



JANUARY 2009

COUNTRY SUMMARY

Thailand

The end of a military-installed administration has not led to the restoration of rights and democracy in Thailand. Within months of general elections in December 2007 and formation of a new civilian government in January 2008, political polarization between pro- and anti-government groups led to protracted protests and occasional deadly clashes; media freedom and freedom of expression were undermined by harassment and interference from both the government and anti-government groups.

In the southern border provinces, Thai security forces continue to engage in extrajudicial killings and torture. Insurgent groups continue their brutal and deadly attacks on civilians.

New “War on Drugs”

During the inaugural presentation of government policy to the parliament on February 20, 2008, then interior minister Chalerm Yubamrung announced that a new “war on drugs”—similar to that carried out in 2003 by the government of Thaksin Shinawatra—would be launched. Chalerm vowed that, “if this will lead to 3,000-4,000 deaths of those who break the law, then so be it.” Although the campaign was scrapped due to strong domestic and international opposition, the government showed no interest in reopening investigations into the 2,819 extrajudicial killings that allegedly accompanied the 2003 campaign. On November 7, 2008, Prime Minister Somchai Wongsawat announced a new anti-drug campaign.

The government failed to end systematic police brutality and abuse of power in drug suppression operations. For example, Police Captain Nat Chonnithiwanit and seven other members of the 41st Border Patrol Police (BPP) unit allegedly abducted and tortured more than 60 people over a three-year period in order to extort money and force them to confess to drug offenses. Despite the much publicized arrest of a BPP

member on January 25, 2008, little progress has been made to bring perpetrators to justice.

People's Alliance for Democracy

Starting on May 25, 2008, the People's Alliance for Democracy (PAD) staged protracted protests in Bangkok and other cities to express opposition to the government. Labeling Prime Minister Samak and his successor, Somchai Wongsawat (former prime minister Thaksin's brother-in-law), as surrogates for Thaksin, the PAD accused the government of corruption, abuse of power, and being unpatriotic. Protesters blocked roads and traffic in the capital, in some cases for months at a time. Pro-government groups often violently attacked PAD rallies while police stood by.

On August 26, PAD protesters besