the wounded who arrived had wounds from bomb blasts and gunshots. Four or five people were killed then in Khok Wua, and the military was forced to retreat to the back of the street. We had very seriously wounded people—one soldier had lost his leg, I remember. The group in the van were military-experienced people—they are the ones who came to fight the military, I recognized some of them in the photos that were taken.⁸⁸

Human Rights Watch examined a video released by Agence France Presse that shows Col. Romklao Thuwatham, in charge of the military operation near Phan Fa Bridge, trying to give orders to his troops from atop an armored personnel carrier. A green laser beam can be seen pointed at him. Seconds later 40mm grenades fired from grenade launchers explode, killing Romklao and severely wounding other senior officers. UDD leaders loathed Romklao, deputy chief of staff of the army's 2nd Infantry Division, because he commanded the April 2009 dispersal of UDD protesters in Bangkok at the Dindaeng junction. He had later defended his actions before the Thai Parliament and blamed the UDD for the violence.

Olivier Sarbil, a French photojournalist and a former soldier, was behind army lines in Din So Road on April 10 when Black Shirts attacked soldiers with grenades and gunfire:

⁸⁸ Human Rights Watch interview with military medic [name withheld], Bangkok, June 16, 2010.

The army had APCs [armored personnel carriers] in [Din So] street, they had three platoons [of soldiers]. The army was playing some music to try and calm the people down. The Red Shirts were pushing a bit. The army had used teargas but the wind made it go back against them so one platoon fell back [into Din So Street]. Then the soldiers started to shoot in the air, and then they got hit by a grenade. They fell back and had injured [soldiers] with them, so to give cover to their wounded they returned fire. The Black Shirts were ahead of them, attacking. I don't think the army intended to shoot the Red Shirts, but they had to return fire. The commander [Col. Romklao] was in the front when he was killed—I was too far back to see the Black Shirts, but I could see their fire incoming at us. It only lasted a few minutes, but the soldiers lost all of their armored cars except for one. Then they treated their wounded—they had at least 30 wounded soldiers at the back of the *soi* [small street]. It all happened very quickly, and I stayed until it cleared up, about 40 minutes. The protesters took some Thai soldiers prisoner and brought them to the stage, there was still some incoming fire and the soldiers returning fire.⁸⁹

Another journalist had just finished speaking to the army commander when fighting began:

Col. Romklao told me not to stick around because it was not a good situation. He was standing between the APCs and told me to go stand behind his soldiers. Within one minute after we finished talking, there was a big boom and I was trying to see which way to run, then they threw a Molotov cocktail and then two more M79s were fired. Col. Romklao was hit twice by the M79s [40mm grenades]. I also got some shrapnel from the M79s. Many of the soldiers dropped their guns and were shouting for the medics, they were panicking. I tried to reach Colonel Romklao, but was pushed aside by the soldiers. He wasn't wearing any body armor. The soldiers were just out of control at this stage.

Another group of soldiers came to us from the back of [Din So] street. The Red Shirts were pushing the soldiers back and throwing bags with fish sauce, chilies, and cooking oil at us. I got hit and it blinded me for a bit. I kept trying to film. More soldiers ran to Col. Romklao, but they didn't

⁸⁹ Human Rights Watch interview with Olivier Sarbil, Bangkok, June 9, 2010.

recognize him because of all the blood, he lay wounded by the first APC and I dragged him a bit and then the soldiers took him. I saw at least 20 soldiers down on the ground at this stage, but medics couldn't reach them. Then I saw a gunman with a shotgun and another one with an AK-47 in the corner of the road opposite the McDonald's.

A lieutenant colonel arrived and [the soldiers] took the wounded. Other armed Red Shirts were shooting from Khok Wua side, so the soldiers couldn't get away. There were lots of gunshots. Then the soldiers started shooting back from the corner at the back of [Din So] street. When I was going back in the *soi*, I saw [Reuters photographer] Hiro Miramoto filming between the APC and a phone booth. He didn't have a bulletproof vest on. When I reached the end of the *soi*, I filmed Hiro being taken out of the street by Red Shirts after being shot.

It wasn't safe to stay there, so I crossed the bridge at the back of Din So Road to get away. I looked back from the bridge and saw two gunmen, one with an M79 and another with an M16. They shouted at me not to film them. I went through the temple and found two military vehicles burned at the back of the street, and two more near Khao San Road. Between Khok Kua and the Democracy Monument, there were four ambulances and seven rescue vehicles taking care of the wounded.⁹⁰

The outnumbered soldiers, simultaneously facing the loss of their commanding officers; a barrage of grenade attacks; assault rifle fire from the Black Shirts; as well as rocks, petrol bombs, and some gunfire from the Red Shirt protesters, withdrew to the back of Din So Road, pulling their wounded along and abandoning their APCs and weapons. A soldier interviewed by Human Rights Watch who took part in the dispersal operations at Khok Wua junction recalled his unit coming under heavy fire, and it withdrawing to avoid further casualties:

My unit arrived at Khok Wua intersection in the afternoon [of April 10]. We entered that area in Humvees [four-wheeled military vehicles] and faced resistance from the protesters right away. They hurled rocks, bricks, bottles, and other objects they could find at us. Even though soldiers in my unit had riot suits, helmets, and shields, some of us were injured. I also saw one

⁹⁰ Human Rights Watch interview with John Sanlin, Bangkok, June 12, 2010.

protester stab a soldier with a knife. Luckily the blade did not get through his body armor. Another soldier—I think a corporal—was shot with a pistol in his leg by a Red Shirt Guard. He was taken into an ambulance. We used batons, rubber bullets, and teargas to push the protesters back.

By 4:30 or 5 p.m., the protesters agreed to retreat about 20 meters back from our line, and both sides took that moment to tend the wounded. I was surprised to see how quickly the tension decreased. The protesters seemed to be relaxed. Some of them started to sing and dance, while others came to offer food and water to us.

But then after 6 p.m., we received an order to resume the dispersal operations. The protesters tensed up immediately as they saw soldiers marching in. In each company, soldiers in the first four lines used shields and batons to push the protesters. There was one line of soldiers in the back who had M16 rifles and would fire in the air to scare the protesters away. The protesters fought back fiercely. We were attacked with petrol bombs and teargas grenades, as well as rocks, bricks, and bottles. Then a smoke grenade was thrown at our line. My commander shouted: “It is not teargas! Keep moving! Keep moving!” As we were about to move forward, I heard a loud explosion at the first line of my company. After that another explosion came behind me. At that time, I did not know those explosions were caused by M79 grenades. I heard my commanders shouting, “They hit us with heavy weapons! Retreat! Everyone retreats!” I saw more than 20 soldiers lying on the ground, covered with blood. Apart from grenades, we were also shot at with M16 rifles, AK-47 rifles, and pistols. More and more soldiers were killed and injured as we tried to retreat. I heard more than 10 explosions. Those attacks came from the direction of the protesters. We gave cover fire to help medic units get to those wounded soldiers. Even the medics, with Red Cross signs on their uniforms, were shot at. It took us a long time to find an escape route because my unit was not familiar with the streets in Bangkok. But eventually, we managed to get out and reached the assembly point at the temple, Wat Bawornnives.⁹¹

⁹¹ Human Rights Watch interview with a soldier [name withheld], Bangkok, April 15, 2010.

At 9:15 p.m., after almost two hours of deadly clashes, army spokesperson Col. Sansern Kaewkamnerd appeared on television to announce that the army was retreating from the clash area, and asked the UDD to do the same. Twenty-six people, including five soldiers, were killed that evening and more than 860 wounded, including 350 soldiers.⁹² According to autopsy reports, most of the dead on both sides were killed by high-velocity rounds presumably fired from assault rifles.⁹³ Human Rights Watch found that high velocity rounds were fired by both the security forces and Black Shirts, while some of the Red Shirt protesters and Red Shirt Guard used pistols during the clashes. Among the dead were Reuters TV cameraman Hiroyuki Muramoto, 43, who was killed by a high velocity bullet to his chest.⁹⁴ At the UDD camp in Phan Fa Bridge, UDD leaders triumphantly showed off piles of heavy weapons captured from the army, and at least four army soldiers they had “captured.” The bodies of two killed Red Shirt protesters were also placed on the UDD stage.

After the clashes, the UDD on April 14 relocated all protesters from Phan Fa Bridge to the rally site at Ratchaprasong in anticipation of another government-launched dispersal operation. On April 18, the CRES announced that actions that could endanger security officers would not be tolerated, and that weapons might be used if security officers were harmed.⁹⁵ The UDD protest areas were declared “unsafe” due to the presence of armed “terrorists,” who could use their weapons to harm both security personnel and civilians at any time.⁹⁶ More checkpoints and security forces would be put in place around Ratchaprasong to prevent the

⁹² See reports regarding casualties on both sides at the Erewan Emergency Center, www.ems.bangkok.go.tha:80/radmob.html.

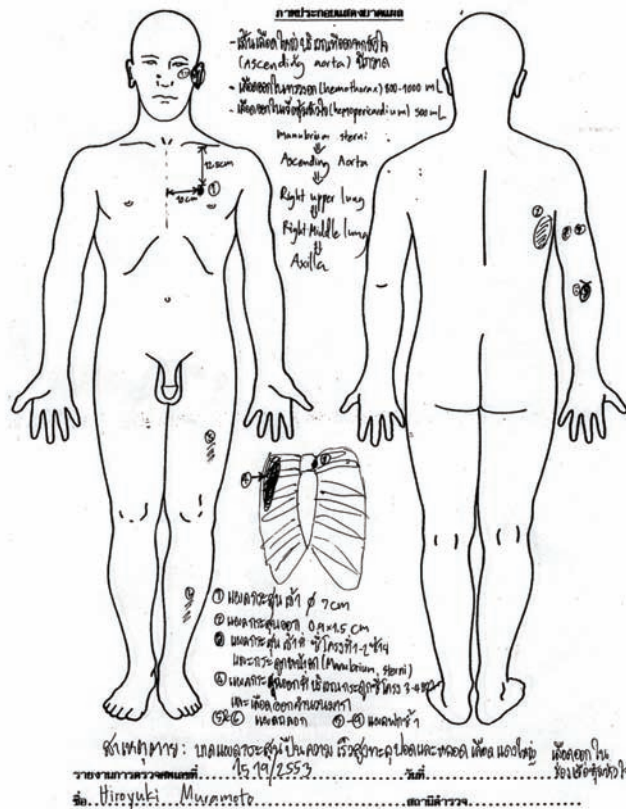
⁹³ Pongphon Sarnsamak, “Victims on both sides hit by high velocity bullets, doctors say,” *The Nation* (Bangkok), April 27, 2010. According to hospital sources, the civilian victims were Amphon Tatiyarat, 26 (gunshot wound to head); Yudtana Thongjareonpoonporn, 23 (gunshot wound to the head); Praisoon Tiplorn, 37 (gunshot wound to the head); Sawat Wa-ngam, 28 (gunshot wound to the head); Hiroyuki Muramoto, 43 (gunshot wound to the chest); Tawattanachai Kladsuk, 36 (gunshot wound to the lungs); Todsachai Mekngarmfa, 44 (gunshot wound to the chest); Jaroorn Chairman, 46 (gunshot wound to the chest); Monchai Saejong, 54 (pulmonary disease complications due to teargas inhalation); Vason Poothong, 39 (gunshot wound to the head); Sayam Wattananukul, 53 (gunshot wound to the chest); Khaneung Chadthay, 50 (gunshot wound); Kraingkrai Khamnoi, 23 (gunshot wound); Boontham Thongphui, 40 (serious injuries to the brain); Somsak Kaewsarn, 34 (injuries to the abdomen); Terdsak Poongklinjan, 29 (injuries to the chest); Noppon Paopanas, 30 (gunshot wound to the abdomen); Mana Artran, 23 (gunshot wound to the head); Saming Taengpetch, 49 (gunshot wound to the head); and an unidentified Thai man, 50s (gunshot wound to the chest). The five soldiers killed were Col. Romklao Thuwatham, 43 (bomb injuries); Pvt. Phuriwat Praphan, 26 (gunshot wound); Cpl. Anupong Muang-amphan, 21 (gunshot wound); Pvt. Singha Onsang, 22 (gunshot wound to the chest); and Sgt. Anupon Hommalee, 29 (bomb injuries).

⁹⁴ On February 28, 2011, the Justice Ministry’s Department of Special Investigation (DSI) gave a press conference regarding the autopsy examination of Hiruyuki. The press conference stated that the case remained inconclusive and no remains of bullet were found in his body. One witness, according to the DSI, believed that Hiroyuki was shot from the soldier side. However, the DSI pointed out that the wound is larger than what could possibly be caused by a 5.56mm bullet, commonly used by the soldiers with M16 and TAR21 assault rifles, as alleged by the UDD. The DSI said the wound is consistent with what is caused by a 7.62mm bullet of AK47, or 05 NATO, or SKS assault rifles, which were not commissioned by the army during the dispersal operations.

⁹⁵ “CRES Briefing 18 April: 1120 Hrs,” CRES, <http://www.capo thai.org/capo thai/cres-briefing-18-april-1120-hrs> (accessed February 6, 2011).

⁹⁶ Ibid.

access of the protesters, particularly those travelling from outside Bangkok, to the UDD's main camp or to expand their protests to other parts of Bangkok.⁹⁷



Against the backdrop of growing tensions between the government and the UDD, bomb attacks still continued and instilled terror in the public. For example, on April 10 and April 16, high voltage electricity pylons in Ayuthaya province were bombed as part of what the government claimed was a “terrorist” attempt to plunge parts of Bangkok into darkness.⁹⁸ The UDD denied responsibility of those attacks.⁹⁹

⁹⁷ “CRES Briefing: 18 April 2010 at 20.00 Hrs,” CRES, <http://www.capothai.org/capothai/cres-briefing-18-april-at-2000-hrs-for-web-and-pr> (accessed February 6, 2011).

⁹⁸ “Third pylon bombed, but blackout averted,” *Bangkok Post*, April 16, 2010, <http://www.bangkokpost.com/news/security/36120/third-pylon-bombed-but-blackout-averted> (accessed March 3, 2011).

⁹⁹ “Red Shirts Rally,” (การประชุมคนเสื้อแดง) *Daily World Today*, April 17, 2010, http://www.dailyworldtoday.com/columblank.php?colum_id=36933 (accessed March 3, 2011).

April 16 Attempt to Arrest UDD Leaders

Thai authorities suffered further humiliation on April 16 when a televised attempt to arrest a group of UDD leaders, including Arisman Pongruangrong, went awry.

Around 10 a.m. Deputy Prime Minister Suthep appeared on national television to announce that the SC Park Hotel on the outskirts of Bangkok had been surrounded. He reported that a special police unit under the authority of Assistant Police Commissioner Gen. Asawin Kwanmuang would detain Arisman and his fellow UDD leaders, who the government accused of being “terrorists” responsible for the April 10 violence and other attacks.

Hundreds of UDD protesters rushed to surround the hotel, trapping police inside. Arisman’s escape was carried live on television, which showed him descending from a third floor window via a rope into the arms of UDD protesters and being driven away. Inside the hotel, protesters outnumbered police, two of whose commanding officers were taken hostage in exchange for the safe departure from the hotel of other UDD leaders, including Suporn “Rambo” Attawong, Payap Panket, Wanchana Kerddee, and Yosawarit “Jeng” Chuklin.

UDD leaders hardened their stance after the botched arrests, with Arisman announcing from the stage at the Ratchaprasong camp:

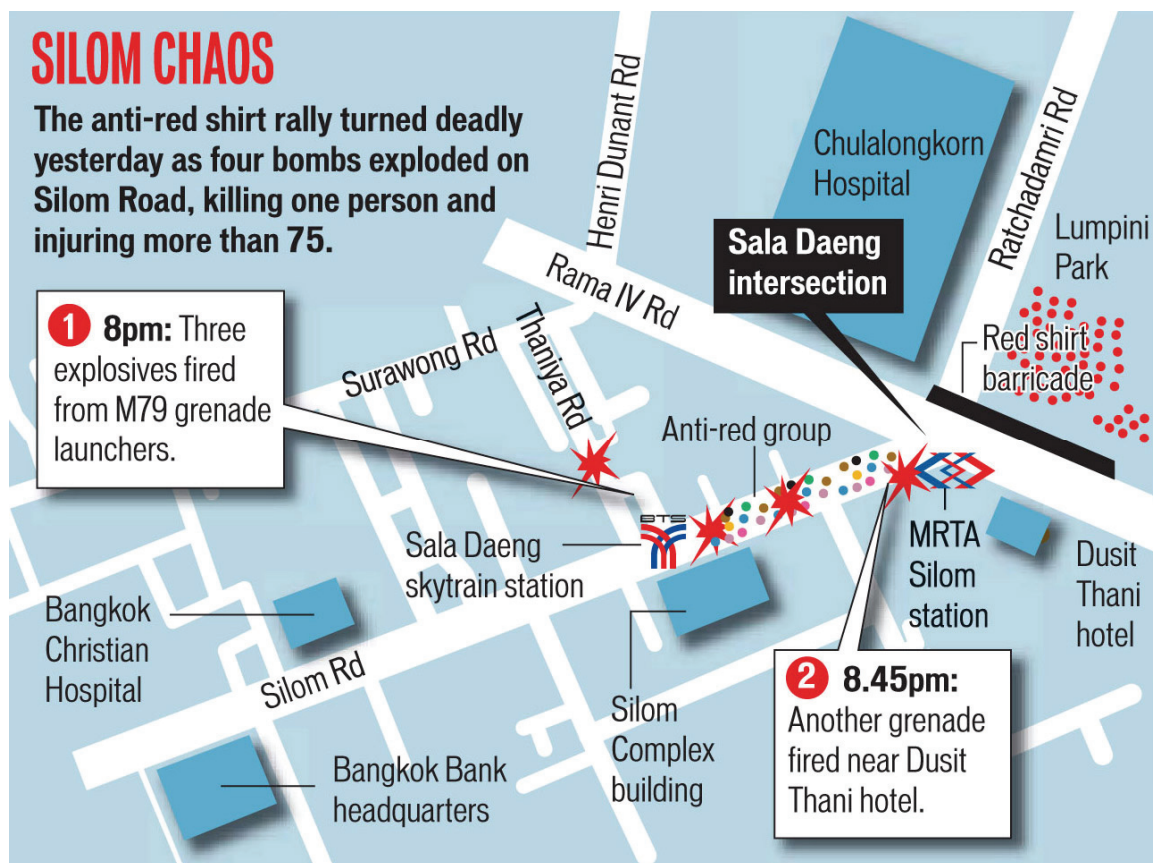
[F]rom now on, our mission is to hunt down [Prime Minister] Abhisit and [Deputy Prime Minister] Suthep. If you catch them, bring them here and pick up your rewards.... I offer 10 million baht [US\$3.2 million] for the capture of Abhisit and Suthep.... This is a war between the government and the Red Shirts.¹⁰⁰

The April 21-22 Confrontations at the Saladaeng Junction

On April 20, large groups of pro-government protesters coordinated by PAD leader Dr. Tul Sittisomwong, together with local residents and vendors mostly from Bangkok’s Silom area, began counter-protests on Silom Road outside the UDD protest camp at the Saladaeng junction, near the Dusit Thani hotel. The two sides had a series of small clashes on the night of April 20. While many pro-government protesters were dressed in ordinary clothes, it appears that most were Yellow Shirts. PAD leaders decided to send their supporters out in

¹⁰⁰ “Arisman Gets Rough, Setting 20 Million Baht Rewards on Abhisit-Suthep,” (อริสมันต์โชว์เงื่อนไข ไล่ล่าตัวค่าหัว !! สู่เทพ-นายกอภิสิทธิ์ 20 ล้านบาท) *OK Nation blog*, April 16, 2010, <http://www.oknation.net/blog/print.php?id=584166> (accessed April 2, 2011).

ordinary civilian clothes as the so-called “multicolored shirts” to create the impression that “ordinary” Thais rather than PAD activists were reacting to the UDD protests.



Incident map showing explosions at Saladaeng junction on April 22, 2010, published by Bangkok Post, April 23, 2010.
© 2010 Bangkok Post

Police were deployed in the area to keep Rama IV Road clear between the PAD protesters and the UDD protest camp. The next day, April 21, pro-government protesters and UDD protesters exchanged shouts and insults from 6 p.m. until about 11 p.m., but little violence took place. According to a foreign journalist at the scene, at around 11 p.m., a group of about 20 or so pro-government protesters began throwing rocks and firing slingshots at the barricade protecting the UDD protest camp. Neither police nor soldiers deployed in the area intervened.¹⁰¹ The UDD protesters reacted by throwing firecrackers towards PAD protesters and the situation did not develop further. Finally, at around 11:45 p.m., police finally

¹⁰¹ Nirmal Gosh, “Flashpoint Silom,” *Straits Times blog*, April 22, 2010, <http://blogs.straitstimes.com/2010/4/22/flashpoint-silom> (accessed March 22, 2011).

deployed to end the violence after the pro-government protesters attacked and beat a foreigner who was dressed in black with a red armband.¹⁰²

On the evening of April 22, pro-government protesters gathered in large groups and clashed with UDD protesters near the Saladaeng intersection. Both sides hurled rocks, bottles, and petrol bombs and fired slingshots.¹⁰³ Riot police finally intervened to stop pro-government protesters, beating some badly; other protesters sought safety with nearby army troops.¹⁰⁴

According to media reports, when the pro-government protesters began clashing again with the UDD on the evening of April 22, UDD leader Arisman Pongruengrong told the protesters at the Ratchaprasong camp that a group of “men wearing black” were coming to the assistance of the Red Shirt camp.¹⁰⁵ At about 8 p.m. that night, three M79-launched grenades were fired towards the Saladaeng junction and Silom Road where pro-government protesters were gathered. Several fell through the roof of the Saladaeng BTS elevated train station, scattering shrapnel and parts of the steel roof on crowds gathered below. News footage and videos taken by participants of the pro-government demonstration at the time of the grenade attack shows a peaceful crowd waving Thai flags and listening to music underneath the BTS station.¹⁰⁶

While the first three grenades caused limited injuries, two more 40mm grenades fired from M79 launchers shortly afterwards landed in the crowd of pro-government protesters.¹⁰⁷ Tanyanan Taebthong, 26, died, and at least 78 persons were wounded, including several foreign nationals.¹⁰⁸ A foreign photojournalist present during the attacks said:

On April 22, the Silom group had gathered some 500 people to protest against the UDD. A small group came and started fighting [with the UDD]. The

¹⁰² Ibid.

¹⁰³ “Anti-Red Shirts Rally on Silom Road 22 April, 2010,” <http://www.youtube.com/watch?v=ozpJ9zQ13ww&feature=related> (accessed March 22, 2011); “Heating Up, Red Shirts Fired Home-Made Rockets at Silom,” <http://www.youtube.com/watch?v=lagabGu8118&feature=related> (accessed March 22, 2011).

¹⁰⁴ “Police Beat People Up in Silom, Soldiers Can’t Stop Them,” (ตำรวจตีประชาชนสืลมทหารห้ามไว้แต่ไม่หยุด) <http://www.youtube.com/watch?v=tS1GzG8wijo> (accessed March 22, 2011).

¹⁰⁵ Kenneth Todd Ruiz and Olivier Sarbil, “Unmasked: Thailand’s Men in Black,” *Asia Times Online*, May 29, 2010.

¹⁰⁶ “April 22nd First Bomb Exploded at Salaedeng-Silom,” http://www.youtube.com/watch?v=IzLCnq2B3Jo&feature=player_embedded (accessed March 22, 2011); “Before Bomb @ Silom and Saladaeng Junction DD.22/04/10,” <http://www.youtube.com/watch?v=j1AHypDfGvo&feature=related> (accessed March 22, 2011).

¹⁰⁷ Human Rights Watch interview with photographer Agnes Dherbys, Bangkok, June 11, 2010.

¹⁰⁸ “Bomb Terror Grips Silom: Four Grenades Hit Business District,” *Bangkok Post*, May 23, 2010.

22nd was the biggest anti-UDD protest to date, so tensions were very high. I crossed into the Red camp and they were very tense, because they thought the “multicolored” group would attack their camp. At about 8:30 or 9 p.m., we saw three explosions hit the Saladaeng [BTS] station and most people left the area. But a group of [pro-government protesters] was sitting near the Au Bon Pain shop, and then another explosion hit there and people were running to the BTS. I went to the Au Bon Pain and saw two women full of blood and many wounded.¹⁰⁹

Soon after the attack, Deputy Prime Minister Suthep appeared on national television and accused militants in the UDD’s network of launching the grenade attack from within their camp. Following the attacks, pro-government supporters started looking for Red Shirts to beat up, stopping and searching cars on Silom Road and nearby areas. A foreign journalist saw pro-government supporters beat at least four suspected Red Shirt supporters:

One hour after the grenade explosions, the [pro-government] protesters thought the attack had come from a nearby elevated parking lot and they caught someone there and started to try and lynch him, then the police came and told them to stop and took the guy away. Then they found two more people and started to lynch them, they were stopping cars and looking for Red Shirt ID cards. The police came again to stop them. Then the pro-government protesters started throwing rocks at the Red Shirts, and the police tried to stop them. The pro-government protesters got angry, telling the police, “Why don’t you stop the Red Shirts?” and started clashing with the police, and then the police chased them and the pro-government protesters ran behind the soldier lines.... After the 22nd, the police blocked the road so there were no more pro-government protests there.¹¹⁰

While a full investigation is needed to determine where the grenades were fired from, the fact that they exploded in an area filled with pro-government protesters and army troops just outside the UDD camp, and the known use of M79 grenade launchers by UDD Black Shirts, indicates they may well have originated from the UDD camp. Since the Vietnam War-era M79 grenade launcher has a maximum range of 350 meters, the grenades could only have been fired from at most a few city blocks away, but likely even closer because of the tall buildings

¹⁰⁹ Human Rights Watch interview with photographer Masaru Goto, Bangkok, June 11, 2010.

¹¹⁰ Ibid.

in the vicinity.¹¹¹ According to Dr. Pornthip Rojanasunan, director of the Justice Ministry's Central Institute of Forensic Science, the damage at the BTS station shows that the grenades fell onto the elevated BTS station's roof from above, as the metal roof bent downwards where the impact rounds are located. This suggests the grenades were fired downwards, from an elevation higher than the BTS station. She indicated the grenades could have been launched from the seventh or eighth floor of King Bhumibol Building in Chulalongkorn Hospital, which the UDD had surrounded. But she noted that all close circuit television cameras inside the building were damaged, leaving no visual trace of the perpetrators.¹¹²

After the grenade attacks, the PAD and pro-government protesters accused the police, who had earlier intervened to stop pro-government protesters attacking the UDD camp, of sitting idly by and refusing to help protesters and soldiers evacuate injured from the area.¹¹³

According to many witnesses and observers who spoke to Human Rights Watch, the incidents on April 21 and 22 demonstrated the divided loyalties of the army and police troops at the scene. The soldiers, many of whom were believed to be supportive of the Yellow Shirt movement, did not stop pro-government protesters from reaching the UDD barricades or attacking UDD protesters, even though maintaining safety and security in the area would have justified doing so. Soldiers at Saladaeng junction also allowed the "multicolor" and Yellow Shirts to stay behind their lines when they were chased and assaulted by riot police. At the same time, the police, many of whom were believed to be pro-Thaksin and pro-UDD, repeatedly intervened to stop pro-government protesters from attacking the UDD camp, but seemed unwilling to aid wounded pro-government protesters.

The April Raids on Chulalongkorn Hospital

When the UDD set up a new protest site at Ratchaprasong junction on April 3, protesters began building barricades of bamboo poles and tires between Chulalongkorn Hospital and Lumpini Park on Ratchadamri Road. Patients were left with only one lane to access the hospital. The hospital administration asked Thai authorities to clear the area, but the CRES responded that additional security would not be provided.¹¹⁴

¹¹¹ The M79 grenade launcher fires a wide variety of 40mm rounds, including explosive, anti-personnel, smoke, buckshot, flechette, and illumination rounds.

¹¹² "Sala Daeng grenades proven to be shot from Chulalongkorn Hospital", *National News Bureau of Thailand*, May 5, 2010, <http://thainews.prd.go.th/en/news.php?id=255305050012>

¹¹³ "Bomb Terror Grips Silom: Four Grenades Hit Business District," *Bangkok Post*, May 23, 2010.

¹¹⁴ "Hospital Staff Upholds International Medical Ethics During Unrest in Bangkok", Physicians for Human Rights, <http://physiciansforhumanrights.org/library/briefing-paper-2010-05-04.html> (accessed March 24, 2011).

In the weeks that followed, tensions mounted between hospital staff and the UDD. UDD security forces, some wielding knives and sharpened bamboo staves, began to inspect vehicles entering the hospital due to the belief that doctors at the facility supported the Yellow Shirts and the government.¹¹⁵ On several occasions, protesters searched ambulances with acutely ill patients, hospital officials said, claiming that soldiers could hide weapons in those vehicles. None were found. Hospital staff described the UDD protesters taunting and verbally harassing them on their way to the hospital. Nonetheless, hospital staff continued to treat UDD protesters for acute traumatic injuries and exacerbations of chronic illnesses. One doctor told Human Rights Watch:

[H]ospital administration urged the Red Shirts many times not to disrupt our daily services, but they did not listen. Their loudspeakers were blasting constantly, disrupting patients and hospital staff every day almost 24 hours. No one could rest properly. Their barricades and the way their guards searched ambulances, as well as any cars that went in and out, had increasingly made everyone, hospital staff and patients, feel unsafe. Would you feel safe if you had to go through these Red Shirt guards when some of them had knives and sharpened bamboo stakes, and they searched your cars and your bags?

Some of them were drunk and rude. My colleague had green and red beams from laser pointers on his face and his chest as he drove through the hospital gate. The Red Shirt guards thought it was quite funny to see doctors freaked out. But I think that was a very bad joke, especially when many people had been shot by snipers.

Many senior doctors had their cars smashed by Red Shirt guards. The Por Bor Ror Building [in the hospital compound, next to Saladaeng junction] had been shot with guns and other projectiles every night. You could see bullet holes on the wall and on the window. At one point, we could not turn on the light inside Por Bor Ror Building, this was to avoid being shot at.

Those guards told me they believed doctors here supported the Yellow Shirts and the government. They feared that we would allow the Yellow Shirts or soldiers to launch attacks against them from the hospital compound. Some

¹¹⁵ Human Rights Watch interview with a doctor at Chulalongkorn Hospital (name withheld), Bangkok, May 2, 2010.

of them even said something so absurd like the hospital allowed soldiers to hide inside or use our ambulances to transport weapons. How could that be possible? The Red Shirts kept repeating those accusations every time I talked to them even though they never found weapons or soldiers inside the hospital. I think what the Red Shirts actually saw were security guards of the hospital, who had green uniforms, and mistook them for soldiers.¹¹⁶

A nurse recalled that tensions began to increase around the hospital on the evening of April 21 after clashes between the UDD and pro-government groups at Saladaeng junction:

As I was working in the ward, I heard commotion on the street before midnight. The Red Shirt was clashing with the multicolor group. They hurled rocks and bottles, and fired slingshot projectiles at each other. I heard explosions. When I watched from the window, I saw the Red Shirts throwing homemade bombs and petrol bombs at the multicolor group. But when I heard gunshots, something that sounded like gunshot, I stepped away from the window. Other nurses were crouching on the floor. The clash went on past midnight.¹¹⁷

The same nurse said a group of armed UDD security guards demanded entrance to the hospital to search for soldiers; a pro-government physician named Tul Sitthisomwong; and his “multicolor” groups on April 23:

That night, about 50 Red Shirt guards stormed in saying that they saw the multicolor group leader, Dr. Tul, hiding in the hospital together with soldiers. Those Red Shirt guards had metal pipes and sharpened bamboo stakes. We were all scared as the hospital administration negotiated with them. Police also came but could not get the Red Shirt guards out. We had to let them search the first floor. They did not find Dr. Tul, the multicolor group, or soldiers. After that, they withdrew.¹¹⁸

Increasingly aggressive searches continued in subsequent nights, with Red Shirt guards returning to search the hospital for the multicolor group and soldiers:

¹¹⁶ Human Rights Watch interview with a doctor at Chulalongkorn Hospital (name withheld), Bangkok, May 2, 2010.

¹¹⁷ Human Rights Watch interview with a nurse at Chulalongkorn Hospital (name withheld), Bangkok, May 4, 2010.

¹¹⁸ Ibid.

The hospital administration told us that they might have to shut down the hospital and relocate the patients. I cried when I heard that. I felt the situation was already depressing at that point because we had to move many patients from their beds and put them on cushions on the floor, in order to keep them away from bullets and slingshot projectiles that might come through the window. Doctors and nurses had to crawl on the floor to treat patients. I could not believe something like this would ever happen.¹¹⁹

On April 26, approximately 60 UDD protesters demanded entrance to the hospital to search for Dr. Tul. Hospital administrators notified the police when UDD protesters entered the ground floor of the hospital. The police arrived in less than 10 minutes and the protesters left peacefully. Following this incident, senior hospital administrators contacted government officials to express their concern for the safety of approximately 1,200 patients, but were told not to expect more protection.¹²⁰ A senior hospital administrator told Human Rights Watch how two days later, on April 28, he found five liquid propane tanks that protesters had deployed within 50 meters of the emergency room entrance. He said UDD security guards and protesters had placed the tanks, some of which were wired with hand grenades, at the site:

The Red Shirts put LPG [liquefied petroleum gas] tanks in front of the hospital, near the emergency room entrance. Hospital staff also saw that some of LPG tanks at Saladaeng junction barricades were modified and wired with hand grenades as improvised explosive devices. If those tanks exploded, the damage would be devastating. Moreover, some of the Red Shirt guards hooked plastic tubes with those gas tanks and walked into the hospital car park, threatening to set fire on Por Bor Ror Building. Leaders of the Red Shirts also announced on stage, and we could clearly hear that from here, telling the protesters to burn tires at their barricades if soldiers tried to disperse them. Their barricades were so close to the hospital.¹²¹

The administration immediately evacuated all hospital buildings within 200 meters of the tanks and by early afternoon had relocated over 200 patients, including some 120 children, to recently constructed buildings in another part of the hospital compound. Patients had to lie on mattresses on the floor since the new wards were not scheduled to open for months.

¹¹⁹ Ibid.

¹²⁰ Human Rights Watch interview with a doctor at Chulalongkorn Hospital (name withheld), Bangkok, May 2, 2010.

¹²¹ Ibid.

Tensions increased throughout the day, as the afternoon brought news of increased fighting in northern Thailand. Several explosions were heard outside the hospital. Later that day, the protesters extended a clear plastic tube from one of the propane tanks toward the hospital basement and, according to two witnesses, threatened to burn the building down. They later withdrew the plastic tube after negotiating with hospital security guards. That evening protesters returned to the emergency room to look for soldiers and police officers. They spoke lewdly to physicians, nurses, and other hospital staff, and threatened to return the next day to take them hostage.¹²²

The next day, April 29, at about 6 p.m. UDD leader Phayap Panket and some 25 Red Guards appeared at the gate of the emergency department with more than 100 protesters, some carrying sharpened bamboo stakes, to demand they again be let in to search for police and soldiers. UDD protesters shouted threats and obscenities, and grabbed the shirts of several hospital guards. The protesters refused to believe the senior administrators' assurances that soldiers were not permitted in the hospital. Hospital administrators called police, who had not yet established a formal presence nearby.¹²³

UDD leaders persisted in their demand to search the hospital. Hospital administrators felt compelled by the large number of protesters to acquiesce, although requested a limited number of searchers participate. However, several hundred stormed the hospital compound and began to search two of the previously evacuated larger buildings. When police arrived, they accompanied UDD leaders in their search of other hospital buildings, while other UDD protesters walked throughout the hospital and surrounding grounds in small groups. Physicians and nurses expressed shock at the brazen attitude of the UDD protesters. One doctor told Human Rights Watch, "We are neutral.... Maybe they don't understand the principles of the Red Cross."¹²⁴

For safety reasons, the hospital administration decided that evening to close the emergency room and pharmacy and moved most hospital staff to buildings further from the UDD encampment. Hospital administrators held an emergency meeting and decided to evacuate the entire hospital early the next morning. By 7 a.m. on April 30, staff began to transfer and discharge the remaining 600 patients. By that evening only the Supreme Patriarch, Thailand's most revered Buddhist monk, remained as a patient in the hospital. After he was transferred the next day, the hospital had no patients.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

The rush to move patients out of the Chulalongkorn Hospital was widely reported, with live images of terminally ill patients being carried or wheeled out from the hospital buildings. Among those patients, Thuanthong Vitthayacheewa died of heart failure on May 4 as his condition worsened during the transfer.¹²⁵

Several Red Shirt leaders soon apologized for the raid, calling it a mistake. Weng Tojirakarn, a physician and protest leader, was quoted as saying, “The situation got out of control. It is not our policy to obstruct hospital operations.”¹²⁶

Many Thais were outraged by the incursion into the hospital, leading even some sympathetic to the UDD to question the methods and the judgment of their leaders.¹²⁷

On May 1, the CRES issued an order to the police to reclaim the area in front of Chulalongkorn Hospital, and stated that force could be used if negotiations with the UDD failed.¹²⁸

On May 2, Metropolitan Police Lt Gen. Santhan Chayanon negotiated with the UDD to clear one lane on each side of Ratchadamri Road in front of Chulalongkorn Hospital. Later that day the UDD moved the barricade to comply with this agreement. On May 3, the *Bangkok Post* reported that Chulalongkorn Hospital had demanded that protesters clear the road entirely, from Saladaeng to Sarasin intersections, “for [the] safety of medical personnel and patients.”¹²⁹

¹²⁵ “Chula admitted two patients died after being relocated away from the protest,” (จุฬาฯ ยอมรับมีผู้ป่วยที่ย้ายหนีมือบเสียชีวิต 2 ราย) News.sanook.com/MCOT, http://news.sanook.com/928609-จุฬาฯ-ยอมรับมีผู้ป่วยที่ย้ายหนีมือบเสียชีวิต-2-ราย.html?theme_id=2&owner_smi_id=0&host_site_id=0&page=50 (accessed March 27, 2011).

¹²⁶ “Weng Apologized for Chula Hospital Raid, Promised Red Shirts Won’t Do It Again,” (เวงขอโทษเสื้อแดงป่วนรพจุฬาฯรับปากไม่ทำอีก.พ.) *Khao Sod*, April 30, 2010, http://www.khaosod.co.th/view_newsonline.php?newsid=TVRJMo1qWXdNVE16TWc9PQ== (accessed March 22, 2011).

¹²⁷ “Red Shirts vs Red Cross,” *OK Nation blog*, May 1, 2010, <http://blog.nationmultimedia.com/print.php?id=14123> (accessed May 17, 2011).

¹²⁸ “Sansern Said Police Were Deployed to Reclaim Saladaeng Junction and Sarasin Junction from Red Shirts,” (“สระสรณ์แถลงส่งตำรวจขอพื้นที่คืนจากเสื้อแดงเริ่มตั้งแต่แยกศาลาแดงถึงแยกสารสิน”), *Matichon*, May 1, 2010, http://www.matichon.co.th/news_detail.php?newsid=1272723447&grpId=00 (accessed March 22, 2011).

¹²⁹ “Police ordered to reclaim Chula hospital,” *Bangkok Post*, May 2, 2010, <http://www.bangkokpost.com/news/politics/176547/police-ordered-to-reclaim-chula-hospital> (access March 22, 2011).

VI. Deadly Days of May: Breakdown of Negotiations and “Live-Fire” Zones

After nearly a month of on-again, off-again talks between Prime Minister Abhisit and the UDD leadership, the two parties came very close to an agreement, only to back away at the last moment.

On May 3, Abhisit made a live televised address to propose a five-point reconciliation plan as a precondition for cutting his term in office short and holding a new election six months later on November 14.¹³⁰ Abhisit emphasized that although he would not be able to accommodate the UDD’s call for dissolution of Parliament within 15-30 days, he would agree to initiate comprehensive reforms to address inequality and injustice in society. Abhisit said he expected the UDD to respond to his proposal and end their rally by May 10.

At the same time, Abhisit’s secretary-general, Korbsak Sabhavas, was dispatched to convince UDD leaders that they could tell the protesters that they had achieved their goals in forcing the government to step down and hold a new election.

Abhisit also proposed a commission of inquiry into political violence committed by all sides. This had two apparent aims: first, to demonstrate the government and military was willing to take responsibility for using violence against the UDD. Second, to identify radical elements within the UDD, which would be excluded from any amnesty package and prosecuted for what the government termed “terrorist activities.”¹³¹ There was no precedent for holding the military accountable, leading to some scepticism about this part of the proposal.

On May 4, UDD media coordinator Sean Boonpraong said the UDD welcomed Abhisit’s proposals and wanted to avoid further casualties. However, he urged an earlier election date.¹³² On May 9, UDD leaders Jatuporn and Nuttawut announced that the UDD had agreed to Abhisit’s roadmap. However, they said the UDD protest would only end when Abhisit and Suthep, as the CRES director, were officially charged for the use of violence against the UDD. This demand was a non-starter for the government.

¹³⁰ “PM Proposes Five-Point Roadmap for Reconciliation Towards Elections by Year-End,” CRES, May 3, 2010, <http://sites.google.com/a/capothai.org/www/capothai/pm-proposes-five-point-roadmap-for-reconciliation-towards-elections-by-year-end> (accessed March 22, 2011).

¹³¹ Human Rights Watch interview Kraisak Choonhavan, deputy leader of the Democrat Party, Bangkok, May 10, 2010.

¹³² Human Rights Watch interview Sean Boonpraong, Bangkok, May 6, 2010.

The position of the UDD hardened after Major General Khattiya, also known as Seh Daeng, went behind the main stage at the Ratchaprasong camp to talk to Arisman on May 11. Around 10:30 p.m., Khattiya announced that Abhisit's roadmap was unacceptable and that he would take action on behalf of Thaksin to remove Veera, Nuttawut, and other UDD leaders because they had collaborated with the government. According to Khattiya, he had convinced Jatuporn to carry on with the demonstrations and lead the UDD together with Arisman and Suporn.¹³³ Security around the perimeter of the Ratchaprasong camp had from that moment been strengthened in anticipation of an imminent dispersal. Khattiya was quoted in media as saying:

The government will have to depend on some 6,000 soldiers to disperse us.
The police is no longer with the government. If the soldiers charge in, we will
be ready to fight. They [the soldiers] will need 200 coffins for themselves.
And we will prepare 400 coffins for our side.¹³⁴

When the UDD refused to break up the protest camp on May 12, Abhisit withdrew his November election offer and warned of an imminent dispersal of the UDD camp.¹³⁵ Kokaew Pikunthong, a UDD leader, warned on May 12 that a group of 400 to 500 hard-core militants under the control of Khattiya might resist any army attempt to retake the camp.¹³⁶ Almost immediately after the announcement that negotiations had ended, the army began sealing off the Ratchaprasong protest camp, making entry and exit from the area more difficult.¹³⁷ The CRES also enforced an order to shut off water and power supplies to the protest camp, as well as telephone signals.¹³⁸

¹³³ "Seh Daeng Prepared to Take Power from Trio and Promote Ki," (เสธแดงเตรียมตัวยึดอำนาจสามเกลอให้ก๊ิ๊งแท่นแกนนำ.) Sae Daeng board, <http://sae-dang.net/webboard/read.php?tid=1340&fpage=2> (accessed March 27, 2011).

¹³⁴ "Seh Daeng Stormed Reds Rally to Set Up Second Generation Leaders, Accused First Generation Leaders of Colluding with Government and taking Bribes," (เสธ.แดง บุกเวทีแดงยันตั้งแกนนำรุ่น2 อ้างรุ่น1เกียจขี้ขี้-รับเงินใต้โต๊ะ.) *Matichon*, May 11, 2010, http://www.matichon.co.th/news_detail.php?newsid=1273635968&grpId=03 (accessed March 27, 2011).

¹³⁵ Thomas Fuller and Seth Mydans, "Thai Protesters Refuse to Disband, Putting Deal in Peril," *New York Times*, May 11, 2010; Thomas Fuller and Seth Mydans, "Bangkok Protest Leaders Appear Divided," *New York Times*, May 12, 2010.

¹³⁶ Thomas Fuller and Seth Mydans, "Bangkok Protest Leaders Appear Divided," *New York Times*, May 12, 2010.

¹³⁷ Residents in the neighborhoods around Ratchaprasong had to register their national identification cards with soldiers in order to receive passage permission. "Battle Line on Indra-Phayathai," (แนวรบอินทราพญาไท-) *Red News*, May 15, 2010, http://www.youtube.com/watch?v=1YYa_JJbyzo&feature=related (accessed April 2, 2011).

¹³⁸ "Residents Fume at Ratchaprasong Utilities Cut Plan," *Bangkok Post*, May 13, 2010, <http://www.bangkokpost.com/news/local/37212/residents-fume-at-ratchaprasong-utilities-cut-plan> (accessed March 21, 2011).

On the evening of May 13, around 7 p.m., Khattiya was shot in the head by a sniper during an interview with *New York Times* reporter Thomas Fuller.¹³⁹ He died in Vajira Hospital on May 17.¹⁴⁰ The government has denied responsibility for his killing, but most observers believe that he was shot by an army sniper—mostly probably to remove him from his leadership role in the Red Shirts. Whatever the reason, Khattiya’s shooting was unlawful under international human rights law.¹⁴¹ International standards on the use of force by security forces, including military personnel in a law enforcement role, permit lethal force only when absolutely necessary to prevent loss of life or serious injury, provided the force is proportionate to the threat posed.¹⁴² The government has provided no information to indicate these conditions were met.

A photographer who was present when Khattiya was shot, and remained in the area afterwards, described how armed Black Shirts soon began firing upon the soldiers:

After [the shooting of Maj. Gen. Khattiya], the Black Shirts became extremely angry. They started breaking as many lights in the area as they could to make the area darker so snipers couldn’t fire at them. Suddenly, I heard a lot of explosions and gunfire for about 20 minutes, it was very heavy.

I tried to hide [from the gunfire] behind the Rama VI statue [in Lumpini Park]. The Black Shirts came into the tents located behind the Rama VI statue. There were five or six black garbage bags hidden behind the tents, and the Black Shirts took those garbage bags. I saw them open one of the garbage bags and it had three or four AK-47 assault rifles in it. They took them out and started shooting immediately towards the security forces at the Chulalongkorn Hospital and other buildings. They were extremely angry. The security forces started shooting back. There were many Black Shirts around, they started to move towards the barricades and in other directions.... I stayed around until midnight and there was gunfire until then. After Seh

¹³⁹ Thomas Fuller and Seth Mydans, “Thai General Shot; Army Moves to Face Protesters,” *New York Times*, May 13, 2010.

¹⁴⁰ Seth Mydans and Thomas Fuller, “Renegade Thai General Dies as Chaos Continues,” *New York Times*, May 17, 2010.

¹⁴¹ ICCPR, art. 6(1) states that “No one shall be arbitrarily deprived of his life.”

¹⁴² Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 9.

Daeng's [Khattiya's] shooting, the area around Rama VI statue became only for the Black Shirts, no more protesters.¹⁴³

Role of Maj. Gen. Khattiya Sawasdipol

Much attention has focused on the role that Maj. Gen. Khattiya Sawasdipol, known as “Seh Daeng,” played in the demonstrations. Human Rights Watch research found that he may have been involved in violence against government forces even before the protests started.

Following a meeting he had with Thaksin in Cambodia, on January 14, 2010, he was suspended from the army by the army commander-in-chief, Gen. Anupong Paojinda. The next day an M79 grenade launcher was fired at the office of General Anupong. Khattiya denied responsibility for the attack.

Khattiya admitted to recruiting and training a few dozen armed militants called the “Ronin Warriors” to fight the PAD. On December 6, 2008, he publicly praised the warriors for their skills in using M79 grenade launchers to terrorize the PAD during the occupation of the Government House in 2008. “Their aims were so good that the grenades landed accurately and killed one of the [PAD] guard leaders,” he told media. “After a couple more M-79 attacks at the Government House in the following nights, there had been more than 40 injuries among the PAD protesters and guards.”¹⁴⁴

In his public statements, Khattiya often hinted that he was in charge of armed militants responsible for attacks on security forces. He even suggested that his fighters were responsible for killing Colonel Romklao during the April 10 violence.¹⁴⁵ His statements to the press often appeared designed to anger his military colleagues, such as when he criticized the military’s use of armored vehicles during the failed April 10 dispersal attempt as “the thought process of homosexuals.... [T]he army acts with homosexual emotions.”¹⁴⁶

¹⁴³ Human Rights Watch interview with Masaro Goto, Bangkok, June 11, 2010.

¹⁴⁴ “Seh Daeng Told Red Shirts in Chiang Rai He Instructed 47 Ronin Warriors to Attack PAD,” (เสธ.แดง”มันปากกลางวง 30 เลื้อยแดงเขี้ยวราย บอกรบ 47 นักรบโรนินถล่ม พธม.) *Parliament News*, December 7, 2008, http://www.Parliament.go.th/news/news_detail.php?prid=176668 (accessed October 1, 2010).

¹⁴⁵ Khattiya posted lengthy comments on his banned website (<http://www.sae-dang.net/webboard/read.php?tid=112&fpage=3>) about the operations of the “Ronin Warriors” in attacking the government troops on April 10. See “Seh Daeng Commented on the Bloody April Day,” (เสธแดง แสดงความคิดเห็นวัน เมษายนนี้ฟ.), April 13, 2010, republished on http://vikingsx.blogspot.com/2010/04/blog-post_7473.html (accessed March 1, 2011).

¹⁴⁶ Richard Ehrlich, “On Guard at Bangkok’s Frontlines,” *Asia Times Online*, May 11, 2010.

Khattiya carried out daily “inspections” of the barricades together with his bodyguards, and often gave orders to local Red Shirt militants on how to improve them. In 2008, when Yellow Shirt protesters gathered in Bangkok to protest against the pro-Thaksin government of Samak Sundaravej, Khattiya started training a militia to fight the protesters and “provide the UDD with protection when it is on the move.”¹⁴⁷

On May 1, Khattiya clashed with Ari Krainara, head of the Red Shirt Guards, over removing a barricade in front of Chulalongkorn Hospital that Khattiya wanted to keep in place. Khattiya reportedly pushed Ari to the ground. Around the same time, Khattiya also clashed with the moderate leadership of the UDD, who sought to reach a compromise with the government. Khattiya said the Red Shirt rally could not be ended without an order from Thaksin, and rejected the compromise agreement the UDD had reached. Following his altercation with Ari Krainara and the mainstream Red Shirt leaders, Khattiya briefly gained more control over hard-line Red Shirt guards who were not willing to comply with the demands to clear the barricades in front of Chulalongkorn Hospital. During that period, he also accelerated his recruitment of the “Ronin Warriors,” according to a Red Shirt leader:

Seh Daeng [Khattiya] had conflicts with a lot of people, including some police officials. He often predicted bombings and then they would happen. A lot of people questioned his real capability, but he tried to attach himself to the Red Shirt movement. I told the other Red Shirt leaders that we needed to keep separate from Seh Daeng, and this was the policy eventually announced. He saw his role as helping set up the barricades, and making it look like a force was prepared for fighting [the army]—this was a problem. But still, we didn’t see any armed elements prepared by him until [they appeared] after his assassination.

In the last few days before he was shot, some Red [Shirt] Guards came under the control of Seh Daeng. A few days before, there was a fight between Seh Daeng and Ari, the head of Red [Shirt] Guard security, and he pushed Ari down. Then there were problems within the Red Shirt leadership—some like Veera wanted to make a deal with the government and to stop the

¹⁴⁷ Nirmal Ghosh, “Nobody Messes with Seh Daeng,” *Straits Times*, October 23, 2008. Around the same time, Khattiya proposed to Prime Minister Samak to clear the Yellow Shirt protesters from the area around Government House by dropping snakes on the protesters from helicopters, a solution Samak turned down.

demonstrations, but the crowd and hard-line leaders like Seh Daeng, Arisman, and Jatuporn wanted to continue the protests.¹⁴⁸

However, while Khattiya surely played a role with the Ronin Warriors, most experts and observers whom Human Rights Watch interviewed maintain that he was not the true leader of the Black Shirts, who carried out most of the armed confrontations with the military. Khattiya's own fighters appear to have consisted mostly of street thugs and others recruited and openly trained by him in 2008, rather than the elite and well-trained military elements that carried out most of the armed attacks, such as the April 10 attack. According to a Red Shirt member who operated a food station in the Saladaeng areas controlled by Khattiya and spoke to him on a daily basis:

Seh Daeng was not as powerful as people assumed. He had a team of fighters called the Ronin Warriors, but these were not the Black Shirts who fought [on April 10]. His Ronin people were city people, not real military people. I spoke to Seh Daeng many times after his people took over the Saladaeng area, because my camp was also based there. Seh Daeng was there every day, and we spoke regularly about his strategy to protect the Red Shirts. He had a strategy, but no real power.¹⁴⁹

Government officials, particularly those at the Justice Ministry's Department of Special Investigation (DSI), paid more attention to some of the Ronin Warriors than to Khattiya himself. The DSI's ongoing investigations allege that Khattiya's close aide, Surachai Thewarat, was responsible for the May 8 shooting at a police checkpoint at Saladaeng junction intersection that killed one police officer and injured two others. Surachai is also accused of involvement in the grenade attacks on the Lumpini Police Station on May 19.¹⁵⁰ Khattiya's bodyguard, Aram Saeng-aroon, was later arrested on October 7 and accused of playing a key role in providing weapons to the Black Shirts. According to the DSI, Khattiya recruited Aram from a *Thahan Phran* unit in Pak Thong Chai district of Nakhon Ratchasima province and gave him combat training.¹⁵¹

¹⁴⁸ Human Rights Watch interview with Chaturon Chaisang, Bangkok, June 14, 2010.

¹⁴⁹ Human Rights Watch interview with Red Shirt militant leader, Chonburi, June 17, 2010.

¹⁵⁰ "Police raid nets Seh Daeng aide", *Bangkok Post*, July 16, 2010, <http://www.bangkokpost.com/news/crimes/186298/police-raid-nets-seh-daeng-aide> (accessed March 2, 2011).

¹⁵¹ "Seh Daeng's aide arrested, detained", *Bangkok Post*, October 8, 2010, <http://www.bangkokpost.com/news/security/200378/detention-of-seh-daeng-aide-approved> (accessed March 2, 2011).

Khattiya had a large following among urban youth and toughs who created and manned the barricades he helped design, and who confronted the army with mostly homemade weapons like slingshots (firing metal bolts and ball bearings), homemade fireworks, rockets, petrol bombs, burning tires, and rocks. These young men were the most visible element of violent resistance against the military, particularly as the clashes grew more violent following the shooting of Khattiya on May 13.

There is little evidence these young men had much to do with the UDD protest movement, but instead flocked to the protest site in increasing numbers as the confrontation between the army and the protest camp grew more violent. Many journalists and other observers whom Human Rights Watch interviewed noted how these young people had little in common with the ordinary protesters at the Ratchaprasong camp, where a bizarre dichotomy developed between ordinary Red Shirt protesters continuing with regular protest rally activities, and deadly confrontations taking place between the army and more militant protesters on the camp's outskirts, particularly at the Din Daeng and Bon Kai junctions. However, even at these barricades, some observers noted Black Shirts with military experience directing the young men at the frontlines in activities such as burning tires and throwing petrol bombs.¹⁵²

“Live-Fire Zones”

Following the shooting of Khattiya on the evening of May 13 and the fierce gunfire exchanges that followed, the government allowed soldiers greater leeway to use live fire.

Existing rules of engagement, which the CRES outlined in April, mandated seven steps of increasingly “heavy” measures before live ammunition could be fired, and then only in the air.¹⁵³ On May 14, the CRES set out new, expanded rules of engagement that liberalized the use of live fire against the protesters. Under the new rules, soldiers were allowed to use live ammunition in three circumstances: as warning shots to deter demonstrators from moving closer; for self-defense; and when forces have “a clear visual of terrorists.”¹⁵⁴ The term

¹⁵² Human Rights Watch interview with Thai journalist [name withheld], Bangkok, September 10, 2010.

¹⁵³ These steps were: informing the protesters that their action violated the law; show of force; use of shields; use of water cannon; use of high-power amplifiers; use of tear gas; and use of batons and rubber bullets. CRES Press Conference, April 10, 2010. On April 20 and April 27, the CRES announced that more leeway was being given to soldiers to use stronger non-lethal measures in response to the greater use of various weapons by the UDD demonstrators.

¹⁵⁴ An official bulletin of the Prime Minister's office, “Frequently Asked Questions About the Current Political Situation in Thailand,” dated after the operation had finished (May 29, 2010), gives a slightly different set of rules:

When the officers started to cordon the protest areas on 13 May, their instructions were clear. Use of live bullets was limited to three situations only, namely, 1) as warning shots, 2) for self-defense so as to protect the lives of officers and the public when

“terrorists” was left undefined, giving soldiers no guidance as to what constituted a permissible target and providing a basis for the use of firearms and lethal force that exceeded what is permitted under international law in policing situations.¹⁵⁵ On May 15, “Live Firing Zone” banners were hoisted by the authorities in areas where troops reported coming under heavy fire, such as Ratchaprarop and Bon Kai.¹⁵⁶ Civilians, including medic volunteers, were reportedly killed and wounded by army snipers in these areas.¹⁵⁷

Beginning on May 14, Thai security forces faced demonstrators who were better organized and resorted more quickly to violent tactics. Groups of mainly young men now openly attacked the army at the barricades, especially in Bon Kai and Din Daeng, using flaming tires, petrol bombs, slingshot-fired metal balls, and powerful homemade explosives and other weapons. Most of the young men who joined the fight at the barricades seemed to have little in common with the UDD protesters at the camp. On numerous occasions, Black Shirt militants appeared at the barricades to join the fight, firing assault weapons and M79 grenade launchers at soldiers.

A Red Shirt Guard leader told Human Rights Watch how he had helped organize the Din Daeng clashes on May 14-16. He said the UDD had decided to create a new barricade at Din Daeng to stop the army from dispersing the Ratchaprasong camp, and that they had tried to force the army back by attempting to move their barricades forward towards the army positions. He confirmed that groups of armed Black Shirts with military training came to join them in the evenings when journalists had left for the night:

absolutely necessary, and 3) to shoot at clearly identified individuals armed with weapons, who might otherwise cause harm to officers and members of the public.

¹⁵⁵ Under the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, law enforcement officials, including members of the armed forces engaged in law enforcement, “shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life” and “only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.” Before employing firearms, “law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.”

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), paras. 9-10.

¹⁵⁶ “Soldiers Put “Live Bullet Zone” Signs in Ratchaprarop, People Are Not Allowed to Enter,”

(ทหารขึ้นป้ายประกาศราชปรารภเขต เข้าห้ามปชช “กระสุนจริง”) *Matichon*, May 15, 2010, http://www.matichon.co.th/news_detail.php?newsid=1273900400&grp_id=00 (accessed March 5, 2011).

¹⁵⁷ “Withdraw Ambulances from Clash Points, 163 killed, 17 Wounded, 2 Medics Died,” (ถอนรถพยาบาลพ้นพื้นที่ปะทะ เจ็บ163 ตาย17 จนทกู้ชีพดับ. 2) *Krungthepturakit*, May, 16, 2010,

http://www.bangkokbiznews.com/2010/05/16/news_30888423.php?news_id=30888423 (accessed March 5, 2011).

After the reporters were told to leave, the Black Shirts arrived. I saw them for three evenings in Din Daeng. They were the first real military guys who came to help us. They looked like *thahan phran* [army paramilitary volunteers] but they were from the military, only the smallest group of five Black Shirts was from the border police.... They sent their representatives to us to warn us they were attacking the army, they created a safety zone before they attacked the army.¹⁵⁸

Use of Children

Human Rights Watch learned of at least one case when children were used in militant activity during the clashes at Din Daeng and Bon Kai. At the Din Daeng barricades, a foreign photographer watched a young boy, aged approximately 14 year-old, being instructed to carry a large petrol bomb from the barricades towards the army position and into a building, and later receiving money for his effort by the Red Shirt leader at the barricades:

On May 16, there was an uncompleted building near the Din Daeng barricade, next to a tall hotel. I saw two young boys wearing motorcycle helmets come to the front [of the fighting], and told them to go away because it was too dangerous, but they didn't listen to me. There were some leaders of the barricades and they went to talk to the boys. Then I saw the boys helping to prepare the petrol bombs. Then the smallest of the boys, he looked about nine or ten, he came forward carrying a bunch of petrol bombs and he talked to one of the leaders. Then the smallest boy ran towards the uncompleted building in front of the barricade, hiding in the bushes as he went. I tried to follow him but I was too big to get in there.

I lost sight of him, but an hour later there was a fire on the 10th floor of the building. He had walked all the way over there, then up, and started the fire. He then came back the same way and the same Red Shirt guy gave him a few hundred baht [worth a few US dollars]. I asked the boy why he had done this, and he said, laughing, "That's my job, my job."¹⁵⁹

During the clashes that occurred between May 14 and May 18, the new rules of engagement either facilitated more shootings of demonstrators or were simply ignored. Between the shooting of Khattiya and the final dispersal of the protest camp on May 19, at least 34

¹⁵⁸ Human Rights Watch interview with UDD leader in hiding, Thailand, June 17, 2010.

¹⁵⁹ Human Rights Watch interview with photojournalist Masaro Goto, Bangkok, June 11, 2010.

protesters and 2 soldiers were killed in the clashes, and another 256 wounded.¹⁶⁰ Human Rights Watch's investigations found that army snipers in buildings overlooking the protest sites, as well as soldiers on the defensive barricades on the ground, frequently fired on protesters who were either unarmed or posed no imminent threat of death or serious injury to the soldiers or others.¹⁶¹ Many of those whom soldiers targeted apparently included anyone who tried to enter the "no-go" zone between the UDD barricades and army lines, or who threw rocks, petrol bombs, or burning tires towards the soldiers—from distances too great to be a serious threat to the soldiers' lines.

While Thai authorities have not released comprehensive forensic details of the wounds sustained by those killed between May 14 and May 18, the incidents that Human Rights Watch reviewed show unarmed protesters appeared to have been killed with single shots to the head, indicating possible use of snipers and high-powered scopes. For example, on the morning of May 14, photographer Roger Arnold was filming a wounded protester being treated in Lumpini Park when he found himself under heavy gunfire. A man running just behind him, part of the group treating the wounded man, was killed instantly by a shot to the head.¹⁶² Arnold, who covered the clashes between May 14 and May 18 on a daily basis, said: "I didn't see any armed people getting shot. What you had were snipers with scopes taking people out with headshots, people who at most had a slingshot."¹⁶³

Video footage and eyewitness accounts show the army frequently fired into crowds of unarmed protesters, often wounding and killing several. Nelson Rand, a foreign journalist, described to Human Rights Watch how he was repeatedly shot as he tried to cross the street near Lumpini Park to reach a second group of Red Shirt protesters:

I first was filming with the army on Wireless Road, close to the Lumpini police station. Then I ran across to the Red Shirt side. I was near the Lumpini police station. I wanted to cross the street because there was another group of Red Shirts there as well. As I ran across the street, I was shot in my wrist. I kept running and ended up beside another person who was shot and he was waving a white towel. As I got down, I was shot again in the leg. I was screaming for help. I didn't see any armed people around there

¹⁶⁰ See reports regarding the casualties on both sides at the Erawan Emergency Center, www.ems.bangkok.go.tha:80/radmob.html.

¹⁶¹ See Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9, <http://www2.ohchr.org/english/law/firearms.htm>.

¹⁶² Human Rights Watch interview with Roger Arnold, Bangkok, June 12, 2010.

¹⁶³ Ibid.

amongst the Reds. All the shots were coming from the army, as far as I know. A Red Shirt security guard ran across the street and grabbed me by the arm, he later told me I was shot again in the side as he was dragging me but I had lost consciousness by then.¹⁶⁴

On May 15, protesters in the Rang Nam, Bon Kai, and Klong Toey neighborhoods tried to set up new barricades to widen the area under UDD control, and met deadly gunfire as army soldiers frequently firing with live bullets towards the protesters.¹⁶⁵ One medic wearing a red helmet was shot dead with a gunshot wound to the head.¹⁶⁶ Journalists and photographers, wearing clearly marked “press” signs, were wounded after they came under fire while reporting the situation in those areas.¹⁶⁷

Amid escalating violence, Senator Lertrat Rattavanich led an attempt to broker peace talks between the government and the UDD. At least 12 negotiation sessions between Lertrat and Nuttawut took place between May 4 and 11, 2010. The UDD stressed that a key condition was its leaders would agree to surrender to government charges only if it was assured they would be granted bail. The government accepted this demand. According to Lertrat, on May 10 the UDD then added another condition that the government must also submit itself to the justice system:

The leaders then said that was needed, as the demonstrators were so emotional because of the 19 deaths and the hundreds wounded in the April 10 clashes. It was necessary for Deputy Prime Minister Suthep [Thaugsuban] to surrender to power abuse charges, before they could tell the demonstrators to return home.¹⁶⁸

¹⁶⁴ Human Rights Watch interview with Nelson Rand, Bangkok, June 14, 2010.

¹⁶⁵ “Soldiers Shot Unarmed People,” (ทหารยิงประชาชนมือเปล่า) <http://www.youtube.com/watch?v=ihlfEBSBXc&feature=related> (accessed March 29, 2011); “Rang Nam Clip,” (คลิปปรังน้ำ) <http://www.youtube.com/watch?v=e65exr4nh-o&feature=related> (accessed March 29, 2011).

¹⁶⁶ Human Rights Watch interview with Roger Arnold, Bangkok, June 12, 2010. “Medic Volunteer Was Shot At Ngarm Dupli,” (อาสาภัย ที่โดนยิงที่ งามดูพลี) http://www.youtube.com/watch?v=T_SxYYICUQE&feature=related (accessed March 29, 2011).

¹⁶⁷ “Soldiers Shot Nation Journalist,” (ทหารยิงผู้สื่อข่าวเนชั่น) <http://www.youtube.com/watch?v=ddjS4SbNIXk&feature=related> (accessed April 2, 2011). Chaiwat Pumpuang, a photographer for the Nation who was shot in the leg on Ratchaprarop Road on May 15, said at the hearing organized by the People’s Information Center on September 25, 2010 that he and his friend were wearing bullet-proof vests with the word “PRESS”, and press armbands. He rode a motorcycle into Soi Rangnam at about 10.30 am, and passed through to Ratchaprarop Road. He saw protesters fighting soldiers with home-made bamboo rockets and firecrackers. He also saw three dead bodies, which protesters were trying to drag away amid heavy gunfire from soldiers. Chaiwat said he kept taking photos, assuming that he would not be shot, but he was shot in the leg at around 3 pm. About 25-30 minutes later, soldiers came to take him to a military medical vehicle.

¹⁶⁸ “Senator explains talks with Reds to try to avoid violence,” *The Nation*, May 31, 2010.

On May 18, 2010, while Lertrat and his group were meeting with Nuttawut and other UDD leaders at Ratchaprasong junction, the government made a televised announcement that it would only enter a negotiation with the UDD after the protesters returned home. Lertrat believed such conditions would not be acceptable to the UDD:

The demonstrators were stressed out because many of their people were killed and hurt. Given the grievances, the UDD leaders admitted that they had problems in controlling the protesters. They needed a good explanation if they wanted to bring the demonstration to an end, that is, the wrongdoers must be punished.

They also said the tire burning here and there could be stopped only if supporters were brought into Ratchaprasong. The leaders asked soldiers to stop firing first. I told the UDD frankly that if I were the government, I would not agree to that.

The government then proceeded with the blockade, to prevent more supporters from getting into Ratchaprasong. The government, after negotiating for over two months, was frustrated in putting the situation back under control. So, I suggested that both sides call a cease-fire and resume talks. But, later that night, an M79 grenade was fired, convincing the government that the UDD could not control its own members.¹⁶⁹

The chances of peace talks ended at dawn on May 19, 2010 as soldiers were mobilized to Saladaeng intersection and prepared to clear the UDD barricades.

¹⁶⁹ Ibid. See also: "Peace talks offer put on the table," *Bangkok Post*, May 19, 2010, <http://m.bangkokpost.com/article/topdetail.php?articleID=178382> (accessed May 29, 2010).

VII. The Final Assault: May 19

The Army Assault

Just after sunrise on May 19, several hundred infantry soldiers with armored personnel carriers began deploying from Rama IV Road and Saladaeng intersection to clear the UDD barricades along Ratchadamri Road, the main entrance to the UDD Ratchaprasong camp.

Media began reporting that soldiers were preparing for a final dispersal operation against the Ratchaprasong camp. Prime Minister Abhisit and the CRES later claimed the military's objective that day was only to retake control of the section of Lumpini Park adjacent to the UDD Ratchaprasong camp, because armed militants had increased their presence there. In an interview on Al Jazeera on May 31, Abhisit said:

On May 19, the army did not move in to the center of the protest. All it did was to secure off an area where previously there had been grenades launched to various places from inside the protest area. And the leaders of the demonstration decided to call off the rally. So it wasn't a case of the army moving in to crush the demonstrations.¹⁷⁰

Col. Sansern Kaewkamnerd, the CRES spokesperson, told Human Rights Watch:

We didn't expect to stop the rally that day, but the events unfolded very quickly. Our mission was just to retake Lumpini Park because we had found they were hiding many weapons there and it is close to many foreign embassies. We noticed there was a lot of fire coming at us from Lumpini Park, so the decision was made to retake Lumpini Park—but we didn't plan a crackdown for that day, just a retaking of Lumpini Park and the Rama IV area.¹⁷¹

Initially, a relatively small force of about 150 to 200 mostly young recruits from the 2nd Cavalry Division walked slowly up Ratchadamri Road towards the barricade in front of the Dusit Thani hotel (near Saladaeng), using armored personnel carriers to open up the

¹⁷⁰ "Thai PM Defends Deadly Crackdown," *Al Jazeera*, May 31, 2010, <http://english.aljazeera.net/news/asia-pacific/2010/05/2010531523124759.html>; <http://www.youtube.com/watch?v=yGqGrkQ2OOE> (accessed April 2, 2011).

¹⁷¹ Human Rights Watch interview with Col. Sansern Kaewkamnerd, spokesperson of CRES, Bangkok, June 15, 2010.

barricades. As the soldiers slowly advanced on the protester barricades ahead, they repeatedly fired live ammunition at the mostly unarmed protesters and many journalists standing behind the barricade. Bradley Cox, a freelance cameraman, told Human Rights Watch that he was filming behind the UDD barricades when soldiers fired a volley of shots that struck him in the leg and killed Italian journalist Fabio Polgheri nearby:

I entered at Rachadamri and Sarasin intersection at about 9:30 a.m., the UDD barricade was right there. There were lots of [abandoned] tents between us and the soldiers so I couldn't see the soldiers but could hear their firing. There were some Red Shirts trying to take back the area and running back and forth. I didn't see any Red Shirts with real weapons; they mostly had slingshots, no guns. They just had the tires to stand behind.

About 20 minutes before Fabio was shot, a bullet ricocheted off the tire right in front of me. I saw one guy wounded as he ran back towards the barricades, he leaped over and was bleeding from the leg.

Then there was some kind of commotion about 30-40 meters behind us, towards the main stage, so the photographers ran over to go see what was happening. I walked 30 meters away from the barricade and suddenly felt an intense burning in my leg and realized I had been shot. I turned around and saw Fabio on the ground behind me. I turned on my camera and filmed him being taken away. Fabio was hit at the same time as me, within seconds of each other.¹⁷²

Fabio Polgheri was pronounced dead on arrival at the hospital from a gunshot wound to the head.¹⁷³

Soldiers continued towards the UDD camp, and armed Black Shirts mobilized around Rachadamri and in Lumpini Park. A BBC correspondent told Human Rights Watch she saw armed militants running in the Ratchadamri area and watched a group of black-clad militants with bags that appeared to hold weapons climbing the stairs to the Ratchadamri

¹⁷² Human Rights Watch interview with Bradley Cox, Bangkok, June 8, 2010.

¹⁷³ Deputy Prime Minister Suthep later incorrectly stated at a press conference that Polgheri had been killed together with a soldier by a grenade launched from an M79 by protesters, apparently confusing the shooting death of Polgheri with the wounding of Canadian freelance journalist Chandler Vandergrift in a separate incident described below.

BTS station. They told her not to film them.¹⁷⁴ A freelance journalist later secretly filmed a group of armed militants in camouflage and black clothes at the Ratchadamri BTS station.¹⁷⁵

A foreign military analyst who accompanied the soldiers during the assault said he was stunned by the poor standard of the military operation:

The whole operation was staggering in its incompetence. You had scared young conscripts blazing away at the tents in Lumpini Park without any fire control. There wasn't the command and control that you would expect during such an operation. There were two main operations, the movement up the road and the operation to clear the park. They were totally uncoordinated. When I was with the troops in the park along the fence, they were opening fire at people in the park, including on the other military unit that was inside the park. You had incipient "friendly fire" incidents. The park was used essentially as a free-fire zone, the soldiers moved and took shots along Wireless and Rama IV Road.¹⁷⁶

At least two young men were shot dead by soldiers as they took control of the Saladaeng UDD barricades.

Around the same time, the soldiers had halted on Rachadamri Road near Lumpini Park and were standing around awaiting new orders. A group of Special Forces soldiers came up from behind the army soldiers and engaged a group of armed militants farther ahead near the Rachadamri BTS station. A gun battle erupted, with the militants using M79s to fire at least eight or nine grenades towards the soldiers gathered on Rachadamri Road. A grenade exploded among a group of soldiers, fatally wounding one and severely injuring Canadian freelance journalist Chandler Vandergrift, who was standing with them. Following the clash, the soldiers received orders to evacuate the area, taking their wounded with them but leaving the protest site virtually empty of security forces.

¹⁷⁴ Human Rights Watch interview with BBC journalist [name withheld], Bangkok, June 14, 2010.

¹⁷⁵ Human Rights Watch interview with freelance journalist [name withheld], June 15, 2010.

¹⁷⁶ Human Rights Watch interview with Anthony Davis, analyst for *Jane's Intelligence Review*, Bangkok, June 7, 2010.

UDD Leadership Surrenders and Arson Attacks

At around 1:30 p.m. on May 19, the UDD's leadership made a surprise announcement: they were ending the rally and surrendering to authorities. They urged remaining protesters to go home.¹⁷⁷

Many ordinary UDD protesters were disappointed and angry at the sudden end to the three-month-long protests. The vast majority of UDD protesters quickly dispersed and left the area or sought safety in Wat Pathum Wanaram, a temple that had been declared a "safe zone" according to an agreement between the government and protest leaders. However, some Black Shirts and UDD protesters began a campaign of arson attacks around Bangkok, setting fire to shopping centers, government buildings, banks, and shops.

Among the arsonists' main targets was the Central World shopping complex, one of Southeast Asia's biggest shopping malls, located almost directly behind the Ratchaprasong UDD stage. In plain view, several dozen Black Shirts and UDD protesters began breaking the windows of the complex's Zen wing. After some looting, they threw petrol bombs and exploding cooking gas canisters inside the mall. Arsonists fed the flames with plastic chairs and other flammable materials from the abandoned protest camp. The mall was soon engulfed in flames. Prawn Roonnok, a security guard at the Central World, said:

The management [of Central World] told us to be on high alert after the Red Shirts announced that they would loot and burn this department store if the government sent soldiers to clear the Ratchaprasong camp. On that day, May 19, the situation got worse quickly after the Red Shirt leaders announced that they would give up. About 50 protesters and Black Shirt militants smashed their way inside through the glass windows, and some of them went into the underground car park. They looted the shops, looted the cars in the car park. Then they set fire with petrol bombs. Some of them tried to blow up cooking gas tanks. First, I thought that we should try to defend the Central World. But when we realized that we were outnumbered and those looters and Black Shirt militants were armed, we decided to evacuate. That was the instruction we had received from the management. My priority was to save the lives of the staff and members of my team. Some of my men at the underground car

¹⁷⁷ "Thai protest leaders surrender after deadly army assault on Bangkok camp... but violence rages on," *Daily Mail*, May 20, 2010, <http://www.dailymail.co.uk/news/worldnews/article-1279526/Thai-Red-Shirt-protest-leaders-surrender-Bangkok-violence-rages-on.html> (accessed April 2, 2011).

park tried to fight back. But they were attacked with grenades and rifles. One of them was shot in the leg.¹⁷⁸

That afternoon, arsonists also tried to attack several media outlets that the UDD had criticized as being anti-Thaksin or anti-UDD, including Channel 3 television station, the *Thai Post*, *Bangkok Post*, and *The Nation*. They succeeded in attacking the Maleenont Tower complex, which houses the Channel 3 television station. Karuna Buakamsri, a Channel 3 news announcer, was live on-air when she was told her building was on fire. She later told Human Rights Watch how the presence of Black Shirts outside the burning building made it difficult to evacuate:

We were live on the air reporting on the fires at Central World when the producer came and shouted that they were burning our building as well and I had to leave right away. It all happened so quickly. We made some phone calls for help, and could see the smoke rising and the sound of explosions below. When we tried to go look at what was happening [from the windows] they fired shots at us, so we stayed in the center of the building. The building has 12 floors, our broadcast studio is on the ninth floor and the editorial offices were on the sixth floor. There were almost 200 people inside.... We waited for about 20 minutes and smoke started coming out through the air vents. One of our employees called from the basement to say we should come down and go to the basement. Black Shirts were outside with guns—they were burning cars in the parking lot. We went out into the parking lot and jumped the wall and ran into the neighborhood. Maybe 30-40 of us escaped this way, but then the men in black blocked the way and the others were forced to wait inside.¹⁷⁹

Arsonists also set fire to dozens of other major buildings across Bangkok, including the flagship Big C store and its adjacent corporate headquarters, the Stock Exchange of Thailand, the Bangkok Metropolitan Electricity Authority district station, the Water Authority district station, the historic Siam and Scala cinemas in Siam Square, Center One store near the Victory Monument, and a significant number of branches of the Bangkok Bank, which UDD leaders repeatedly accused of having close ties with Privy Council President Gen. Prem

¹⁷⁸ Human Rights Watch interview with Praiwan Roonnok, Bangkok, June 2, 2010.

¹⁷⁹ Human Rights Watch interview with Karuna Buakamsri, Bangkok, June 15, 2010.

Tinsulanonda and financing the rival PAD leadership, as well as convenience stores and small privately owned shops in some areas.¹⁸⁰

While the UDD leadership has sought to portray the arson attacks as the spontaneous reaction of protesters to the dispersal of the Red Shirt protests, many leading UDD leaders had publicly called for such attacks months earlier in the event of a government crackdown.

For example, UDD leader Arisman Pongruengrong told supporters at a rally at Army Headquarters in Bangkok on January 29 they should carry out arson attacks if the government tried to disperse them, warning they would turn the city into a “sea of fire:”

If you know they are going to [disperse] us, you don’t need to prepare much. Just show up each with one glass bottle to fill with gasoline. Fill it up 75cc to 1 liter. If we go to Bangkok with one million people and one million liters of gasoline, rest assured that Bangkok will turn into a sea of fire. This is the simple way to fight by the Red Shirts. I am telling the soldiers, the dog servants of the Privy Council, if you spill even one drop of the Red Shirts’ blood, it means Bangkok will instantly turn into a sea of fire.¹⁸¹

Similarly, during a preparatory rally in Chantaburi province on January 27, UDD leader Nuttawut Saikua warned: “If [the government] takes control [of the Red Shirt camp], we will burn the whole country. Burn it all down, I will take the responsibility. If they want to arrest or whatever, they can come to me. If they seize control, burn!”¹⁸²

Red Shirt leaders regularly called on supporters to burn and steal from stores during the Rachaprasong protests, indicating incitement or complicity in the arson and looting attacks. For example, on April 8, 2010, UDD leader Nuttawut Saikua told UDD protesters how he was easily frightened as a child and used to run for cover whenever he heard loud noises. He then suggested that the Red Shirts should run into shopping centers and loot and burn them if they were similarly “spooked” by the army attempting to disperse them:

¹⁸⁰ The management of the Grand Hyatt Erawan Hotel, which was not destroyed despite its proximity to the Central World, denied that they were involved with the Red Shirts even though one of the main shareholders was linked with Thaksin’s close aide, Pongthep Thepkanjana, “Erawan Hotel Denies Giving Support to UDD Leaders,” (ร.เอราวัณโต้ข่าวเอื้ออาทรแกนนำ นปช.) *Thai Recent News*, April 9, 2010, <http://thairecent.com/Business/2010/628534/> (accessed April 2, 2011).

¹⁸¹ See a compilation of speeches given by UDD leaders inciting arson attacks on government and civilian targets. “Evidence of Red-shirts’ Involvement in Arson Attacks,” http://www.youtube.com/watch?v=gJNPfB4_mgs&feature=related (accessed April 2, 2011).

¹⁸² *Ibid.*

Like I said, the Red Shirts are jumpy. When you [the soldiers] shoot, they run into Gaysorn, Central World, Paragon and the hotels around here. The way I analyze our people here, we have different reactions. Some run to brand-name bags. Some run into jewelers or gold stores. Some drive their cars into a shop. Some simply set fire for no reason.¹⁸³

Beginning in their public speeches in January 2010, UDD leaders appeared to consider acts of arson and looting as a potential defense against a military dispersal of the UDD rally, and used such threats to deter a repeat of the humiliating 2009 dispersal.¹⁸⁴ The coordinated nature of the many arson attacks around Bangkok and the selection of the targets also indicate that the attacks were well planned and organized.

Deaths at Wat Phatum Wanaram

The government's dispersal on May 19 led to gunfights at the declared "safe zone" of *Wat* (temple) Phatum Wanaram that resulted in six deaths and numerous injuries. The incident was later the main topic of a contentious censure debate against Prime Minister Abhisit in the Thai Parliament.¹⁸⁵ Circumstances surrounding the killings remain highly contentious.

An in-depth Human Rights Watch investigation sheds some light on the incident.

On May 15, a series of negotiations between Red Shirt leaders, government and security representatives, and humanitarian activists led to an agreement to declare the Wat Phatum Wanaram grounds, located just a hundred meters from the main stage of the Ratchaprasong UDD camp, a demilitarized "safe zone" sanctuary. Following the declaration, hundreds of women and children demonstrators moved to the temple compound.

On May 19, following the declaration by the Red Shirt leaders that they were surrendering and asking protesters to disperse, almost 2,000 of remaining protesters headed into the temple, as other departure routes were either blocked, inaccessible due to heavy fighting, or considered too dangerous. Government security forces had created an exit route near the Siam BTS station, where departing protesters were carefully checked and placed on buses to their home villages. But very few protesters took this exit route, as it required them to walk towards armed soldiers with their hands raised into an uncertain future. A foreign journalist

¹⁸³ Ibid.

¹⁸⁴ Ibid.

¹⁸⁵ Pongphon Sarnsamak, "Battle Over Wat Deaths," *The Nation*, June 1, 2010.

showed Human Rights Watch footage he took of a dense crowd of unarmed civilians heading into the temple, which he said continued for a long time.¹⁸⁶

The “safe zone” at the temple was not in a very safe location. Wat Phatum Wanaram is very close to the Central World shopping complex, which Red Shirt arsonists were torching at the same time as crowds were fleeing into the temple. Throughout the afternoon and evening of May 19, sporadic gunfire and clashes took place in the immediate vicinity of the temple. Several foreign journalists said they saw UDD militants, some of them armed, on the street outside the temple between 2 and 4 p.m. that day. One photojournalist described running into a group of armed militants:

Just before 4 o’clock, I went to Henri Dunant Road near the Paragon Shopping Center. There were three or four Black Shirts there next to some tires and they threw something, plus there was shooting taking place. It was too dangerous to stay there so I left. They had weapons, I didn’t see what kind. They were also being shot at, so they were taking cover. They were being shot at from the direction of the road.¹⁸⁷

Another foreign videographer told Human Rights Watch: “Hardcore elements were outside the temple, including some big guy whose body was later among those [found] inside the temple—I saw him outside the temple.”¹⁸⁸ Another journalist told Human Rights Watch that “between the temple and Central World there were some tough guys, the type of people I didn’t want to be around.”¹⁸⁹

At least two separate gunfights took place around Wat Pathum Wanaram, one starting around 4 p.m. and a second, more intense exchange of gunfire that began around 5:30 or 6 p.m. Andy Buncome, a journalist for the *Independent* newspaper, witnessed two major shooting incidents at the temple:

Around lunch time, the Red Shirt leaders said that it was all over, and asked people to go home. I went out again and probably got to the temple around 3:30 to 4 p.m. Things were calm then, but tense. Some of the malls had been set on fire....Then we heard very clear shooting. Other reporters said that the

¹⁸⁶ Human Rights Watch interview with videographer [name withheld], Bangkok, June 10, 2010.

¹⁸⁷ Human Rights Watch interview with photojournalist Agnes Dherbeys, Bangkok, June 11, 2010.

¹⁸⁸ Human Rights Watch interview with videographer who requested anonymity, Bangkok, June 9, 2010.

¹⁸⁹ Human Rights Watch interview with Brad Cox, Bangkok, June 8, 2010.

troops and Red Shirts were shooting at each other. We remained at the rear of the temple. We knew there was a curfew. So we started heading out, but we paused and went back to try and get a phone number of a monk so we could call him later. As we were leaving around 5:30, the shooting got going again. My colleagues ran to the back, but I was caught in the front, taking cover with other people. I remember thinking that I should get out of there. I was watching the number of injured pouring into the temple from outside.

I don't know how I was hit or where the bullet came from. I was lying down. I could not really see the gun battle, I could only hear it. There was vast gunfire outside. The Red Shirts with guns, I think, were out in the streets. Maybe when the army was firing back at them, some of it was coming back into the temple. I could see some bullets ricocheting off the walls. It is hard to know. I could see where some of the shots were hitting and would therefore have to guess some of them were coming from the west.¹⁹⁰

Human Rights Watch carried out a detailed inspection of the temple grounds on June 13. We examined the walls and grounds of the temple, as well as surrounding structures for gunshot damage that might indicate the direction of the gunfire. Human Rights Watch found dozens of assault rifle impact rounds fired into the elevated Siam BTS station at a straight angle. Those rounds appeared to be fired from the platform farthest from Wat Pathum Wanaram, near the entrance of the Siam Paragon center, towards the platform closest to Wat Pathum Wanaram. On Rama I Road in front of Wat Pathum Wanaram, impact rounds were found low on the concrete pillars of the BTS skytrain track, indicating that they had been fired by persons approaching from the Siam Paragon direction—that is, by soldiers—towards Wat Pathum Wanaram at persons located in front of the temple. However, the DSI and army disputed this analysis during a hearing at the government-appointed Independent Truth and Reconciliation Commission of Thailand (ITRCT) on March 29, 2011 with their ballistic trajectory analysis showing that the rounds at the Siam BTS station were fired at an upward angle from the street level by persons at Chulermphao junction and in front of Wat Pathum Wanaram who the authorities say were Black Shirts.¹⁹¹

Human Rights Watch's investigation of the walls and grounds of Wat Pathum Wanaram gathered strong evidence that assault rifles were fired at the temple from the tracks of the elevated BTS station, a claim the government has repeatedly rejected. On the front western

¹⁹⁰ Human Rights Watch interview with Andy Buncome, New Delhi, June 8, 2010.

¹⁹¹ Human Rights Watch interview with ITRCT commissioner Somchai Homalaor, March 29, 2011.

wall of the temple (closest to Siam Paragon), at least 11 direct bullet impact rounds were visible, shot from a sharp upper angle that could only have come from the overhead BTS tracks.¹⁹² Bullet impact rounds closer to the centrally located gate of the temple hit the wall at an angle, indicating they were shot from the same overhead position on the BTS tracks.

Inside the temple, the most extensive evidence of gunfire was found in the eastern front side of the temple, just behind the cooperatives shop located against the eastern front wall. The presence of undamaged buildings on the eastern side of the temple compound means that the gunfire that hit inside the front eastern side could not have come from that direction, and would therefore have come from the same elevated direction on the BTS tracks as the impact rounds found on the outer wall discussed above. That is, the gunshots that struck inside the temple would need to have been shot from an elevated position to come over the wall and hit the pavement inside. In addition, more than five bullet impact rounds, and possibly as many as 15, were visible just inside the temple's exit gate on the asphalt road.

Video footage of the afternoon of May 19 also shows what appear to be soldiers on the BTS tracks that day, firing down at targets below.¹⁹³ Thai authorities have claimed that the footage must have been taken the next day, but the burning buildings visible on the footage as well as the gunfire heard are consistent with events of May 19, not May 20.

An account by the military correspondent of the *Bangkok Post*, based on interviews with soldiers involved in the gunfights, provides independent corroboration of this sequence of events. A member of the Rapid Deployment Force (RDF) of the 31st Infantry Regiment in Lopburi province told the *Bangkok Post* that his unit had defied orders to remain stationed at the Siam BTS station and had moved to the front of Wat Pathum Wanaram in order to push back looters and arsonists, telling the correspondent, "If we hadn't moved out of the [Siam BTS] base, there would have been far more damage. Siam Paragon would have been set ablaze."¹⁹⁴ Both the RDF soldier and a Special Forces soldier told the *Bangkok Post* that about a dozen members of the Special Forces' Task Force 90 positioned themselves on the BTS tracks above Wat Pathum Wanaram. The Special Forces soldier explained: "Once the

¹⁹² One of the bullet impact rounds is located on the western front wall and has a bus stop station immediately in front of it, so the bullet passed between the narrow gap between the bus stop and the western front wall, indicating the sharpness of the angle it was fired from.

¹⁹³ Video footage of the afternoon of May 19, 2010 showing what appear to be soldiers on the BTS tracks opposite to Wat Pathum Wanaram. The soldiers were firing down at targets below. "Wat Pratum 19 May 2010," <http://www.youtube.com/watch?v=vJRnM28jwkk&feature=channel> (accessed April 2, 2011).

¹⁹⁴ Wassana Nanuam, "Let the Truth Be Known: What Happened at the Temple," *Bangkok Post*, June 10, 2010.

infantry soldiers decided to move in to counter the arsonists, they had to notify the Special Forces to spread out along the tracks and give them cover.”¹⁹⁵

Eyewitnesses to the shootings provide further evidence that armed clashes took place just outside the temple. They report that at least two deaths took place on Rama I Road or just inside the entrance gate of the temple’s compound. Steve Tickler, a freelance photographer, was on the street outside the temple as the gunfight broke out. He saw at least two people dead or dying in front of him on Rama I Road. He then helped drag a third mortally wounded man, 28-year-old Atthachai Chumjan, into the temple:

I went back to the temple around 5 or so. There were lots of people out on the [Rama I] street. Then there was heavy fire coming from the direction of the Siam Center—it seemed like the army was coming down towards the temple, so people rushed inside the temple compound. The soldiers were firing full automatic, sustained gunfire.

I was busy changing my camera lens on Rama I street and this guy came running up the street, down towards me [from Siam Center direction] and then fell down heavy next to me. He tried to get out of the way and pulled himself towards the median of the road. Blood was gushing out of his chest. A monk ran out and we both went and picked up the wounded guy and got him back in the temple. Then the street was deserted—there were two more people down at the same area at the median, I have a picture of all three of them lying there, one more was dead and the third was wounded. The one who we pulled out also died – he was shot through his back and out through his chest. The guy was carrying no bags, no weapons; he was just running for his life. According to the time on my camera, he was shot just before 5:49 p.m., when I took the picture of him wounded.¹⁹⁶

Narongsak Singmae, a UDD protester who was shot and wounded inside the temple, explained to Human Rights Watch the moment when soldiers opened fire:

After the leaders announced that they would surrender and end the rally, we were not sure if we should turn ourselves in to the soldiers, too. Who could

¹⁹⁵ Ibid.

¹⁹⁶ Human Rights Watch interview with Steve Tickler, Bangkok, June 12, 2010.

guarantee our safety? So many of us came to hide inside Wat Pathum. Our leaders told us that temple was a safe zone. I brought along my wife and my son, as well as my fellow Red Shirts from Chonburi province. We got inside the temple around 3 p.m. I spent that afternoon checking if my friends from Na Klua [a *tambon* (sub-district) in Chonburi province] were all safe. Then I sat down to rest not far from the medic tent. Around 6 p.m. I heard gunshots coming from in front of the temple and I saw people running toward me.... Before I could do anything, I was shot in my left leg and in my chest. The bullet went through my leg. But luckily, the bullet that hit my chest was stopped by a coin in my bag. Soldiers shot wildly at anyone that moved. I saw another two men shot by soldiers as they tried to come out from their hiding places and run for safety.¹⁹⁷

Four other people were shot dead in or near the temple compound, although the exact circumstances of their deaths require further investigation. Among the four was a nurse, Kamolkate “Kate” Akkhahad, 25, who was shot several times while attending to a seriously wounded man somewhere at the front of the temple. Several witnesses assert she was shot just near the nursing station inside the temple.¹⁹⁸ A nurse told Human Rights Watch that he witnessed her being shot just at the exit gate onto Rama I Road just a few meters outside the nursing station. She was attending to a seriously wounded man, Winchai Manphae, 61, who had been shot on Rama I Road and later died from his wounds. The nurse said:

I saw Nurse Kate getting shot. We worked close together. A Red Shirt was shot just outside the gate, and our nursing station was just inside the gate. Kate saw the wounded person outside and ran to him to help. She was giving him resuscitation when she herself was shot. I was just inside and saw the whole thing, because the whole time I was talking to Kate. I heard one gunshot and then another one and lied down, and after the shots I looked up and saw Kate down on the ground bleeding heavily. We ran and dragged her inside.¹⁹⁹

Human Rights Watch located numerous bullet impact rounds at the exit road where the nurse said Kate was killed.

¹⁹⁷ Human Rights Watch interview with Narongsak Singmae, Bangkok, June 8, 2010.

¹⁹⁸ See Andrew Buncombe, “The Cruel Death of Nurse Kate,” *Bangkok Post Spectrum Magazine*, May 30, 2010.

¹⁹⁹ Human Rights Watch interview with nurse [name withheld], Bangkok, June 16, 2010.

According to the same witness, another young man helping out in the medical tent, 22 year-old Akkharadej Khankaew, was shot in the head and body inside the medical tent in front of the temple's cooperatives shop shortly after providing first aid to Nurse Kate. He died from his injuries.²⁰⁰

Human Rights Watch has no information about the circumstances of the deaths of others killed inside or outside the temple.²⁰¹ They have been identified as Mongkhol Khemthong, 36, and Sukan Sriraksa, 31. Witnesses to the Wat Pathum incident told Human Rights Watch that soldiers did not allow medics and ambulances to rescue wounded protesters. Narongsak Singmae said:

I believed many people died because medics and ambulances were not allowed to enter Wat Pathum until almost midnight. I saw a young man suffer from gunshot wounds for about 45 minutes before he died. Some of us tried to crawl out from our hiding places to help the wounded and retrieve dead bodies, but we were shot at by soldiers. Why did they open fire at us? We did not carry any weapons. And can someone tell me why soldiers did not allow medics and ambulances to come in?²⁰²

Although at least two armed Black Shirts were seen fighting with soldiers at the Chalerm Phao junction in front of Wat Pathum Wanaram on May 19 afternoon, none of the journalists, medics, monks, or ordinary citizens whom Human Rights Watch interviewed described seeing any armed men inside the Wat Pathum Wanaram compound. Some said they saw armed men discarding their weapons and changing their clothing before entering the temple, or “tough-looking” young men inside the temple. No witnesses or media accounts of the Wat Pathum Wanaram events mentioned gunfire originating from inside the temple or its compound. It would have been difficult to hide such outgoing gunfire or weapons from the substantial press corps that was present inside the temple throughout the night. There are also no impact rounds on the BTS tracks or elsewhere outside the temple to suggest outgoing gunfire.

²⁰⁰ Ibid.

²⁰¹ Journalist Steve Tickler saw two seriously wounded people outside the temple, but only one, Atthachai Chumjan, has been positively identified. The second person may have been Winchai Manphae, who was being treated by Nurse Kate when she was shot. Thus, it is unclear whether the eyewitness accounts gathered by Human Rights Watch account for four or five of the six deaths recorded.

²⁰² Human Rights Watch interview with Narongsak Singmae, Bangkok, June 8, 2010.

The firing of live ammunition continued for up to an hour, with army-fired shots repeatedly striking the temple compound. Many witnesses interviewed described heavy and sustained gunfire over a long period. This is supported by the chronology of those suffering gunshot wounds. Andrew Buncombe, the wounded journalist, was treated by Nurse Kate before she herself was mortally wounded. Then the wounded nurse was assisted by Akkharadej Khankaew before he himself was shot dead. This could not have occurred if the shooting into the temple had not occurred over an extended period.

In sum, Human Rights Watch's investigations found that a group of soldiers approaching the temple on foot from the west and a second group of soldiers located directly across from the temple on the elevated BTS Skytrain tracks. The soldiers claimed that they engaged in a gunfight with a group of Red Shirts, and possibly looters and arsonists, who were attempting to reach the Siam Paragon and other shopping centers. As a result of the shootings, at least two and possibly more persons were fatally wounded on the main Rama I Road, and others were wounded and killed as they came to their assistance. One person was killed and at least four were wounded from gunfire originating from the BTS tracks that was fired into the front compound of Wat Pathum Wanaram.

A preliminary government investigation report dated November 10, 2010 conducted by the DSI and obtained by Human Rights Watch, largely supports our findings. The report contains testimonies of soldiers assigned to the BTS Siam Station and along the track in front of Wat Pathum Wanaram. The report identifies Maj. Nimit Weerawong of the 1st Battalion of the 3rd Special Force Regiment from Lopburi province as the commanding officer of four Special Force teams on the BTS track from the National Stadium Station to the Siam Station. The four Special Force teams were assigned to move along the BTS track to give protection to soldiers from the Rapid Deployment Force of the 2nd Infantry Battalion, 31st Infantry Regiment, which operated on the street level.²⁰³

According to Major Nimit's testimony to the DSI, on May 19 two of his Special Force teams were on the upper level of the BTS track, while two other Special Force teams led by Sgt. Maj. Somyot Ruamchampa were on the lower level of the BTS track in front of Wat Pathum. Around 6 p.m., Nimit received requests for cover fire from soldiers on the street level, and ordered Sergeant-Major Somyot to lead six other Special Force soldiers on the lower level of the BTS track to do so. Somyot and all of his team members used M16 assault rifles with

²⁰³ DSI report, on file at Human Rights Watch. The report was signed by DSI director Tharit Pengdit on November 16, 2010.

M855 rounds (5.56mm green tip). Nimit said that Somyot's teams exchanged gunfire with armed militants on Rama I Road and inside Wat Pathum Wanaram for about 10 minutes.²⁰⁴

Sergeant-Major Somyot told DSI investigators that he and his teams were stationed on the BTS track in front of Wat Pathum Wanaram. At about 6 p.m. he saw a "man in black" on Rama 1 Road and he fired seven shots at that person. Then at about 6:10 p.m., he saw an armed man in Wat Pathum Wanaram and he fired one shot at that person. Other team members who said they fired shots at the "men in black" on Rama I Road and towards Wat Pathum were Sgt. Pataranan Meesaeng, Sgt. Kriengsak Sibui, and Sgt. Vithun Intham.²⁰⁵ The report does not say whether those targeted were hit.

DSI investigators concluded from witness's accounts and video clips that at about 5:30 p.m., many shots were fired from the direction of the BTS Siam Station. At least one UDD protester, Athachai Choomchan, was wounded by gunshots from the ground level. Athachai died after he was taken to a medic tent inside Wat Pathum Wanaram by other protesters and volunteer workers. Mongkol Khemasa, a volunteer worker from Pohtecktung Foundation, was shot dead while he was trying to help Athachai.

At that time, witnesses inside Wat Pathum Wanaram told the DSI that they saw soldiers on the BTS track firing at the marked medic tent. Kamonket Akhad, a volunteer medic, was shot dead while tending wounded protesters inside the medic tent. Another medic, Akaradet Khankaew, was also shot dead there while trying to rescue Kamonket. Even though DSI investigators could not determine the exact locations where Rop Suksathit and Suwan Sriraksa were shot and killed, their bodies were found inside Wat Pathum Wanaram with bullet wounds, which suggested that they had been shot from a high angle. Remains of 5.56mm green tip rounds used by the military in M16s were found in the bodies of Mongkol, Kamonket, Rop, and Suwan. Athachai was shot clean through so the type of bullet could not be determined. And there were not enough bullet remains inside Akaradet's body to determine the bullet type. DSI investigators concluded that Mongkol, Rop, and Suwan were killed by soldiers acting on their duties. These three cases were forwarded to the police to conduct further investigations under the civilian Criminal Procedure Code.²⁰⁶

During a meeting with Human Rights Watch, Colonel Sansern, the CRES spokesperson, repeated his denials that the army was responsible for the killings inside Wat Pathum

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

Wanaram. He suggested that Red Shirt militants had killed the six persons in an internal dispute.²⁰⁷ The suggestion flies in the face of the eyewitness accounts, physical evidence, and forensic investigations carried out at the scene of the events.

²⁰⁷ Human Rights Watch interview with Col. Sancern Kaewkamnerd, spokesperson of CRES, Bangkok, June 15, 2010.

VIII. Protests and Violence Outside Bangkok

After the UDD begun the “Million Man March” in Bangkok on March 12, parallel rallies took place in Khon Kaen, Ubon Ratchathani, Udonthani, Chiang Mai, and Chiang Rai provinces—regions in northern and northeastern Thailand that are the political stronghold of deposed prime minister, Thaksin Shinawatra. These rallies were connected with the main protest stages in Bangkok via the broadcast of the People’s Channel satellite TV, community radio stations, and a live online feed. Thaksin often made telecasts or telephone speeches to demonstrators, appearing on large screens to urge them not to abandon him and stay committed to the “struggle for democracy.”²⁰⁸ Participants of these parallel rallies were told to prepare for retaliatory action, including besieging and burning provincial halls, if the government used violence to disperse UDD protests in Bangkok.

On January 29, UDD leader Arisman Pongruangrong had publicly revealed such plans to UDD protesters in front of Army headquarters in Bangkok:

We must be united in our fight ... I say this to soldiers, the Privy Council’s dog servants. If they spill one drop of the Red Shirts’ blood, Bangkok will instantly turn into a sea of fire ... And for those of you in the provinces and cannot be with us in Bangkok, Jatuporn [Prompan] already told you to follow the news closely. If anything happens to us here, you go out and gather at the provincial halls. Do not wait. Go there, and destroy everything to the ground.²⁰⁹

Similarly, on April 3, UDD leader Jatuporn Prompan called on UDD supporters to retaliate in their hometowns without waiting for instructions from the leadership if the government broke up their protests in Bangkok:

I am calling on to brothers and sisters in the provinces. Listen carefully. Your mission is to gather at the provincial halls if our protests in Bangkok are

²⁰⁸ For example, see Thaksin’s telephone speech at the UDD rally in Ubon Ratchathani on May 15, 2010, <http://www.thairath.co.th/content/region/13108> (accessed June 10, 2010).

²⁰⁹ “Evidence of Red-shirts’ Involvement in Arson Attacks,” http://www.youtube.com/watch?v=gJNPfB4_mgs&feature=related (accessed April 2, 2011).

dispersed. If that happens, you make your own decision instantly. Do not wait for further instructions.²¹⁰

Even UDD leaders in the so-called “moderate” faction publicly called on several occasions from the UDD stage for arson attacks. For example, UDD President Veera Musikhapong announced on the UDD stage at Phan Fa Bridge in Bangkok on March 21, “You [the government] can use violence against us ... but your strategy cannot scare us. We may be dispersed. We may have to retreat to our homes in the countryside. That is possible. But let me tell you this ... Every square inch of Thailand will be on fire as we retreat.”²¹¹

A local UDD leader in Mukdahan told Human Rights Watch:

We discussed among ourselves what the national leadership told us. We followed the situation in Bangkok closely and prepared to take action. If soldiers were mobilized to disperse our brothers and sisters in Bangkok, we would then immediately go to the provincial hall and set it on fire. This strategy had been adopted by our brothers and sisters all over Thailand. We would not run away and hide. When they attacked our brothers and sisters in Bangkok, we would fight back.²¹²

In response, Interior Minister Chaovarat Chanweerakul held a video conference with 75 provincial governors on April 7, ordering them to prepare measures to prevent attacks on provincial halls, as well as government and private property in their provinces. According to Chaovarat, he told them:

I am confident that provincial governors can keep the situation under control. They must do their best. Each province must have a plan to protect the provincial hall. Government and private property will also be protected. We will rely on the police, the Interior Ministry’s Aor Sor [defense volunteer] units, and soldiers in the umbrella of the provincial Internal Security Operations Command. So, I am not worried about reprisal attacks by the UDD if the government decides to disperse the protests in Bangkok.²¹³

²¹⁰ Ibid.

²¹¹ Ibid.

²¹² Human Rights Watch interview with a local UDD leader (name withheld), Mukdahan, October 15, 2010.

²¹³ Human Rights Watch interview with Interior Minister Chaovarat Chanweerakul, Bangkok, April 7, 2010.

However, the reality was very different. Despite the declaration of a state of emergency in 23 provinces outside Bangkok, local authorities were unable to prevent violence throughout the period of the UDD protests. In many provinces, there were bomb attacks and drive-by shootings targeting businesses known to be connected with the ruling Democrat Party and the Privy Council president, General Prem, as well as government buildings and properties of state enterprises. For example, on March 20, a bomb exploded at Prem Tinsulanonda School in Khon Kaen province. On April 3, two M79-launched grenades were fired into the Lotus Department Store in Chiang Mai province. On April 10, powerful bombs went off and almost destroyed two electricity pylons in Phra Nakhon Si Ayutthaya province, which could cause a blackout in Bangkok and other provinces. On April 21, an RPG caused an explosion when it was fired at a jet fuel depot in Pathum Thani.

UDD protesters in many provinces blocked road and train traffic to stop soldiers and police from sending reinforcements to Bangkok. On April 25, over 300 UDD protesters in Ubon Ratchathani stormed the compound of Ratchathani Asoke, a Buddhist center connected to PAD leader Chamlong Srimuang. Police who arrived at the center took no action to prevent the protesters from destroying the center and detaining seven members of Ratchathani Asoke for several hours.²¹⁴

Ubon Ratchatani

On May 12, amid growing anticipation of large-scale military operations to disperse the UDD protests in Bangkok, the UDD community radio FM 91.00 MHz (FM 91) in Ubon Ratchathani broadcast that UDD members and supporters should stay ready and prepare to destroy the provincial hall and other government buildings if the government dispersed the Ratchaprasong camp in Bangkok.²¹⁵

On May 19, violence erupted when local UDD members and supporters believed the government was about to launch dispersal operations in Bangkok. Hundreds of UDD protesters in Ubon Ratchathani followed the announcement on FM 91 and went to the assembly point at the house of a local UDD leader and community radio operator, Pichet Tabudda, starting around 5 a.m. Then they marched to the house of former Justice Minister Suthas Ngermuen, a member of the Democrat Party, and burned tires in front of his house

²¹⁴ "Thailand: End Street Battles in Bangkok," Human Rights Watch news release, April 30, 2010, <http://www.hrw.org/en/news/2010/04/30/thailand-end-street-battles-bangkok> and "Red Shirts in Ubon Burned Down Boats in Ratchathani Asoke," (เสื้อแดงอุบล เผาเรือในชุมชนราชธานีอโศก) <http://www.youtube.com/watch?v=xhaSre7qH7c> (accessed February 4, 2011).

²¹⁵ Human Rights Watch interviewed with officials at Ubon Ratchatani provincial hall [names withheld], Ubon Ratchatani, April 2, 2010.

at around 10 a.m. About an hour later, they burned tires in front of the house of former Social Development and Human Security Minister Withun Ngrambutra, also from the Democrat Party. After that, Pichet led the protesters to a local Air Force base and tried to storm through the gate. They fired homemade rockets at the soldiers there and burned tires in front of the base. The protesters withdrew when the soldiers fired warning shots in the air.

In the afternoon, more than 1,000 UDD protesters began to surround the Ubon Ratchathani provincial hall. An official at the provincial hall on May 19 recalled how a riot erupted:

About 1,000 protesters gathered in front of the provincial hall at 1 p.m. They were angry that they could not enter into the compound as all of the gates were chained and locked. They burned tires at all of the gates and tried to push through the security units. Some of the protesters were armed with wooden stakes, slingshots, and homemade bombs. There were about 300 police, Aor Sor [defense volunteers], and soldiers guarding the provincial hall. The protesters went mad when they heard gunshots and saw two or three protesters fall to the ground. They repeatedly shouted, “Soldiers shot us!” Not long after that, I heard on the radio that DJ Toi [nickname of local UDD leader Pichet Tabudda] made an announcement calling more Red Shirts to come here and take over the provincial hall. By about 3 p.m., the protesters used trucks to break through the front gate, and security units began to retreat. I saw some of the protesters enter into the main building of the provincial hall and set offices downstairs on fire. Another group of protesters went around blocking the fire squads from getting close to the main building. They attacked the fire squads with rocks and slingshots. Eventually, the protesters seized one of the fire trucks and burned it. As I was escaping out of the compound, I could see the entire provincial hall was burned down. The nearby provincial council building was also on fire. I heard many gunshots at that moment.²¹⁶

Six protesters received gunshot wounds in a series of clashes with security units at Ubon Ratchathani provincial hall that day. After destroying the provincial hall, the protesters retreated and regrouped at the station of FM 91. The next day, more than 200 soldiers and police went to the station to arrest local UDD leader Pichet and shut down his radio station.

²¹⁶ Human Rights Watch interview with a local official (name withheld), Ubon Ratchathani, October 27, 2010.

According to testimony given to Parliament by Police Lt. Gen. Sompong Thongweerasaprasert, the provincial police commissioner of Ubon Ratchathani, local police were not fully prepared for an outbreak of violence:

We monitored the situation closely, knowing that we did not have enough strength to handle the outbreak of violence because almost half of our crowd-control units had been dispatched to Bangkok, together with anti-riot gear. We also sought assurance from the army that they would give us an advance notice, at least 12 hours, before there would actually be a crackdown in Bangkok. That would give us time to get ready. We would need about four hours to arrange reinforcement from all over the province to protect the provincial hall.

Personally, I did not expect any riots in Ubon Ratchathani. I thought the negotiation in Bangkok, mediated by a group of senators, between the government and the UDD would succeed. I really thought that the UDD leaders might surrender in the next day. So, I decided not to close down the Red Shirt community radio station [FM 91] on May 18 as instructed by the CRES. The governor of Ubon Ratchathani also agreed with me that we should not shut down that radio station as it would escalate the tension and trigger the outbreak violence.

The governor and I were taken by surprise when we found out about the dispersal in Bangkok that morning, on May 19. The governor told me to quickly mobilize the police to the provincial hall. I could get about 300 of them ready by noon. But most of those police were not fit and ready. They were rather old, about 40 years old. Most of them only had shields and helmets. How could they stop the protesters from storming into the provincial hall? Some of the police were injured by slingshot projectiles. Fire trucks were overtaken and set on fire by the protesters. Eventually, I had to order the police to retreat as the provincial hall was burned down, even though I could have ordered the police to open fire with live ammunition and kill the protesters. But I did not give that order.²¹⁷

²¹⁷ Parliamentary testimony given by Pol. Lt-Gen Sompong Thongweerasaprasert, provincial police commissioner of Ubon Ratchathani, June 28, 2010.

Police Lieutenant General Sompong also explained why Ubon Ratchathani authorities were not willing to use harsh measures against the protesters:

The government and the CRES criticized Ubon Ratchathani police as being inefficient. They also accused us as sympathetic to the Red Shirts, thinking that was the reason why we failed to stop the riot and protect the provincial hall. The CRES said we could shoot at the protesters when they were charging us within the range of 35 meters and pose a threat to us. But we have never been trained to do that before. Even if we were trained, it would still be very difficult to do that anyway. I also want to say that police have to work with people in the community. We know them well. We do not see them as terrorists. We do not want to shoot and kill them. Soldiers may have different perceptions because they are not part of the community. They are deployed to take action. After that, they can easily return to their barracks. They do not have to be worried about any legal consequences too. But for police, we will be held accountable if we use violence.²¹⁸

Udonthani

On May 16, the army called a meeting in Udonthani with local radio and television stations at which a representative of a UDD-supporting radio station said army commanders ordered the end of rebroadcasting online feeds of People's TV. The representative later said:

He [the military commander] told us not to broadcast or report about situations of violence, and if there was a report, we had to take out parts that had to do with violence. They also told us not to mobilize the people and to not encourage them to go anywhere.²¹⁹

The commander also reportedly said that since the emergency decree was in effect, the penalties for violating this order were more severe than usual, but did not provide details. The broadcaster grudgingly complied with the order. He said:

When we received the order, we really felt it was unjust, but we had to do what we were ordered. I thought, hey, ASTV [a pro-PAD television channel] can operate, and all the news channels of the government can operate, but

²¹⁸ Ibid.

²¹⁹ Human Rights Watch interview with representative of community radio station [name withheld], Udonthani, June 19, 2010.

on our side, which did not like the government, we could not broadcast what we wanted. It was so unjust ... and we felt sympathetic to the villagers, who wanted to listen to the People's Channel. The villagers called us to complain, they were calling us on all the phones, our mobile phones and our house phones. They also called the phone of the radio station to complain.²²⁰

Nevertheless, on the morning of May 19, UDD supporters in Udonthani heard about the crackdown in Bangkok from pro-UDD radio stations, including FM 97.5—the “We Love Udon Club” radio station of core UDD leader Kwanchai Praipana—and started gathering at the Thung Sri Muang, a large field in front of the provincial hall. A sub-district chief told Human Rights Watch that many people in his sub-district and throughout the province listened to that radio station, which called for as many people as possible to quickly gather in front of the provincial hall by making pleas for people to come from each sub-district.²²¹

Crowds began gathering in front of the provincial hall at 10 a.m. At the same time, the Khon Kaen Muang district chief held an urgent meeting of all sub-district chiefs at the district office across the street from the provincial hall. He ordered all the sub-district chiefs to find any villagers in the crowd from their sub-district, and encourage them to go home. While in the crowd, one of the sub-district chiefs said he met a police officer he knew. He told Human Rights Watch:

After a while, one of the spokespersons from the radio came over.... I had never met him before, but I had heard him on the radio. Around his head a *pakama* [length of cloth common in the northeast] was wrapped, and you could just see only a little of his face, it was like he didn't want people to be able to recognize him. I asked him about the leaders, and he said there aren't any, and I said, “But what happens if something happens?” He said, “Well, we are consulting among ourselves about that right now. We are waiting for the order from the center, from Bangkok, on what they want us to do. We have to wait for the orders. The army is seizing Rachaprasong now. They are seizing that area, and taking our leaders. If our leaders are arrested, or killed, and the area [Rachaprasong] is invaded, then we will invade and burn down the provincial hall. But we have to wait for the order.” He said that if we don't get the order, then they would not do anything. But then as I was walking around ... I could see the situation. The loudspeakers were spreading

²²⁰ Ibid.

²²¹ Human Rights Watch interview with sub-district chief [name withheld], Udonthani, June 18, 2010.

the news, and there were men, women, old people, and they were carrying sticks and rods and they were saying, “We need to go, we need to fight, let’s invade [the provincial hall], we need to help our people. There is no justice. They are killing our leaders and we need to do something.” And all this shouting, it created a mood, an anger, and an excitement that they needed to do something.

I kept walking, talking to this person and that person, and the speakers at the field kept getting people fired up, saying through the microphones that, “Bangkok is burning, they have invaded us.” Finally, I went back and reported [to the district chief] and I said that they [the crowd] are waiting for a signal.²²²

The district chief and sub-district chiefs saw Udon Thani Governor Amnat Pakarat and Col. Amnuay Julanonyang, chief of staff, 24th Military Circle, based in Udon Thani, and moved to join them. Aor Sor defense volunteers provided security, but were unarmed. At approximately 11 a.m., Governor Amnat tried to address the crowd through loudspeakers, but protesters drowned him with shouts and by turning up music on their sound systems. He abandoned the effort in less than five minutes. Senior police officers tried but failed to negotiate with protesters to remain outside the provincial hall fence.²²³

Around 12.30 p.m., UDD protesters stormed a gate of the provincial hall and entered the grounds. The Aor Sor fled. Protesters were armed with metal rods, sticks, and rocks, and quickly torched six fire department vehicles in the parking lot and an Aor Sor transport truck. Protesters carried in cans of gasoline and tires and used them to set the old provincial hall afire. Police called for sub-district offices to send fire trucks to douse the blaze but diverted those that responded after protesters stopped one truck, forced the crew out, and set it ablaze. The “new” provincial hall, a more modern seven-floor extension, was also set ablaze after protesters sabotaged the sprinkler system. The bottom two floors were heavily damaged.²²⁴

²²² Ibid.

²²³ Human Rights Watch interview with senior municipality civil servant assigned to provincial hall [name withheld], Udonthani province, June 17, 2010.

²²⁴ Human Rights Watch interviews with senior municipality civil servant assigned to provincial hall [name withheld], and Kittikorn Teekatananoon, deputy chairman, city municipality, Udonthani province, June 17, 2010.



Six fire trucks that had been set afire and destroyed by protesters outside the Udon Thani provincial hall on May 19, 2010. © 2010 Human Rights Watch



Aor Sor civil defense volunteers truck after it was torched by protesters in the compound of the Udon Thani provincial hall on May 19, 2010. © 2010 Human Rights Watch



The main entrance of Udon Thani provincial hall showing fire damage after protestors burned it on May 19, 2010. © 2010 Human Rights Watch



Façade of the Udon Thani city municipal office showing extensive fire damage caused by protestors who attacked and burned the front entryway, and bottom two floors of the building on May 19, 2010. © 2010 Human Rights Watch

A senior municipal civil servant told Human Rights Watch that in the early afternoon he witnessed protesters attack the lightly guarded city municipality building, which the government had not anticipated might be a target of protesters. He said that civil servants made an announcement on the building's public address system not to resist. The two security guards quickly gave way to the protesters who entered the building, using sticks and metal rods to smash chairs, tables, computers, and windows of the municipality's "one stop service" center on the ground floor. Protesters also destroyed the municipality's finance section on the second floor, and invaded third, fourth, and fifth floors, before setting fire to tires on the building's ground floor, causing extensive smoke damage. The civil servant said, "The Red Shirts did not cause any problems to people, like us civil servants. They were just so angry and attacked anything that clearly represented the government, like the building, two fire trucks in our parking lot, and some other official government vehicles."²²⁵

At approximately 2 p.m., more than 100 soldiers arrived in the city with several army fire trucks and immediately began a clearing operation.²²⁶ Troops entered the provincial hall first, firing into the air, and UDD protesters retreated. Army fire trucks began to extinguish the fire and, after clearing the hall, moved to the Udonthani city municipal building, again firing in the air as the protesters fled back toward the Thung Sri Muang in front of the provincial hall, or left the area altogether.

Witnesses reported the clearing operations against the protesters continued for several hours until approximately 5 p.m., when protesters attempted to advance on the residence of the Udonthani governor and were prevented from doing so. Soldiers opened fire with live ammunition, killing Ploen Wongma and seriously wounding three protesters, including Abhichart Raviwat, who died in hospital 21 days later. A police officer, who is also a UDD activist, told Human Rights Watch that soldiers were the primary force clearing protesters:

I went to that man's funeral [Ploen] and saw that he was hit with many bullets, in the legs and the chest—some went through him—I saw the body myself. And one of his relatives brought out the shirt that the dead man was wearing that day, with all the bullet holes. He was poor, in his early 40s. He has a daughter and she is about four or five-years-old. His mother was there,

²²⁵ Human Rights Watch interview with senior municipality civil servant at city municipality [name withheld], Udonthani, June 17, 2010.

²²⁶ "Political unrest in Udon Thani," <http://www.youtube.com/watch?v=UMp5UwTYy-Y> (accessed February 4, 2011).

and siblings. They are really poor: on the day I went to the funeral I took plain rice to help them.²²⁷

After the army dispersed protesters in Udonthani, it moved to terminate the broadcasts of the pro-UDD community radio stations. Between 7 and 8 p.m., a squad of approximately 30 soldiers went to the broadcasting station of the “We Love Udon Club.” A leader of the club said local police informed them that the army was on the way, and so everyone fled the compound. He added, “We were not scared about being caught, but we were scared about possibly being shot by the soldiers. We thought, ‘They can do what they want, they could say that we were resisting and it would be like we died for free.’” A staff member of the radio station watched from outside the compound and reported that police remained outside as the soldiers searched the station, cut the broadcast transmission cable, and broke into the locked shed containing the radio transmitter. The soldiers also seized 18 folders containing the names, addresses and copies of national ID cards of members of a funeral benefits association run by the “We Love Udon Club.” They also smashed filing cabinets, and caused damage that the group estimates to be around 40,000 baht (USD 1,318).²²⁸

Khon Kaen

As in Udonthani, after CRES declared the emergency decree in Khon Kaen province, army leaders invited media broadcasters to a meeting at which they told the press not to incite the public or encourage protests. Army representatives confirmed in the meeting that the Internal Security Operations Command (ISOC), a military-dominated security unit attached to the Prime Minister’s Office, was listening to community radio stations at all times and said the army would not hesitate to close any radio station violating its orders. The major UDD-leaning community radio network based in Khon Kaen city ceased broadcasting before May 19, partly to avoid problems with authorities. More radical UDD supporters declared they would forcibly take over the station to broadcast their views, and threatened to burn it down.²²⁹

On May 19 at 7 a.m., local UDD leader Sabrina Sar led hundreds of UDD protesters in front of the provincial hall. By about 11 a.m., with the number of protesters reaching around 3,000, they began to break through the provincial hall’s western gate. Some were armed with wooden stakes, metal pipes, and slingshots. Efforts led by Police Gen. Sakda Dechakriengkrai to persuade protesters to leave the old building of the provincial hall were

²²⁷ Human Rights Watch interview with policeman [name withheld], Udonthani, June 18, 2010.

²²⁸ Human Rights Watch interview with senior leader of We Love Udon Club [name withheld], at We Love Udon Club radio station, Udonthani, June 19, 2010.

²²⁹ Human Rights Watch interview with radio owner/operator [name withheld], Khon Kaen, July 7, 2010.

unsuccessful. Approximately 300 police and Aor Sor members were guarding the provincial hall when protesters started burning tires. Efforts to put out those fires were resisted and protesters brought tires, gasoline, and cooking gas tanks to start new fires inside various buildings that made up the provincial hall. Protesters forced fire squads responding to situation to trying to abandon their vehicles, which they destroyed. They also threatened to attack officials working inside the provincial hall.

The protesters withdrew from the provincial hall when about 200 soldiers intervened. Three protesters were shot and wounded.



Rubble and burned-out filing cabinets on second floor of the central staircase of the old wing of the Khon Kaen provincial hall, which was set afire by protesters on May 19, 2010. © 2010 Human Rights Watch



Blaze set by protesters on May 19 burned out the roof of the old wing of the Khon Kaen provincial hall. © 2010 Human Rights Watch



Rubble and fire damage on third floor of central staircase of the old wing of the Khon Kaen provincial hall, showing the destruction caused when it was torched by protesters on May 19, 2010. © 2010 Human Rights Watch



Burned-out side staircase on the ground floor of the Khon Kaen provincial hall, damaged by protesters on May 19, 2010. © 2010 Human Rights Watch



Damaged and abandoned civil service office at Khon Kaen provincial hall. © 2010 Human Rights Watch

Around 3:30 p.m., more than 1,000 protesters went to the local office of the government-controlled National Broadcasting Services of Thailand (NBT) and burned down two buildings there. From 4 to 5 p.m. they attacked three branches of the Bangkok Bank at Pracha Samosorn, Sri Chan, and Na Muang. At first, some protesters threatened to set the banks ablaze and to attack journalists who photographed them. But police intervened and persuaded the protesters not to burn down the banks, partly out of concern the fire would spread to nearby buildings.

At 5 p.m., more than 1,500 UDD protesters gathered on the road in front of the house of Prajak Klaewklaharn, a former transportation minister from the Bhumjaithai Party, which has been targeted by the UDD because of his defection from the Thaksin faction to support the Abhisit government.²³⁰ Some protesters hurled rocks and bricks at the house, while others shook the gate, trying to gain entry. Police stood by and did little to stop the violence.²³¹ When the gate began to give way, Prajak's personal aide Sanya Hakhamdaeng reportedly opened fire with a shotgun from inside the house, killing one protester and wounding 13 others. Following the shooting, several protesters lobbed petrol bombs into the house's compound, setting part of the compound on fire. Police arrested Sanya on May 28 and charged him with murder. At time of writing, the case was still pending in the courts.²³² A local UDD protester wounded in front of Prajak's house told Human Rights Watch:

Everyone in the villages was listening to the radio, and people were calling to everyone they knew to come. People were just suggesting, "Ok, let's go here," or "Let's go there," and we would all get together and just go along. I don't remember anyone deciding that we would go to Prajak's house, it was just an idea and then everyone just went along. It was like there were no leaders and no followers.

There was one protester who started to move like he was going to pull down a picture of the King in front of the house, and I ran with others, and yelled,

²³⁰ UDD wrath for the Bhumjaithai Party was the result of its founder, Newin Chidchob, and other key leaders having defected from Thaksin's faction to assist Prime Minister Abhisit form the current coalition government.

²³¹ Police stood by idle as UDD protesters gathered in front of Prajak's house and the situation became rather tense. When protesters began to shake the front gate of the house, Prajak's assistant opened fire at the protesters from inside the house, killing one and injuring 13 others. Some protesters also lobbed petrol bombs into the house's compound. "How to Fight Red Shirt Rebels," (วิธีการต่อสู้กับกบฏเสื้อแดง) http://www.youtube.com/watch?v=27a_6RRKWcg (accessed February 4, 2011).

²³² Sanya was arrested on May 28 and charged with murder. See "Police Arrested Secretary of Former Deputy Transportation Minister for Shooting Red Shirts That Burned His Boss's House," (ตร "ประจักษ์" คมนาคม. รวบแล้ว เลขาฯอดีต รมช. ยิ่งเสื้อแดงบุกวางเพลิงบ้านพักนาย) *Matichon*, May 28, 2010.

“Don’t do that, leave it alone,” and many others said the same, and then he only took down a Thai flag, and then I didn’t see him again. The road was packed.... Then people started to shake the gate [of the house]. I heard something like the gate falling, but before anyone could go in, there was a huge “boom.” I was not in the front row, so I couldn’t see clearly what happened, but I was hit in the leg. I didn’t go down, but many of the people in front of me went down. Then there was a second “boom” and I was hit twice in the leg. Later I realized it was buckshot that hit me. I heard people yelling, “Flee! Flee! He’s got a gun.” Altogether, I heard three shots. I looked around, and people were crawling on the ground with their elbows, trying to get away.²³³

Another protester wounded in front of Prajak’s house told Human Rights Watch that he was arrested three days after he got out of the hospital:

I was at my house around 10 a.m. when several police not wearing uniforms came to see me. They said, “We want you come to look at the photos to identify the person because we have caught the person who we think shot everyone.” I said I didn’t see anyone but they said come anyway, and I replied, wait a minute so I can take my medicine and wash my wounds. They said, don’t worry you won’t be gone long, you’ll be back before noon. At the police station they showed me some photos but I was not able to identify anyone. And then they said, come over here and they filed charges against me. I was shocked and angry that they lied to me to get me there. They said the owner of the house filed charges. There was no police summons paper. They put me in the lock-up at noon, and there were three other people who were wounded in front of the house, and the police had all told them the same story about going to look at photos. And so there we all were, on crutches in jail. That night, they brought another person at the MP’s house straight from the hospital to the lock-up.²³⁴

The protester was charged with violating the emergency decree, illegal assembly, trespass on private property, and arson. He was subsequently released on bail. At time of writing, his case is still pending in the court.

²³³ Human Rights Watch interview with protester [name withheld], Khon Kaen, July 6, 2010.

²³⁴ Human Rights Watch interview with protester [name withheld], Khon Kaen, July 6, 2010.

A young protester who was also wounded in front of Prajak's house told Human Rights Watch that police called the village headman of his village, instructed him to take the young man to the Khon Kaen district police station to identify photos, and that the young man was arrested upon arrival and charged with trespassing on private property and arson.²³⁵

²³⁵ Human Rights Watch interview with protester [name withheld], Khon Kaen, July 6, 2010.

IX. Aftermath: Arbitrary Detention and Surveillance

Arbitrary Arrests and Detention

Since enforcement of the Emergency Decree on April 7, 2010, the CRES has used emergency powers to detain hundreds of suspects without charge for up to 30 days in unofficial detention facilities, where there are inadequate safeguards against possible abuses in custody.²³⁶

As a state party to the International Covenant on Civil and Political Rights (ICCPR), Thailand is obligated to take measures to ensure the realization of basic rights even when a state of emergency is declared. According to the United Nations Human Rights Committee, the expert body that monitors state compliance with the ICCPR, arbitrary deprivation of liberty and deviations from the fundamental principles of a fair trial, including the presumption of innocence, is always prohibited.²³⁷

The CRES first announced these detention powers on April 8 when it sought to arrest seven UDD leaders who led a raid on Parliament on April 7. The seven were Arisman Pongruangrong, Suporn Attawong, Payap Panket, Yoswaris Chuklom, Wanchana Kerddee, Siriwan Nimitsilpa, and Police Lt. Col. Sa-nguiam Samranrat. On April 9, additional arrest warrants were issued for the remaining key UDD leaders, including Weng Tochirakarn, Darunee Kritboonyalai, Charan Ditttha-apichai, Nattawut Saikua, Nisit Sinthuprai, Veera Musikapong, Kokaew Pikunthong, Khwanchai (Sarakham) Praipana, Shinawat Haboonpat, Wiputhalaeng Pattanaphumthai, Adisorn Piengkkes, Voraphol Phrommikabutr, Police Lt. Col. Waipot Apornrat, Samroeng Prachamruea, Wisa Khanthap, Paichit Aksornnarong, and Maj. Gen. Khattiya Sawasdiphol.²³⁸

²³⁶ See full text of the Emergency Decree at <http://www.unhcr.org/refworld/docid/482bo05f2.html>. On April 10, Thailand formally derogated from its ICCPR obligations under the right to freedom of movement (article 12), freedom of expression and the press (article 19), and peaceful assembly (article 21) in the areas under the Emergency Decree. The government did not derogate from the prohibition on arbitrary arrest and detention (article 9), or the right to a fair trial (article 14). International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. <http://treaties.un.org/doc/Publication/CN/2010/CN.375.2010-Eng.pdf>

²³⁷ Human Rights Committee, General Comment 29 States of Emergency (article 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 186 (2003), para. 11 (“States parties may in no circumstances invoke article 4 of the Covenant as justification for acting in violation of humanitarian law or peremptory norms of international law, for instance by taking hostages, by imposing collective punishments, through arbitrary deprivations of liberty or by deviating from fundamental principles of fair trial, including the presumption of innocence.”).

²³⁸ “Arrest warrants out to 17 UDD leaders and collaborators,” *Siam Daily News*, April 8, 2010, <http://www.siamdailynews.com/2010/04/11/arrest-warrants-out-to-17-udd-leaders-and-collaborators/> (accessed February 24,

The CRES sought to arrest the UDD leaders and detain them at the 1st Region Border Patrol Police Command in Pathumthani province.²³⁹ Under the Emergency Decree they could be held for seven days, which could then be extended up to 30 days. For others arrested under the Emergency Decree, the CRES on April 22 ordered the use of military camps in Prachinburi province (Jakrapong Camp and Promyothi Camp) and Kanchanaburi province (Surasri Camp) for detaining them.²⁴⁰ Human Rights Watch has learned that since at least May 12, the CRES ordered the use of additional military camps in the provinces of Saraburi (Adisorn Camp), Ratchaburi (Panurangsi Camp), and Chantaburi (Panasbodisriuthai Camp), as well as Border Patrol Police facilities in Prachinburi province (Naresuarn Camp) and Pathumthani province (1st Region Border Patrol Police Command) as detention centers.²⁴¹ According to Tharit Phengdit, the director-general of the Justice Ministry's Department of Special Investigation (DSI), those accused of involvement in political violence were interrogated by military personnel while being held at military facilities.²⁴²

Apart from the cases of key leaders who surrendered to the authorities after the dispersal of the UDD protests on May 19, the CRES has withheld information for months about other rank-and-file protesters detained both with and without charge. The CRES did not provide information to family members regarding the whereabouts of most detainees during the entire period of detention in military facilities. This violated section 12 of the Emergency Decree, which requires that officials file a report on the arrest and detention of suspects for submission to the court and deposit the report at their office so that detainees' relatives have access to it for the entire duration of detention.

When authorities deny holding a detained individual or fail to provide information on a person's fate or whereabouts, the government is committing an enforced disappearance in violation of international law.²⁴³

2011).

²³⁹ "Court Approves Arrest Warrants for Seven UDD Leaders Who Raided Parliament," (ศาลอนุมัติหมายจับ 7 นปช. นกสภฯ), *Matichon*, April 8, 2010, http://www.matichon.co.th/news_detail.php?newsid=1270731102&grpId=&catid= (accessed February 4, 2011).

²⁴⁰ CRES order number 11/2553 on file with Human Rights Watch,

²⁴¹ "Compilation of Measures to Pressure Red Shirts, Starting Midnight," (ประมวลมาตรการกดดันเสื้อแดงเต็มรูปแบบ เริ่มเที่ยงคืนนี้) *Khao Sod*, May 12, 2010, http://www.khaosod.co.th/view_newsonline.php?newsid=TVRJMo16WXpPRGt5TVE9PQ== (accessed February 4, 2011).

²⁴² See, for example, "DSI Accused of Set UP," (ขั้ว DSI จัดฉาก) *Thai Post*, August 16, 2010, <http://www.thaipost.net/news/160810/26239> (accessed February 4, 2011).

²⁴³ Declaration on the Protection of All Persons from Enforced Disappearances, G.A. res. 47/133, 47 U.N. GAOR Sup8p. (No. 49) at 207, U.N. Doc. A/47/49 (1992); International Convention for the Protection of All Persons from Enforced Disappearance, E/CN.4/2005/WG.22/WP.1/Rev.4 (2005), article 1.

According to the Mirror Foundation, a Thai human rights group working on enforced disappearances and missing persons, as of June 1, more than 40 UDD protesters had been reported “missing” by their families since the first major street clashes on April 10.²⁴⁴ The foundation reported:

The “missing” person complaints that our foundation has received can be largely divided into three groups: those who were killed or injured during the clashes, those who have gone into hiding, and those we believe have been put in detention. We are making progress in tracking down the first group with information from hospitals and emergency medical units. For the second group, we found that the “missing” persons have actually gone hiding to avoid getting arrested – it was their relatives who told us so. But we are in the dark and have no information from government agencies about how many people have been arrested and detained, as well as the whereabouts of those people. I have repeatedly requested the CRES to release those details so that our foundation can help inform families of the detainees. But there has been no cooperation from the CRES.²⁴⁵

For instance, Noi Pongprayoon told Human Rights Watch on May 30 that her son, Thanapol, had gone missing two weeks earlier after going to the UDD protest at Ratchaprasong Junction:

Mag [nickname of Thanapol] left home on the evening of May 14. He said he would be going with his friends to join the protest. I was very worried because the shooting had already started, and I heard from the news that many people were killed and wounded. But he told me he would be OK. He said he could take care of himself. He told me he would leave his mobile phone on all the time so that I could call him and check how he was doing. That was the last time I saw him and spoke to him. His mobile phone has gone silent since that night. I checked with many hospitals, but could not find Mag on the list of those killed or injured during the clashes. Then, I thought that he might be arrested because I saw the news that soldiers took Red Shirts away on military trucks on May 19. But no one seemed to know exactly where soldiers took those people.

²⁴⁴ “Mirror Foundation Said 25 People Missing After Protest Ended,” (กระจกเงาเผยมีคนหายหลังมีอบยุดี 25 ราย) *Backtohome.org News*, May 26, 2010, http://www.backtohome.org/autopagev4/show_page.php?topic_id=4603&auto_id=4&TopicPk= (accessed February 12, 2011)

²⁴⁵ Human Rights Watch interview with Ekaluck Lumchomkhae, Bangkok, June 1, 2010.

My daughter went to Bang Kruay district police station to ask if they knew anything about my son. The police there said the military was in charge of holding the Red Shirts, and they did not have any details about my son. They told me to go to the Tor Chor Dor [Border Patrol Police] camp in Pathumthani province, because the military used that camp to detain some of the Red Shirts. But they said there were other detention places in military camps in many provinces. How could I go to all those places? I do not have enough money. I filed a missing person report for Mag with Bang Kruay district police station and also asked Kra Jok Ngao [Mirror Foundation] to help look for my son. I do not know what is going on. I have the right to know what happened to Mag. If the military arrested or killed my son, they should tell me so.²⁴⁶

Human Rights Watch found that many UDD protesters had been barred from contacting their families while in detention. Prayong Au-piem from Bangkok recalled:

I was at Saladaeng junction when soldiers started to clear our barricades on May 19. I was so scared. I went to hide in a tent. There were gunshots and explosions around me. Around noon, soldiers came to the tent where I was hiding with other protesters. They pointed their guns at us and ordered us to come out. They searched our bodies and took our mobile telephones and wallets. Then they told us to line up. They said we would be sent back home by bus. I was not quite sure what would happen. But last April, soldiers sent the Red Shirts back home, with some pocket money, after our encampment at the Government House was taken over. After waiting for three or four hours, soldiers told us to get on a military truck. Then they put a canvas on top of the truck. I had no idea where we would be taken. I started to think about the rumors that soldiers took people away to kill and bury their bodies after the May 1992 crackdown. I feared that I might end up like that.

We were riding on that truck for many hours. It was hot, and I could hardly breathe. It was already dark when the truck stopped. We were ordered to climb out and line up, dividing into two groups between men and women. That place looked like an army camp. We were told to go inside a building. There were bunk beds, with pillows and blankets. The next morning I found that there were soldiers on guard outside that building. The army camp

²⁴⁶ Human Rights Watch interview with Noi Pongprayoon, Nonthaburi, May 30, 2010. At time of writing, Thanapol's whereabouts remain unknown.

where I was detained was situated in a valley, and there were mountains behind the camp. But I could not figure out where I was exactly. Anyway, it seemed that the soldiers in that camp did not ask us any questions. They just kept us there and fed us. But we could not contact our families. It was boring and frustrating. We woke up, ate, and talked among ourselves. We did not have any fresh clothes. It went on like this until July 3.

On that day, I just finished my lunch when a soldier came inside the dormitory and told me I could go home, together with 11 others. When we went outside, there was a military bus waiting for us. Altogether, 30 of us were put on that bus. But none of us received our mobile telephones and wallets back. I asked the soldiers about that, but they told me that soldiers from other units took our belongings. I found out that we were in Kanchanaburi when the bus dropped us off in the market, without money, and with no mobile telephones to contact our families. People in the market saw us and asked us where we came from. We told them we were the Red Shirts who were just released by the army. Then some of the people in the market contacted Maj. Gen. Ma Po-ngarm, a Puea Thai Party MP. Major General Ma took us to his house and helped us contact our families.²⁴⁷

Detained UDD protesters from other areas gave similar accounts. For example, Nan from Bangkok, told Human Rights Watch how he was arrested and detained after the dispersal the UDD camp at Ratchaprasong junction:

After the leaders announced on the stage that they would surrender, and they told us to move to Wat Prathum, I packed my belongings in black plastic bags. My wife already went ahead to wait for me at Wat Pathum. I was thinking that I would pack up and then go to find a taxi to go home with my wife. But when I walked to MBK junction, soldiers at that checkpoint stopped me. They pointed their rifles at me, and other soldiers searched my body and my bags. Then they stripped off my clothes, and took my mobile telephone. After that they told me to get dressed, and line up with other Red Shirts. They said the CRES had arranged a bus to send us home. I tried to explain to those soldiers that my wife was still waiting for me at Wat Pathum, and that I wanted to take her home with me. But they did not listen. About 7 p.m., I was

²⁴⁷ Human Rights Watch interview with Prayong Au-piem, Bangkok, July 6, 2010.

ordered to get on a bus. But that bus took us to Klong Prem prison. I was charged with terrorism, arson, and violating the Emergency Decree. It took me many days to figure out how to pass a message to my wife. At that point, she already thought I was killed because she could not contact me.²⁴⁸

On June 10, the government published a list of 417 persons that it alleged had violated the Emergency Decree. From the northeast provinces, Udonthani had the most detained with 80, followed by Ubon Ratchatani (29), Mukdahan (19), and Khon Kaen (6). Charges varied but included arson (all the cases in Khon Kaen and Mukdahan, 12 cases in Ubon, 73 cases in Udonthani); trespassing (all the cases in Mukdahan); trespassing with weapons or in a group larger than two persons intending to do harm (65 cases in Udonthani); violation of the emergency decree (all the cases in Udonthani); and curfew violations (17 cases altogether, including three cases with added charges of either possessing illicit drugs or drunk driving).

Since releasing this information, the government has not provided further details on the number of people detained. On June 15, Kiat Sittheeamorn, special envoy of Prime Minister Abhisit, told Human Rights Watch during a meeting at the Thai Permanent Mission to the United Nations in New York, that the list of 417 names comprised all the detainees.²⁴⁹ But the list actually contains only information about the protesters, Thai and foreign, who were already charged and in formal detention in jails or juvenile detention facilities. Although the government informed Human Rights Watch on September 30 that no one was then being held under the Emergency Decree, it has withheld information about those detained without charge both during and after the UDD protests that ended in May.

Human Rights Watch's previous research in Thailand has found the risk of abuse significantly increases when individuals are held in full or virtual incommunicado detention in unofficial locations, under the control of military personnel (who lack training and experience in civilian law enforcement), and without access to legal counsel or other effective judicial and administrative safeguards against torture and ill-treatment. These concerns have been greatest in Thailand's southern border provinces, where an Emergency Decree has been enforced since 2005 to quell separatist insurgents. Human Rights Watch's extensive investigations in the south uncovered many cases of serious abuses committed by

²⁴⁸ Human Rights Watch interview with Nan (not his real name), Bangkok, August 27, 2010.

²⁴⁹ "Letter to Prime Minister Abhisit on Thailand's Emergency Decree Extension," Human Rights Watch, July 10, 2010, <http://www.hrw.org/en/news/2010/07/11/letter-prime-minister-abhisit-thailands-emergency-decree-extension>.

security personnel against detainees, including custodial deaths, torture, and enforced disappearances.²⁵⁰

III-Treatment of Detainees

Human Rights Watch has received complaints accusing soldiers of beating some protesters and bystanders while dispersing protests in Bangkok and in other provinces. In some cases, beatings were allegedly used as a measure to coerce confessions.

Sompon Waengprasert testified to Pathumwan district court in Bangkok on October 7 that soldiers from the 2nd Regiment of the 31st Infantry Division arrested him on May 16:²⁵¹

I am homeless. I do not have an identity card and a house registration. Before I was arrested, I lived alone near Wat Duang Khae and collected garbage to make a living. I cannot read or write. I did not take part in the Red Shirt protests. I was arrested on May 16, about 9 p.m.

On that day, I was on my way to play *takraw* [kick volleyball] at the National Stadium. I walked from Hualampong through Soi Chula 12 to meet my friends there. We played *takraw* together almost every day. When I arrived at the National Stadium, I found that the gate was shut. At that moment, three soldiers came and asked me what I was doing. I told them I was waiting for my friends to play *takraw*. But those soldiers said they did not think anyone was playing *takraw* there. Then they ordered me to go speak with their commander. When I met the commander of those soldiers, he asked me again what I was doing there. I gave the same answer. He then asked me about my job. I told him I was a garbage collector. He ordered me to open my bag, which I carried with me to keep garbage and other things I found on the street. After that, he told me to show him that I could really play *takraw*. I picked up a *takraw* ball and kicked it to prove that I could play. But he then said he wanted to teach me a lesson and ordered other soldiers to arrest me.

²⁵⁰ See, for example, <http://www.hrw.org/en/news/2010/06/16/thailand-investigate-detainee-s-death>, <http://www.hrw.org/en/news/2008/03/25/thailand-imam-s-killing-highlights-army-abuse-south>, <http://www.hrw.org/en/reports/2007/03/19/it-was-suddenly-my-son-no-longer-existed-o>, and <http://www.hrw.org/en/news/2004/10/27/letter-prime-minister-thaksin-shinawatra-o>

²⁵¹ On May 16, 18 soldiers from the 2nd Regiment of the 31st Infantry Division (Lopburi province) set up a checkpoint together with 20 police in Soi Chula 12 to stop people from joining the UDD protest at Ratchaprasong junction. The checkpoint was set up after the CRES announced that the UDD protest at Ratchaprasong was in violation of the Emergency Decree. Sompon was among the 15 people arrested at that checkpoint on May 16.

They tied my hands behind my back and blindfolded me. They told me not to say anything or they would beat me up.

I was taken to an army camp at the 1st Infantry Division. After that I was sent to a Border Patrol Police Camp in Pathumthani. Pathumwan district police came to interrogate me there. The police asked me a few questions. Then they printed out a piece of paper, and told me to sign it. I did not know what was written on that paper, and the police did not read it to me. Later, after I signed that paper, the police told me I violated the Emergency Decree. I was charged with illegal assembly, inciting unrest, and using the routes declared off limits under the Emergency Decree.

My lawyer told me the soldiers had no reason to arrest me. He said I was arrested outside the area that the CRES cordoned off. I did not carry any weapon or any illegal items. I was not a Red Shirt although I sometimes went to the protest sites to beg for food, especially when I lost money in *takraw* games. I have no interest in politics. It is more important to me to find something to eat each day. I have been detained at Klong Prem Prison for five and a half months already.²⁵²

Samruay Sompong described to Human Rights Watch how a group of soldiers on May 21 arbitrarily arrested and abused her 18-year-old nephew, Surapong, who is autistic. The soldiers tried to force Surapong to confess that he had taken part in the UDD protest and was involved in burning tires near Bangkok's Din Daeng junction:

That afternoon, on May 21, Kan (Surapong's nickname) followed his brother-in-law to buy cigarettes at a grocery shop near Wat Sapan. They went on a motorcycle, with Kan riding pillion. I started to get worried when they did not return after half an hour. That grocery shop is not far from our house. Three hours had passed before they came back. Kan had blood all over his face. His brother-in-law also had bruises on his face and his body.

Kan's brother-in-law told me that they were stopped by a group of soldiers on their way to Wat Sapan. Those soldiers pointed rifles at them and ordered them to get off their motorcycle, tied their hands behind their backs, and took

²⁵² Testimony given by Sompon Waengprasert to Pathumwan district court, Bangkok, October 7, 2010.

them to another group of soldiers. This group of soldiers interrogated Kan and his brother-in-law, accusing them of being members of the Red Shirts who were involved in the protest. Kan's brother-in-law said those soldiers got angry when he said he and Kan had nothing to do with the Red Shirts. He tried to explain that he was on his way to buy cigarettes. But those soldiers did not believe him. They punched him and kicked him.... Those soldiers kept asking if Kan was involved in the burning of tires underneath the [Din Daeng] expressway. They were clearly angry that Kan did not say anything, and started to punch and kick him. One of those soldiers kicked Kan so hard that he collapsed to the ground. His brother-in-law shouted to those soldiers to stop hurting Kan, and tried to explain that Kan did not understand what they said. But those soldiers kept beating Kan up. They said Kan was stubborn. One of the soldiers hit Kan's forehead with a rifle butt.

Kan and his brother-in-law were released after those soldiers found out that they had nothing to do with the Red Shirts. I was so upset. How could soldiers treat people like this? Are they going to apologize and give us compensation? I want to bring those soldiers to court.²⁵³

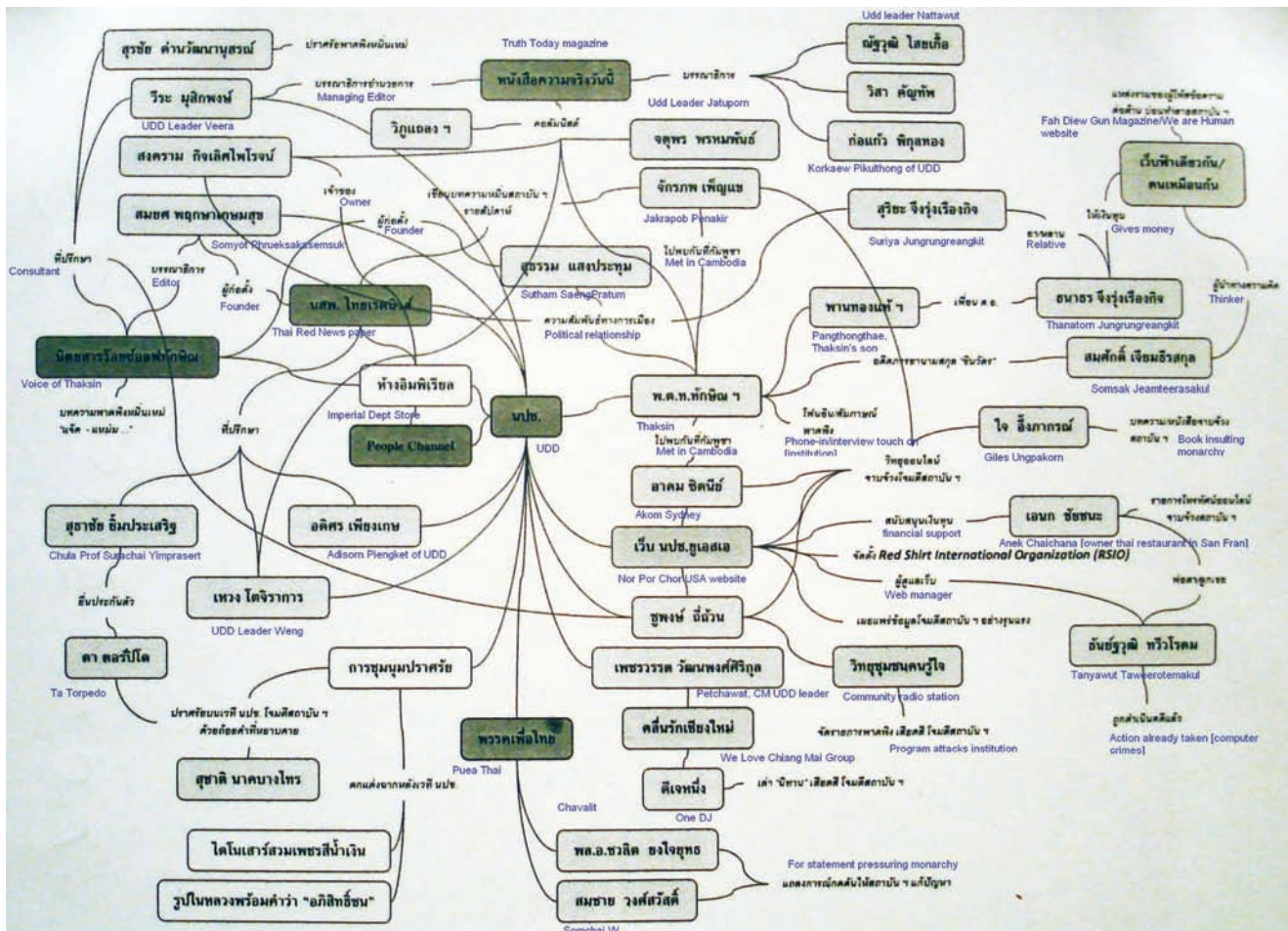
National Human Rights Commission Chairman Amara Pongsapich told Human Rights Watch in December about reports of soldiers committing abuses while dispersing riots in Mukdahan province. She said that on May 19 soldiers from Pra Yod Muang Kwang camp in Sakolnakhon province and other security units baton-charged the UDD protesters to disperse the rioters at Mukdahan provincial hall. She said that almost everyone arrested that day, both protesters and bystanders, were punched, kicked, and beaten up. The detainees were locked up on two mobile prison trucks for two days, without medical treatment, before being transferred to Mukdahan Prison on May 21.²⁵⁴

Human Rights Watch research found that the categories of people subjected to questioning, arrest, and detention by CRES appears have expanded well beyond the leaders and members of the UDD who directly participated in the protests and may have been involved in violence. It includes those suspected of sympathizing with or supporting the UDD. While the Red Shirt protests were ongoing, on April 26 the CRES issued a chart accusing former prime minister Thaksin, the UDD leadership, the Puea Thai Party, pro-UDD media, university

²⁵³ Human Rights Watch interview with Samruay Sompong, Bangkok, June 5, 2010.

²⁵⁴ Human Rights Watch interview with Amara Pongsapich, Bangkok, December 2, 2010.

On April 27, Deputy Prime Minister Suthep spoke about the prospect of action against those named in the CRES's document alleging a plot to overthrow the monarchy. He said an arrest warrant would be issued in cases with sufficient evidence. If necessary, orders forbidding these individuals from leaving Thailand would also be enforced.²⁵⁶ While garnering headlines, the CRES provided little concrete evidence to justify its accusations or its theory of an anti-monarchy conspiracy, represented in the chart below.



The CRES's "Anti-Monarchy" Chart as Distributed to Media on April 26, 2010. Source: CRES

²⁵⁵ “Mark Admits Anti-Monarchy Network Is Active,” (“มาร์ค” รับเครือข่ายล้มสถาบันเคลื่อนไหวตลอด) *Matichon*, April 26, 2010, http://www.matichon.co.th/news_detail.php?newsid=1272292857&grpid=00&catid= (accessed December 21, 2010).

²⁵⁶ “CRS Aims to Issue Summons for Reds Leaders, Focusing on Anti-Monarchy Network,” (“ศาล . เล็งออกหมายเรียกแกนนำแดงรอบ 3 เน้นเครือข่ายลัทธิสถาบัน”) *Matichon*, April 27, 2010, http://matichon.co.th/news_detail.php?newsid=1272340541&gpid=00&catid= (accessed December 21, 2010).

In the months since the dispersal of the protests, the CRES has summoned hundreds of politicians, former government officials, businessmen, activists, academics, and community radio operators. Some, such as university professor Suthachai Yimprasert, were detained and interrogated at military-controlled facilities.

Suthachai said he did not expect to be arrested when he went to report to the Police Crime Suppression Division on May 23:

Police Major General Tha-ngai [Crime Suppression Division commander] told me the CRES wanted to question me and there was an order to put me and Somyot Pruksakasemsuk [editor of the pro-UDD Red Power magazine] in detention at the Cavalry Center in Lopburi. Nevertheless, the police did not call it an arrest, but told me that I was invited to be questioned by the CRES. They told me there was nothing to be worried about. By noon I and Somyot were transferred to Adisorn Camp in Lopburi. We were escorted by armed police officers. The ride took about two hours. When we arrived there, soldiers confiscated all of my documents, my watch, and my mobile phone. I was told that I could not communicate with my family directly. I would have to tell the soldiers what I wanted to say to my wife, and then they would make a telephone call for me. The next day, soldiers confiscated all the six books that I brought along with me.... On May 26, I told soldiers that I would stage a hunger strike if they still kept my books. After I refused to eat for eight hours, they returned my books to me. The interrogation started on May 27. The commander of Adisorn Camp supervised the interrogation, with CRES and DSI officials joining via video conference.... They accused me of being the second generation of the UDD leadership and that I was preparing to mobilize an anti-government rally in Ratchaburi.... I denied those allegations.... They kept asking me about my relationship with the UDD and Da Torpedo [Daranee Charnchoengsilpakul, who was arrested on lese majeste charges]. They also asked if I had anything to do in the production of pro-Thaksin magazines with Somyot.... I was released on May 31. Somyot was still in detention when I left Adisorn Camp. For eight days, I was detained in a tent next to a horse stable, surrounded by three rows of razor wire. There were armed soldiers guarding my tent all day and all night.²⁵⁷

²⁵⁷ "Testimony of Professor Yim Suthachai, 8 Days of Detention in Military Camp," (ปากคำ ชีวีตคุมขัง "อาจารย์ยิม สุทธชัย" 8 วันในค่ายทหาร) *OK Nation blog*, June 7, 2011, <http://www.oknation.net/blog/phanasGook/2010/06/07/entry-1> (accessed March 14, 2011).

Surveillance and Harassment in the Provinces

After the May 19 incidents in Khon Kaen, the provincial police analyzed photographs and videos taken by media, government officials, and private citizens posted on information-sharing websites like YouTube. Khon Kaen police compiled a poster using these images, and issued them to government offices throughout the province.²⁵⁸ Based on that poster, Khon Kaen Deputy Provincial Governor Phayak Charnprasert identified photo number 6 on the poster as Thongla Reunthip, an assistant village headman for almost 30 years in Muang district, and ordered the local district official to tell Thongla to turn himself in.²⁵⁹

Thongla's relatives told Human Rights Watch that the district chief told Thongla to demonstrate his innocence by reporting to police and advised that he could be bailed out to contest the case. But he was charged with arson, jailed, and refused bail. His wife said:

He went by himself [to the protest], said he was determined to see what was happening, and since he was wearing the *phakama* around his head and had a beard, he was so easy to identify. He said the provincial hall was already on fire when he got there, and said he saw many police and other superiors of his who were also there, watching. Look, even in the photo he's talking to a policeman. He's worked for them for many years, they should let him go. But this is not the ordinary law, it's the Emergency Decree. He didn't do anything, so he shouldn't have turned himself in. I told him he should just run away. Now I am crying all the time.²⁶⁰

Authorities held Thongla in prison from his arrest on May 22 until August 23, 2010, when his case was heard by the Khon Kaen court and dismissed for lack of evidence.²⁶¹

Senior police officers at the Khon Kaen provincial police headquarters told Human Rights Watch that the police poster was put together using a wide variety of public and government

²⁵⁸ Human Rights Watch interview with three senior police officials [names withheld], Khon Kaen provincial police headquarters, July 8, 2010.

²⁵⁹ The photo from the police poster was used the day after Thongla's arrest on the front page of Thailand's largest Thai language daily newspaper *Thai Rath* along with a report about his arrest. The family presented Human Rights Watch with a copy and complained about the police's use of the media to try and make Thongla appear guilty. Human Rights Watch interview with Mrs. Samai Reunthip, Ku Kam sub-district, Muang district, Khon Kaen, and relatives, July 6, 2010.

²⁶⁰ Human Rights Watch interview with Mrs. Samai Reunthip, Ku Kam sub-district, Muang district, Khon Kaen, and relatives, July 6, 2010.

²⁶¹ Human Rights Watch communications with UDD activist [name withheld], Khon Kaen, November 12, 2010.

information sources, but they were unable to explain the criteria for including persons on the poster. When Human Rights Watch noted that two different arrest warrants had apparently been issued for the same person, depicted in the same photo in photos number 13 and 41, police officials admitted the poster had been put together in a hurry but declined to comment further.²⁶²



A most wanted poster shows suspects charged with arson in connection with events in Khon Kaen on May 19, 2010. Thai Police Area 4 issued the poster, which was distributed to government offices throughout Khon Kaen province in July. Source: Thai police website

A community radio operator in Udonthani arrested for violating the Emergency Decree alleged that the police pressured him to make a false confession:

²⁶² Human Rights Watch interview with senior police officers [names withheld], Muang district, Khon Kaen, July 8, 2010.

When I went to the police station, I did not think they were going to arrest me. They just gave a summons to go there to talk. But when I got there, then they issued an arrest warrant and held me. I denied the charges but the police did not listen to me. The police told me that I needed to confess, they said, “You went down there, you encouraged others to go, you went to the *sala glang* [provincial hall], why won’t you confess?” I said that I didn’t go into the *sala glang*, I was only in that area for five minutes at 9:30 a.m., and I did not burn anything. They said that they had my voice on a tape, from when I was speaking on the radio, and that was their evidence. The police also said they had photographs of me at the radio station and in my district. They said, “Just confess, don’t worry about it.” I said if I confess, you can put me in the prison! They didn’t question me that much. Their questions were like, “At that time, where were you?” Things like that, they just kept telling me to confess. But they didn’t have much information so they could not ask detailed questions. They just keep yelling at me to confess, it was very unjust.²⁶³

UDD leaders and members in the northeast frequently raised concerns after May 19 that a state-initiated campaign of intimidation was being mounted against them. They spoke about continuous surveillance, frequent army and police visits to their homes, information being released into communities aimed at unnerving local red leaders, and warnings for people to stay away from UDD networks. A UDD district organizer who did not go to the Udonthani provincial hall on May 19 and was in hiding in his village said:

They [the soldiers] accuse us of not loving the monarchy! That’s what they accuse us of. When they come [to the house], there are always four people who come, and in the van, another eight persons usually stay in the van, every time it is this way, and they come fully armed. They came again this morning. They do not wear uniforms, but all of them wear black clothes. They are armed like soldiers, they are carrying M16s. They started coming on May 20, and since then come almost every day. They come by and if we started assembling or start doing activities, I am sure they would arrest us. But we know what they are doing, and since it is the time of the Emergency Decree now, we just hide and we talk to each other by telephone, or we will meet with one or two people, but not more than five people because we know the Emergency Decree rules...

²⁶³ Human Rights Watch interview with community radio operator [name withheld], Udonthani province, June 19, 2010.

In the afternoon of May 20, they were asking about me, where is he, where did he go, did he go to Bangkok, how does he go, things like that. So when I am here at the house, I have no happiness, I am worried all the time, and that's why I have to flee to my friend's house, or other places. I am always fleeing. Since then, the soldiers come and walk around this area around my house, do their survey, they do a map, what is on the east of the house, what is on the west, they have it all down on a map, and they take photos of the area. Sometimes I am hiding in the house, and I sneakily observe what they are doing. If they really come for me, they will take me, but they have not met me yet.²⁶⁴

UDD activists in Khon Kaen expressed similar concerns. One civil servant voiced concern on community radio for those jailed in Khon Kaen for links to the Red Shirt movement:

I saw how unjustly the people in Khon Kaen are treated. They don't have any money, and then their relatives are arrested or go missing. If I don't help them, then who is going to help them? But a lot of people are not brave enough to come out and help these people, but I do. But I am very careful... I am being followed, and others are as well. The message now is watch out, you should not get close to the Reds right now. With the Emergency Decree in effect, everyone is scared.²⁶⁵

A lawyer active with the UDD in Khon Kaen also expressed concerns for his safety, stating that he has observed cars following him with a passenger filming. Sympathetic officials told him his phone is tapped. He added that he is fearful and does not leave his house because a government official informed him that he heard ISOC officials talking. According to the official, "They said they don't want to arrest lawyers. If it is really necessary to do something, it's better to "collect" them [*keb* in Thai, colloquial for "disappearing" or killing them]." The UDD lawyer said that on an average day he received three to five phone calls from police or army officials checking on him. An assistant village chief in a nearby village invited him to the Buddhist ordination ceremony for his son. When he accepted and the word began to spread, the lawyer said ISOC officials called and accused him of agitating and organizing a UDD gathering. He told Human Rights Watch:

²⁶⁴ Human Rights Watch interview with UDD district organizer [name withheld], Udonthani province, June 18, 2010.

²⁶⁵ Human Rights Watch interview with leading Khon Kaen UDD activist [name withheld], July 7, 2010.

I feel like I don't have a life of my own, but I don't know where I could flee, so I think there is nothing safer than staying at the home. Many people think that I have been arrested because they don't hear my radio show anymore, so when they heard I will attend they are very happy ... I will go, but I will not stay late. As soon as the sun goes down, I need to be back at my house. I will not stay out after dark. I am not brave enough to go out at night. If I drive out, it is like I am driving out to meet the bad people who want to harm me.²⁶⁶

²⁶⁶ Human Rights Watch interview with lawyer [name withheld], Khon Kaen province, July 8, 2010.

X. Rolling Censorship of the UDD

On April 7, 2010, in response to escalating UDD violence, Prime Minister Abhisit declared a state of emergency in Bangkok and other parts of the country.²⁶⁷ The Emergency Decree provides a range of special powers that limit or wholly suspend various fundamental human rights, including freedom of expression.

Section 9 of the Emergency Decree prohibits “press release, distribution or dissemination of letters, publications or any means of communication containing texts which may instigate fear amongst the people or is intended to distort information which misleads understanding of the emergency situation to the extent of affecting the security of state or public order or good moral of the people both in the area or locality where an emergency situation has been declared or the entire Kingdom.”

Section 11 authorizes officials to “cancel or suspend any contact or communication in order to prevent or terminate the serious incident.”

In a televised speech on April 8, Abhisit said that one of the most significant objectives behind the Emergency Decree was to stop dissemination of false information in order to “incite division and provoke a hateful atmosphere towards the government.”²⁶⁸ Deputy Prime Minister Suthep Thaugsuban, in charge of Security Affairs and operating as CRES director, ordered the Information and Communication Technology Ministry to cooperate with its contract partner, Thaicom, to cut the broadcasting signal of the UDD’s People’s Channel television station. Suthep accused the People’s Channel of disseminating false information, inciting violence, and threatening national security.²⁶⁹ Within 24 hours of enforcement of the Emergency Decree, the People’s Channel was taken off the air.²⁷⁰

²⁶⁷ The state of emergency was declared on April 7, 2010, in Bangkok; Nonthaburi Province; Muang, Bang Phli, Phra Pradang, Phra Samut Chedi, Bang Boh and Bang Sao Thong Districts, Samut Prakan Province; Thanyaburi, Lad Lumkaew, Sam Kok, Lam Luk Ka and Khlong Luang Districts, Pathumthani Province; Phutthamonthon District, Nakhon Pathom Province; and Wang Noi, Bang Pa-in, Bang Sai and Lat Bua Luang Districts, Pranakorn Sri Ayutthaya Province, <http://www.mfa.go.th/internet/news/34680.pdf>.

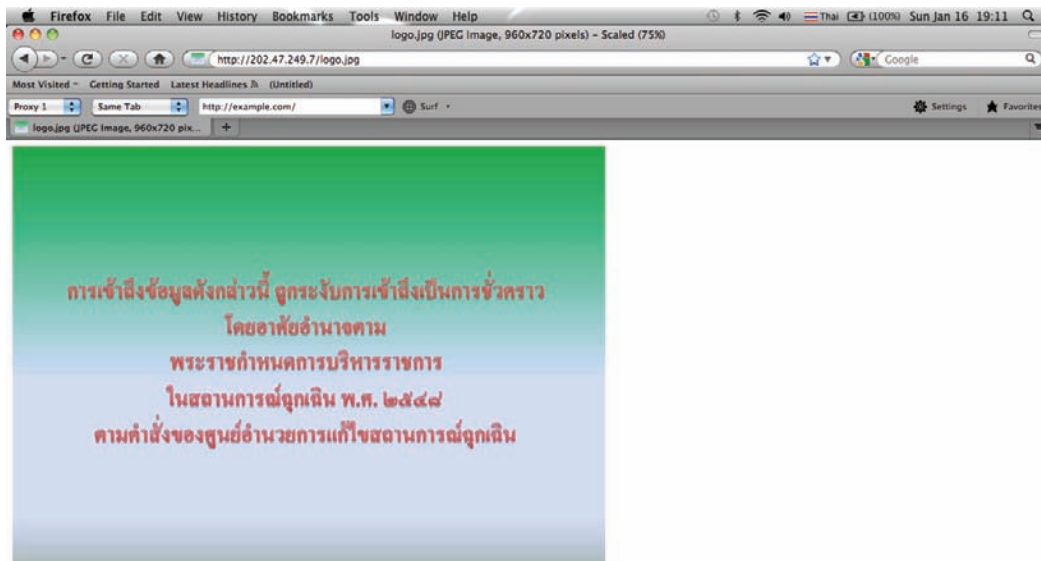
²⁶⁸ Other objectives were to return normalcy back to the areas, which are currently occupied by the demonstrators; to take legal action against the protest leaders; and to enable other measures to be taken more effectively in order to restore peace and stability as soon as possible, “Televised Address by PM Abhisit: 8 April, 21.30 Hrs,” CRES <http://www.capothai.org/capothai/televised-address-by-pm-abhisit-8-april-2130-hrs> (accessed December 12, 2010).

²⁶⁹ “ICT Ministry Ordered to Shut Down ‘People Channel’,” *National News Bureau*, April 7, 2010, <http://thainews.prd.go.th/en/news.php?id=255304070020> (accessed December 12, 2010).

²⁷⁰ Ibid.

On April 9, UDD protesters stormed Thaicom and reconnected the broadcast signal of the People's Channel. The station stayed on the air for about 24 hours before the CRES shut it down again. A new station, Asia Update, was set up in July 2010 to replace the People's Channel, but with much less critical content in its programs. To date, the People's Channel is still off the air, even after the state of emergency was lifted on December 22, 2010.

The CRES also shut down websites and community radio stations accused of supporting the UDD.²⁷¹ Suthep also ordered 36 websites to be banned immediately after the Emergency Decree came in to effect. This included the well-known independent news portal Prachatai (<http://www.prachatai.com>).²⁷² Suthep also used emergency powers to order internet service providers and website hosting companies to block or remove banned websites.²⁷³ Some websites that Suthep targeted played a key role in relaying online audio and video feed from the main protest sites in Bangkok. Some also carried content the government considered critical of the monarchy, the Privy Council, the government, and the military. Access to these websites from inside Thailand has been rerouted to an internet page displaying the censorship order.²⁷⁴



A banned website is replaced by a page saying, "Access to such information has been temporarily ceased due to the order of the Center for the Resolution of the Emergency Situation (CRES) under the authority of Emergency Decree B.E. 2548 (A.D. 2005). Source: Screen grab from website

²⁷¹ "Televised Address by PM Abhisit: 8 April, 21.30 Hrs," CRES <http://www.capothai.org/capothai/televised-address-by-pm-abhisit-8-april-2130-hrs> (accessed December 12, 2010).

²⁷² CRES order Number 0407.45/1 dated April 7, 2010 (on file with Human Rights Watch).

²⁷³ CRES order Number 0407.45/32 dated April 10, 2010 (on file with Human Rights Watch).

²⁷⁴ These can be found at: <http://58.97.5.29/www.capothai.org/> or <http://58.97.5.29/annouce/court.html> or <http://58.97.5.29/annouce/ict.html> or <https://w3.mict.go.th>.

Prachatai director Chiranuch Premchaiporn recalled how her website survived the repression of the Thaksin era and the military government, only to be closed by Abhisit's government:

Prachatai had survived political turbulence, acting as an open platform for information and opinions from all sides. Since the time of Thaksin, those in authority, as well as various political groups, had not always been happy with what we stand for. But they somehow tolerated us. Even when the military staged a coup in 2006, Prachatai could remain open. This is the first time that the government shut us down. We have not received any formal orders. Suddenly, the website can no longer be accessed anymore. It seems that the government has blocked Prachatai at the server level, making it impossible to gain access to the website even when you use proxy software.... I think censorship is arbitrary, aiming to block information from the Red Shirts or any sources that the government sees as being supportive of the Red Shirts. Perhaps the government only wants one-sided information to be available to the public.²⁷⁵

Thai authorities have not made public the exact number and details of the banned websites, nor given their owners and administrators reasons for the censorship. Until its dissolution in December 2010, the CRES continued to order an increasing amount of internet content blocked—including information on YouTube, Facebook, and Hi5—without court order, as normally required under Thailand's Computer-Related Crimes Act. Many of the banned social network pages belonged to UDD members and sympathizers, or contained information that alleged the government and the military were committing human rights violations against the UDD or were critical of the monarchy. The Freedom Against Censorship Thailand (FACT) reported on November 8, 2010, that Thai authorities had blocked 231,610 web pages (URL) since enforcement of the Emergency Decree.²⁷⁶

In addition to imposing censorship, the CRES has also used the Justice Ministry's Department of Special Investigation (DSI) to place cyber dissidents and critics under surveillance, especially those who frequented banned websites. Some have been detained and interrogated in an attempt to glean information about anti-monarchy and anti-

²⁷⁵ Human Rights Watch interview with Chiranuch Premchaiporn, Bangkok, April 9, 2010. Prachatai has undergone several changes of its domain names in its attempts to remain open.

²⁷⁶ "Thailand Now Blocking 277,610 Websites," Freedom Against Censorship in Thailand news flash, November 8, 2010, <http://facthai.wordpress.com/2010/11/08/factflash-thailand-now-blocking-277610-websites/> (accessed December 12, 2010).

government activities. A member of the Prachatai and WeAreAllHuman websites, known by his pen name Pruay Salty Head, recalled being held and interrogated by the DSI:²⁷⁷

I drove my car not too far out of my village. There was a car making a U-turn ahead of me. Then a lady in that car opened the driver's door, walked out and lifted up the front hood. I immediately thought that her car might have been broken down. I decided to steer my car left. Then another car overtook my car from my left, which made me unable to steer in any direction. Suddenly, there was a man, approximately 50-years-old, wearing a business suit walking along the side of my car. That man then opened the suit for me to view his shirt, and I saw the embossed letters "DSI" [Department of Special Investigation]. I lowered the window. That man asked me whether I was "Pruay." He said that he would like to talk with me inside the car. I told him that I wanted to contact my lawyer. He quickly stated, "You want to make this formal then?" I opened the passenger door and allowed him to sit inside my car. He showed me a search warrant. After glancing through it, I said to myself that the court was very diligent to issue a search warrant even on Sunday. That man asked me what photos I posted on websites. I thought he was talking about altered photos [of the King], that would constitute *lese majeste*. I told him I had never posted those photos. That man also stated that I had undermined national security.

Then he told me to go with him to my house and he told the security guard that I was having a party with friends. Within a few minutes, there were four or five cars following us. I came to realize that the cars surrounding my car were all DSI cars. There were about 20 officers. They began to search my house and swept everything [computer notebooks, books, and CDs] into evidence bags.

When that was done, I was told to go with the officers to the DSI headquarters. I asked whether I would then be detained. The officers said no, telling me that they would like to ask me more questions. After driving for a while, we arrived at the DSI headquarters. The officers lead me upstairs. The officers told me to log on to Prachatai and WeAreAllHuman websites. I

²⁷⁷ See Pruay's accounts at: "How They Arrested Me: True Story by Pruay Salty Head," (เขาจับผมยังไง เรื่องจริงจาก Pruay Salty Head), July 26, 2010, <http://weareallhuman2.info/index.php?showtopic=49030> (accessed December 11, 2010); "How They Questioned Me: True Story by Pruay Salty Head," (เขาสอบสวนผมยังไง เรื่องจริงจาก Pruay Salty Head), July 28, 2010, <http://liberalthai.wordpress.com/2010/07/28/dsi-2/> (accessed December 11, 2010).

realized that the officers actually knew what my login names and passwords were, because the head officer told me that I used a 10-digit combination password and it was difficult to decode. I said to the officers that the news about my arrest might have leaked and someone had deleted my login information from the system [at Prachatai and WeAreAllHuman]. The officers told me to keep trying, but I still could not log on. Then, the head officer asked me whether I told anyone that I had been arrested. I told him that I did not inform anyone. He asked me again why the news about my arrest was posted on Prachatai.

One of the officers told me that they had monitored me for some time. There were stakeout teams in front of my office and in front of my home. After that, the officers then questioned me about my ideology. They asked me why I believed that the monarchy has been involved in politics. The officers told me that what was posted on the websites was illegal.²⁷⁸

After the interrogation, DSI officers told Pruay that he had not been formally charged with any offenses even though some of his online comments could be viewed as offensive to the monarchy. They said he could be summoned for interrogation anytime. Pruay was allowed to return home, but DSI officers kept his computers for about a week to copy information from the hard drives. Pruay has since become less active in making online comments.

Lese Majeste Charges

Authorities have also used *lese majeste* charges under section 112 of the Thai Penal Code and the Computer-Related Crimes Act to arrest and prosecute UDD members and supporters.

Section 112 of the Penal Code states: "Whoever defames, insults or threatens the King, Queen, the Heir-apparent, or the Regent, shall be punished with imprisonment of three to 15 years." Neither the King nor any member of the royal family has ever personally filed a criminal complaint under this law.²⁷⁹

²⁷⁸ Excerpts from Pruay Salty Head's memoir: "How They Arrested Me: True Story by Pruay Salty Head," (เขาจับผมยังไง เรื่องจริงจาก Pruay Salty Head), July 26, 2010, <http://weareallhuman2.info/index.php?showtopic=49030> (accessed December 11, 2010); "How They Questioned Me: True Story by Pruay Salty Head," (เขาสอบสวนผมยังไง เรื่องจริงจาก Pruay Salty Head), July 28, 2010, <http://liberalthai.wordpress.com/2010/07/28/dsi-2/> (accessed December 11, 2010).

²⁷⁹ During his birthday speech in 2005, King Bhumibol publicly encouraged criticism: "Actually, I must also be criticized. I am not afraid if the criticism concerns what I do wrong ... the King can do wrong." See: "Royal Birthday Address: 'King Can Do Wrong'," *The Nation*, December 5, 2005, http://www.nationmultimedia.com/2005/12/05/headlines/data/headlines_19334288.html (accessed December 11, 2010).

The Computer-Related Crimes Act broadly bundles *lese majeste* offenses under section 14, criminalizing any person who commits acts that involves import to a computer system of any computer data related with an offense against national security under the Penal Code; and any acts that involves the dissemination or forwarding of such computer data.

Under Prime Minister Abhisit's government, there have reportedly been more than 35 active cases, dozens more accusations, and at least four persons jailed under *lese majeste* charges.²⁸⁰ For example, on April 1, 2010, Central Investigation Bureau (CIB) police in Bangkok arrested Thanthawuth Thaweewarodom, known on the internet as "Red Eagle," who had been actively involved in creating more than 10 pro-UDD websites under the umbrella of his "Red Thai" network.²⁸¹ The CIB accused Thanthawuth of designing and maintaining the banned Nor Por Chor USA websites (<http://www.norporchorusa.com> and <http://www.norporchorusa2.com>), which contain more critical material than websites in the "Red Thai" network, including video and audio broadcast by anti-monarchy activists that explicitly criticized the King, Queen, and other members of the royal family. He was charged with violating the Penal Code section 112 and the Computer-Related Crimes Act. On March 15, 2011, the Criminal Court sentenced him to 13 years in prison.²⁸²

On April 29, the DSI arrested UDD sympathizer Wipas Raksakulthai in Rayong province for committing *lese majeste* offenses and violating the Computer-Related Crimes Act. According to the DSI investigation, Wipas allegedly posted comments on his Facebook page on March 19, 2010, which strongly criticized the King and Queen.²⁸³

After dispersing the UDD protests, the armed forces stepped up measures to identify and prosecute so-called "watermelons" (members of the green-uniformed military who were "red" on the inside) who sided with, or were sympathetic to, the UDD, including those who

²⁸⁰ Details of pending and convicted *lese majeste* cases can be found at Political Prisoners in Thailand (<http://thaipoliticalprisoners.wordpress.com>).

²⁸¹ The "Red Thai" network included the following websites: www.redthai.org, www.redthai.net, www.d-dek.org, www.rednon.org, <http://northern.redthai.org>, <http://isan.redthai.org>, <http://eastern.redthai.org>, <http://central.redthai.org>, <http://western.redthai.org>, <http://southern.redthai.org>, <http://rednews.redthai.org>, <http://it.redthai.org>, <http://sunshine.redthai.org>, <http://nongbualumphu.redthai.org>, and <http://nightingale.redthai.org>. "Nor Por Chor USA Webmaster Arrested for Lese Majeste Posting on Reds TV," (รวมมือทำเว็บ นปชยูเอสเอ โพสต์หมิ่นเบื้องสูงถ่ายทอดสดผ่านทีวีแดง.) *Manager Online*, April 1, 2010, <http://www.manager.co.th/Crime/ViewNews.aspx?NewsID=9530000045570> (accessed on December 23, 2011).

²⁸² "Nor Por Chor USA web designer sentenced to 13 years in jail," *Prachatai*, March 16, 2011, <http://www.prachatai.com/english/node/2366> (accessed March 28, 2011).

²⁸³ "Man Arrested for Lese Majeste Posting on Facebook," (จับหนุมโพสต์เฟซบุ๊ก"หมิ่นเบื้องสูง") April 29, 2010, *Matichon*, http://www.matichon.co.th/news_detail.php?newsid=1272549830&grpid=03&catid= (accessed February 12, 2011). Wipas's Facebook page <http://www.facebook.com/photo.php?pid=5898027&id=661236214&subject=108372992525155&ref=share> was removed after his arrest.

posted their opinions online. Defense Minister Gen. Prawit Wongsuwan issued an order on October 28 ordering military units responsible for supervising internet use to immediately report anti-monarchy messages so those involved could be dishonorably discharged and prosecuted.²⁸⁴

On November 10, the air force announced that UDD supporter Sqn. Ldr. Chanin Khlaikhlung had been suspended from duties and put under investigation after he was found posting anti-monarchy comments on his Facebook page several times.²⁸⁵ Sqn. Ldr. Chanin was charged with *lese majeste* offenses and computer-related crimes.²⁸⁶

Censorship of Community Radio

On April 8, the minister in charge of the Prime Minister's Office, Satit Wongnongtaey, who was responsible for media affairs, set out criteria for closing community radio stations under the Emergency Decree. These included broadcasting from UDD protest sites at Ratchaprasong junction, relaying People's Channel broadcasts, or broadcasting programs that threatened national security, although this term was not defined.²⁸⁷ He also stated it was illegal for UDD members and supporters to use short message services (SMS) on mobile phone networks to disseminate information the government viewed as inciting violence.²⁸⁸

Since then, the CRES has regularly threatened to bring charges against operators of community radio that broadcasted UDD protests, saying the protests were illegal and involved terrorist activities.²⁸⁹ The CRES also compiled information from local military units, provincial police commands, provincial governors, and provincial telecommunication commissions about community radio stations in each province. These were subsequently put into two categories: the "black group," which would be shut down, consisted of community radio stations that broadcast UDD activities from protest sites in Bangkok and

²⁸⁴ "Prawit Goes After 'Watermelon' Soldiers: Lese Majeste Offenders Face Sacking and Criminal Prosecution," ("ประวัตร" สังเกตการณ์การเมือง) โพสต์ข้อความหมิ่นสถาบัน หากพบไล่ออก เอาผิดอาญา) *Manager Online*, October 28, 2010, <http://www.manager.co.th/Politics/ViewNews.aspx?NewsID=9530000152077> (accessed February 12, 2011).

²⁸⁵ "Air Force Commander Orders Disciplinary Action Against Sqn. Ldr. Chanin for Lese Majeste," (ผบ. สังกัดวินัย.ทอ. "นิตยสาร" หมิ่นสถาบันฯ) *Thai Rath*, November 11, 2010, www.thairath.co.th/content/pol/126249 (accessed February 16, 2011).

²⁸⁶ "Anti-Monarchy Gang in Disarray," (แก๊งล้มเจ้ากระเจิง) *Manager Online*, November 13, 2010, <http://www2.manager.co.th/Daily/ViewNews.aspx?NewsID=9530000160372> (accessed February 16, 2011).

²⁸⁷ Human Rights Watch interview with Minister to the Prime Minister's Office Satit Wongnongtaey, Bangkok, April 8, 2010.

²⁸⁸ *Ibid.*

²⁸⁹ Suthep Wilailert, "Interference in Community Radio During Political Conflicts," Campaign for Popular Media Reform, October 19, 2010.

openly urged people to join the protests;²⁹⁰ and the “grey group,” which included community radio stations that broadcast information that the CRES considered to be distorted.²⁹¹

The Campaign for Popular Media Reform reported that between April and August 2010, armed soldiers and police were deployed to shut down more than 47 community radio stations in 13 provinces.²⁹²

Chiang Mai	FM 92.5 MHz, FM 105.5 MHz, FM 89 MHz, and FM 99 MHz
Chiang Rai	FM 107.5 MHz
Udonthani	FM 97.5 MHz, FM 99.75 MHz, FM 91.25 MHz, and FM 95.25 MHz
Khon Kaen	FM 105.5 MHz and FM 98.75 MHz
Mukdahan	FM 106.75 MHz
Ubon Ratchathani	FM 99.25 MHz and FM 91 MHz
Pathumthani	FM 96.75 MHz
Samut Prakarn	FM 101 MHz, FM 104.75 MHz, and FM 97.25 MHz
Chachoengsao	FM 107.75 MHz and FM 105.75 MHz
Bangkok	FM 106.8 MHz, FM 108 MHz, FM 92.75 MHz, FM 107.75 MHz, FM 107.5 MHz, FM 90.75 MHz, FM 95.25 MHz, FM 95.75 MHz, and FM 93.25 MHz

A community radio operator in Ubon Ratchathani province described soldiers shutting down of his station:

I am a Red Shirt. I believe in the Red Shirt ideologies. I wanted to struggle for democracy, to call for a fair election, and to get the military out of politics. I think that is my constitutional right. That was what my radio station stood for. I talked about news and political situation for years. That did not cause troubles to anyone. People have been kept in a box with government propaganda for too long. I wanted to expose them to the truth. But the government of Abhisit said the Red Shirts were illegal. The government said the protests in Bangkok were illegal, and that the Red Shirts had become a terrorist group. Because of that, any radio stations that reported about the protests or linked broadcasting signal with the Ratchaprasong camps had to be taken off the air.

²⁹⁰ Ibid.

²⁹¹ Ibid.

²⁹² Ibid.

When soldiers and police came to my station on May 21, they accused my station of inciting violence. That was nonsense. All I did was report what happened on the stage at Ratchaprasong. I urged people to go to Bangkok and help our brothers and sisters at Ratchaprasong. I also encouraged people to make donation and give supplies to support our brothers and sisters in Bangkok. I believe my station did not do anything wrong. We have the right to know what was going on for real, not to just listen to government propaganda. We have the right to undertake political actions. But the government sent troops to shut my station down, tore down the radio antennas, and confiscated broadcasting equipments. I do not think what they did was allowed under the constitution. Closing a radio station entirely like this should not be constitutional.²⁹³

Another community radio operator in Udonthani province said police contacted him on May 19 to say the army had ordered police to cut the transmission cable and take his station off the air. Several days later, police returned, searched the station, seized the transmitter, and charged him and his wife with violating the Emergency Decree. He told Human Rights Watch:

Let me tell you the true situation of how the radio station was closed. There were the protests going on in Bangkok, in Ratchaprasong and in Phan Fa, and they closed down the People's Channel, they did not want the people to receive information and news from the People's Channel. I run the community radio station that thinks differently from the Yellow Shirts, and I thought the People's Channel was not being treated fairly by not letting them broadcast. I saw the government was producing the news that was one-sided, and that the government would not allow the news to come from the People's Channel. So in my radio station, we took the People's Channel broadcast from the internet, and broadcast it.²⁹⁴

One major community radio operator feared his station would be shut down and the transmitter destroyed, as was done elsewhere, and decided to take his station off the air before being formally ordered to do so. Several days later, soldiers searched the station and

²⁹³ Human Rights Watch interview with a community radio operation (name withheld), Ubon Ratchathani, October 24, 2010.

²⁹⁴ Human Rights Watch interview with community radio operator [name withheld], Udonthani, June 19, 2010.

took away a radio transmitter. The radio station owner said the deputy provincial governor told him that that he would be arrested if the station started broadcasting again.²⁹⁵

A radio announcer at a Khon Kaen pro-UDD community radio station said army leaders in Bangkok ordered provincial officials to demolish a community radio's broadcast tower in the Muang district. Local police then referred the matter to the provincial governor, who raised the matter with the station's lawyer. Local officials backed off when the lawyer threatened to sue for damages if officials destroyed the radio tower.²⁹⁶

Censorship of Publications

At least five UDD-related publications have been closed under the Emergency Decree. On May 24, then army commander-in-chief Gen. Anupong Paochinda enforced powers under sections 9 and 11 of the Emergency Decree, banning four pro-UDD publications including *Voice of Thaksin*, *Kwam Jing Wan Ni* (Truth Today), *Thai Red News*, and *Wiwata* (Discourse).²⁹⁷

The banned *Voice of Thaksin* was replaced by *Red Power*. The editor, Somyot Pruksakasemsuk, claimed that *Red Power's* publication was possible because its publisher obtained a license before enforcement of the Emergency Decree. On August 31, CRES spokesperson Col. Sansern Kaewkamnerd spoke to the press about certain publications that he said distorted information and affronted the monarchy, and warned that those publications would be closed down.²⁹⁸

On September 1, Deputy Prime Minister Suthep further elaborated:

This is not media intimidation. The CRES has discussed how to deal with publications, which claim to be mass media, but their contents are not ordinary information. These publications incite hatred and anger among people, and aim to cause rifts. So the CRES has ordered legal action. I understand that one of these publications is called *Red Power*.²⁹⁹

²⁹⁵ Human Rights Watch interview with community radio owner [name withheld], Khon Kaen, July 7, 2010.

²⁹⁶ Human Rights Watch interview with radio announcer [name withheld], Khon Kaen, July 7, 2010, and UDD lawyer [name withheld], Khon Kaen, July 8, 2010.

²⁹⁷ CRES order Number 71/2523 dated May 24, 2010 (on file with Human Rights Watch).

²⁹⁸ "Red Power Magazine Seized," *Prachatai*, September 10, 2010, <http://www.prachatai3.info/english/node/2016> (accessed September 14, 2010).

²⁹⁹ "Emergency Decree Shuts Down 'Red Power'," (ใช้ พ"เรดพาวเวอร์" ฉุกเฉิน ปิดแท่นพิมพ์.ก.ร.) *Prachatai*, September 9, 2010, <http://www.prachatai.com/journal/2010/09/31035> (accessed September 14, 2010).

On September 9, the Nonthaburi provincial governor, Wichean Phutthiwinyu, led police to seize copies of *Red Power* magazine and halt the printing presses of Golden Power Printing, the company hired to print the magazine.³⁰⁰ The previous day, Wichean enforced emergency powers and led a team of police to search the printing company, and seized employee records and other documents. Some employees were also investigated.³⁰¹

³⁰⁰ “‘Red Power’ Magazine Printers Confiscated,” (ยึด อาัยัดแทนพิมพ์หนังสือ-“เรดพาวเวอร์”) *Manager Online*, September 9, 2010, <http://www.manager.co.th/Crime/ViewNews.aspx?NewsID=9530000126784> (accessed September 13, 2010).

³⁰¹ Ibid.

XI. Recommendations

To the Government of Thailand

- Immediately conduct an impartial, transparent, and independent inquiry into the violence of April-May 2010 and ensure all perpetrators of serious human rights abuses are brought to justice regardless of their status and political affiliation.
- Immediately conduct a separate, impartial, transparent, and independent inquiry into human rights abuses related to violent demonstrations and occupation of government properties by the PAD, and government actions against protesters in 2008.
- Increase the budget and resources, and strengthen support in terms of manpower and technical expertise, of the National Human Rights Commission and the Truth for Reconciliation Commission of Thailand to ensure more effective investigations and public reporting of allegations of human rights abuses. Ensure that each commission can act independently and has the resources and security to perform its functions. Permit the commission's timely and unhindered access to assistance from the United Nations Office of the High Commissioner for Human Rights, other UN agencies, foreign governments, and national and international human rights groups.
- Ensure the Thai army and other military branches, Thai police, and other government agencies fully cooperate with information requests from the Ministry of Justice's Department of Special Investigation, the National Human Rights Commission of Thailand, the Truth for Reconciliation Commission of Thailand, and other official inquiries, including those conducted by Parliamentary commissions.
- Immediately make public information that details how many people have been detained under the Emergency Decree since April 7, 2010. Information should include the names and current status of detainees, their places of detention, and whether they currently have access to lawyers, their families, and medical aid.
- Immediately make public the names, identifying information, place of origin, and other specific information of all the persons detained for an offense under the Emergency Decree since April 7, 2010. This should include the current status of detainees, their places of detention, and information on access to lawyers, family members, and medical assistance. Ensure access to all detention facilities and detainees by independent national or international humanitarian agencies.
- Ensure that all persons detained by the police and other security forces are held at recognized places of detention, and are not subjected to torture or cruel, inhuman, or degrading treatment or punishment. Immediately make detainees' whereabouts known

to family and legal counsel, allow regular contacts with family and unhindered access to legal counsel of the detainee's choice. Take all necessary measures to ensure that detainees are treated in accordance with the due process requirements of Thai and international law. Where a person is reported as a "disappearance," instruct relevant agencies to immediately make known the whereabouts or circumstances of the detainee.

- Provide prompt, fair, and adequate compensation for victims and their family members for human rights violations and misuse of force by state officials. Provide assistance to families who suffered injury or property loss due to the demonstrations and government crackdown.
- Implement fundamental reforms of law enforcement agencies that emphasize necessary training and adequate remuneration so that the police can be responsible for internal security, including riot control and overseeing demonstrations, in accordance with international standards.
- Immediately end all restrictions on media that violate the right to freedom of expression, particularly sweeping censorship of UDD-affiliated media outlets, community radio stations, and websites. Drop all criminal charges filed under the Computer Crimes Act and Penal Code for peaceful expression. End arbitrary use of lese majeste charges to intimidate and prosecute government critics and dissidents.
- Promptly sign and ratify the Convention against Enforced Disappearance and the Optional Protocol to the Convention against Torture, and adopt all necessary legislation and other measures to comply with their terms.
- In 2011, invite the following UN special rapporteurs and working groups to investigate and report on the situation in Thailand, and take all necessary measures to implement their recommendations in a timely matter:
 - Special rapporteur on torture;
 - Special rapporteur on extrajudicial, summary or arbitrary executions;
 - Special rapporteur on the promotion and protection of the right to freedom of opinion and expression;
 - Working Group on Enforced and Involuntary Disappearances; and
 - Working Group on Arbitrary Detentions.

To Leaders of the UDD, PAD, and Other Opposition Political Groups and Political Parties

- Take all necessary measures, including frequent public statements, to ensure that members and supporters do not engage, either directly or indirectly, in violent activities on behalf of the group.

- Continually monitor, identify, and disband armed elements within the group.
- Cooperate and participate fully with the National Human Rights Commission and with the Truth for Reconciliation Commission of Thailand in their efforts to investigate the human rights violations and violence.

To Foreign Governments and Intergovernmental Institutions, including the UN Human Rights Council

- Continue to press the Thai government to meet its obligations under international human rights law. Publicly condemn specific violations and urge the government to address them.
- Actively monitor the end use of weapons and law enforcement equipment provided to Thailand to ensure that they are not being misused by the police, military, and other security forces to commit human rights abuses.
- Ensure that any training in human rights and law enforcement for Thai police forces only involves personnel and units that have not been implicated in serious human rights abuses.
- Support the National Human Rights Commission, the Truth for Reconciliation Commission of Thailand, and the human rights community in Thailand to be able to safely monitor, investigate, and report on allegations of abuses. Speak out against any threats, intimidation, or other abuses against human rights defenders.
- Use the Universal Periodic Review (UPR) procedures of the UN Human Rights Council, which Thailand currently chairs, to inquire thoroughly about human rights violations committed by the Thai government and security forces, and press for accountability for abuses.

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Appendix: Timeline of Thai Political History through the Election of Thaksin Shinawatra

June 1932: End of absolute monarchy.

November 1933: Thailand's first parliamentary election. Military leaders begin to assert their authority.

June 1944: Field Marshal Plaek Phibunsongkhram (Phibun) is forced to step down in June 1944 by a rival military faction.

May 1946: A new constitution calls for a bicameral legislature with a popularly elected House of Representatives and a Senate elected by House of Representatives members.

March 1946: Liberal statesman Pridi Banomyong becomes prime minister in the general election. Two weeks later, he is targeted by allegations orchestrated by the military and the Democrat Party regarding the death of King Ananda Mahidol. He resigns and leaves Thailand.

November 1947: Military units under Phibun's control stage a coup and briefly install a Democrat-led proxy government.

April 1948: Phibun fully resumes power as prime minister, bans political parties.

May 1950: Coronation of King Bhumibol Adulyadej.

September 1955: Phibun lifts the ban on political parties.

February 1957: Phibun is accused of committing widespread election fraud to help his Serimanagkasila Party win the general election.

September 1957: Field Marshal Sarit Thanarat leads a coup that deposes Phibun.

December 1957: Sarit's ally, Lt. Gen. Thanom Kittikachorn, is appointed prime minister after a general election.

October 1958: Sarit and Thanom stage another coup, dissolve Parliament, abrogate the constitution, and establish a ruling Revolutionary Council. There are no elections in Thailand for the next nine years.

December, 1963: Sarit dies.

December 1963: Thanom becomes prime minister and sets up a government.

June 1968: A new constitution is promulgated.

February 1969: Military leaders used proxies in political parties to contest in the general election. Amid allegations of massive fraud, Thanom's Saha Prachathai Party wins a plurality

of the seats in the House of Representatives, giving it a majority in partnership with "independents" supported by Field Marshal Praphas Charusathien.

November 1971: Thanom stages a coup against his own government, citing the need to suppress Communist infiltration. He dissolves parliament and appoints himself chairman of the National Executive Council, and serves as a caretaker government for one year.

December 1972: Thanom appoints himself prime minister for a fourth time. Thanom, his son, Col. Narong, and Narong's father-in-law Praphas become known as the "Three Tyrants."

October 1973: More than 250,000 protesters, most from student groups and labor organizations, take to the streets to express their grievances against the "Three Tyrants," and corruption, abuse of power, and human rights violations by the military. The military government launches a series of crackdowns on protesters.

October 14, 1973: King Bhumibol Adulyadej directly intervenes and forces the government to resign.

October 1973 – October 1976: Political upheavals caused by urban and rural protests destabilize the country. The military uses the deteriorating situation to claim it must strike back to save the monarchy and the nation from what it calls a "Red Menace" exemplified by students, intellectuals, workers, and farmers talking publicly about socialism, redistribution of wealth, and a welfare state. The military and right-wing politicians, including then-Deputy Prime Minister Pol. Gen. Pramarn Adireksarn and Deputy Interior Minister Samak Sundaravej begin a propaganda campaign against student and labor groups, accusing them of being communist, unpatriotic, and anti-monarchy. The Village Scouts, the Krathing Daeng (Red Gaurs), and the Nawaphon (New Force) are formed as right wing paramilitary groups.

October 6, 1976: Members of these right wing groups join troops from the Border Patrol Police to attack a group of about 2,000 students inside Thammasat University, killing dozens. A junta headed by Defense Minister Adm. Sa-ngad Chaloryu seizes power.

October 1976: Thanin Kraivixien, an ultraconservative former judge and royalist, becomes prime minister.

October 1977: Gen. Kriangsak Chomanan stages a coup and ousts Thanin.

December 1978: Kriangsak promulgates a new constitution with a popularly elected House of Representatives, but the military still controls the cabinet and appointment of senators.

February 1980: Kriangsak announced increases in the price of fuel and electricity in response to an oil crisis, provoking strong opposition from the military, politicians, and other social sectors.

March 1980: The influential “Young Turks” military faction and Gen. Prem Tinsulanonda—a staunch royalist, army commander-in-chief and defense minister—pressure Kriangsak to resign in the wake of deteriorating inflation and economic downfall.

March 1980: Prem becomes prime minister, starting an eight year period that will make him Thailand’s longest serving prime minister despite never standing in an election. Prem’s close relations with the Palace help him to control the factionalized military. He also gains support from civilians by appointing technocrats, elected politicians, and representatives of influential business interests to his government. Prem maintains power through complicated balancing acts among political parties by frequently changing partners in his coalition governments.

April 1981: Prem’s close relationship with the Palace is evident when the “Young Turks” military faction (led by Col. Manoon Roopkachorn) turn against him. He rushes to Nakhon Ratchasima province, where the royal family is in residence, and effectively blocks coup leaders from obtaining the King’s consent for a change in power. He then mobilizes counterattacks, regains control of Bangkok, and quells the coup attempt with minimal fighting and casualties. Gen. Arthit Kamlangek, who is credited with a key role in securing Prem’s victory, is promoted to become the army commander-in-chief. Officers from Class Five (1958 graduates) of the Chulachomklao Royal Military Academy, the Young Turks’ main rival faction, also receive key positions.

1983: A rift between Prem and Arthit grows. Arthit projects a forceful image with his confrontational approach by publicly challenging Prem’s policy.

1984: In an effort to reduce Prem’s influence with politicians, Arthit supports active-duty and retired military officers to press for constitutional amendments that enhance their roles in the Senate and the cabinet.

May 1987: The showdown with Arthit ends when Prem, with Palace support, dismisses Arthit and appoints Gen. Chavalit Yongchaiyudh as army commander-in-chief. Popular discontent mounts against Prem in rural and urban areas due to economic and social problems. Political parties capitalize on many people’s weariness of military strongmen and demands for stable and more open political institutions to mobilize protests against Prem’s unelected tenure.

September 1986: Chavalit pledges support for the “parliamentary” government, vowing “no more coups” as long as he heads the army.

July 1988: Prem dissolves Parliament, and calls for a new election. Leaders of the winning political parties ask Prem to continue his premiership after the election, but he declines. Chatichai Choonhavan of Chart Thai Party becomes the new prime minister.

September 1998: Prem is appointed chair of the Privy Council.

August 1988: Chatichai's accession as the first elected civilian prime minister since 1976 is a major step towards democratization. He shifts power from the military and bureaucracy in favor of politicians and business groups. Elected members of the House of Representatives, together with Chatichai's advisors (the Ban Phisanulok group), move to cut the military budget, investigate arms procurement deals, and demand transparency in operations of the armed forces. Chatichai and his advisors also remove senior military officers and civilian bureaucrats from lucrative state enterprise boards and substitute their own proxies. However, the Chatichai government is plagued with allegations of "money politics" and corruption. Military leaders from the Class Five faction, led by army commander-in-chief, Gen. Suchinda Kraprayoon, move to re-assert their influence.

February 1991: The Chatichai government's confrontation with the military faction reaches breaking point when Arthit, arch rival of Prem and the Class Five faction, is appointed deputy defense minister.

February 23, 1991: The Class Five generals stage a coup to oust Chatichai. The junta justifies the coup as a measure to stop the corruption of Chatichai's government and thwart alleged assassination plots against the royal family and Prem. The generals sack Parliament and form the National Peacekeeping Council (NPKC), led by the Thai Armed Forces Supreme Commander Gen. Sunthorn Kongsompong.

March 1991: Former diplomat-turned businessman Anand Panyarachun is appointed prime minister of an interim government and quickly becomes popular for political and economic reforms. But Anand's liberal stance and "clean" image conflict with the junta that oversees the state through the NPKC. The junta controls of the Defense Ministry and resumes its scandalous arms procurement, which Chatichai had suspended. They also begin to venture into Thailand's booming satellite and telecommunication sector, awarding large-scale contracts to business allies, including Thaksin Shinawatra. Popular support for the junta wanes amid allegations of corruption and conflict of interest. Pro-democracy groups, including those associated with then-Bangkok Governor Chamlong Srimuang, join under the banner of the Campaign for Popular Democracy (CPD) to protest the junta's control of state powers.

March 1992: The junta's Samakkhitham Party wins the majority of House of Representatives seats in the general election. Suchinda accepts an invitation to become prime minister, breaking his promise never to aspire to the premiership.

April 1992: The CPD launches large demonstrations in Bangkok and other provinces. The NPKC accuses protesters of trying to overthrow the monarchy and the government.

May 18, 1992: Violence erupts in Bangkok as police and military troops attack peaceful demonstrators assembled at Sanam Luang in events that later become known as "Black

May.” A state of emergency is declared and thousands of troops from various military units are deployed to crackdown on the demonstrations, and detain leaders of the CPD.

May 20, 1992: King Bhumibol Adulyadej summons Suchinda and CPD leader Chamlong to Chitralada Palace and, in a scene broadcast nationwide via television, orders them to stop the violence. Suchinda announces that Chamlong will be released from detention and that the protesters will receive amnesty. He also agrees to support the constitutional amendment to require the prime minister to be elected. In return, Chamlong orders the demonstrations to disperse.

May 24, 1992: Suchinda resigns as prime minister.

June 1992: Anand is appointed prime minister by King Bhumibol Adulyadej.

September 1992: A fragile civilian coalition forms after the general election, with Chuan Leekpai from the Democrat Party as prime minister. Thai media dub the Chuan government the “angel coalition” for siding with the opposition against the NPKC. Chuan’s government is seen as a vehicle for instituting democratic reforms and steering Thailand away from the legacy of dictatorship and military intervention in politics. But little is achieved as senior Democrat Party members are implicated in corruption and major land-grabbing scandals.

July 1995: Chuan steps down amid mounting pressure inside and outside Parliament. Banharn Silpa-archa from the Chart Thai Party becomes prime minister, but is immediately engulfed in allegations of election fraud and corruption. Thai media call Banharn “Mr. ATM,” and portray him as a politician who dispenses money to recruit support from fellow politicians.

November 1996: Banharn’s administration ends with dissolution of Parliament.

November 1996: Chavalit, who retired from the army and forms the New Aspiration Party, wins the election and forms a coalition government. He faces serious challenges from the deteriorating economy due to massive speculative attacks on the value of Thai baht.

July 1997: Chavalit’s decision to float the exchange rate of Thai baht, which was previously pegged with the US dollar, causes it to lose more than half its value, triggering the 1997 Asian financial crisis. The Thai Stock Exchange value drops 75 percent. Thailand’s economy slumps amidst massive layoffs. Once-booming finance and real estate sectors collapse after many years of profiteering and speculative investment.

November 1997: Chavalit resigns. Chuan becomes prime minister for the second time and remains in office until February 2001. His responses to the financial crisis are criticized as being heavily guided by the International Monetary Fund (IMF) and weighted in favor of big financial institutions at the expense of small business and ordinary people. Against the backdrop of growing opposition to the Democrat Party, Thaksin and his Thai Rak Thai (“Thais

Love Thais”) Party emerge. The Thai Rak Thai party promises a series of populist campaigns, including universal access to health care; a three-year debt moratorium for farmers; and one million baht locally-managed development funds for all villages. This platform contrasts starkly with the Chuan government, which the media criticized for lacking sufficient concern for the suffering of the poor during the economic crash caused by the Asian financial crisis.

February 2001: Thaksin Shinawatra assumes office as prime minister of Thailand.

Descent into Chaos

Thailand's 2010 Red Shirt Protests and the Government Crackdown

In April and May 2010, Thailand experienced its most serious political violence in decades. At least 90 people died and more than 2,000 were wounded in clashes between government security forces and anti-government protesters led by the United Front for Democracy against Dictatorship (UDD), also known as the “Red Shirts.” Arson attacks in and outside Bangkok caused billions of dollars of damage.

Based on 94 interviews with eyewitnesses, journalists, human rights defenders, parliamentarians, lawyers, government officials, security personnel, and participants in the events, *Descent into Chaos* provides a detailed account of the violence and human rights abuses committed by all sides. The high death toll and injuries resulted largely from excessive use of lethal force by government security forces, including firing of live ammunition at protesters, sometimes by snipers. Deliberate attacks on the security forces by the so-called “Black Shirts,” armed elements connected with the UDD, also caused deaths and injuries. UDD leaders made inflammatory speeches to demonstrators, encouraging their supporters to carry out riots, arson attacks, and looting.

The Thai government adopted various measures that seriously infringed on fundamental rights. These have continued since the protests were broken up. The government has arbitrarily arrested and detained UDD members and held suspects without charge in unofficial places of detention. Detainees have been abused by members of the security forces. A far-reaching government crackdown on freedom of expression and media resulted in the banning of publications, closure of scores of community radio stations, and blocking of thousands of ostensibly pro-UDD websites.

While UDD members and supporters are in custody awaiting prosecution, government forces implicated in abuses enjoy impunity. The government needs to undertake impartial and transparent investigations and prosecute those responsible for criminal offenses, including those who ordered unlawful use of force or incited violence.

United Front for Democracy against Dictatorship (UDD) “Red Shirts” demonstrating before a police line, in downtown Bangkok, April 6, 2010.

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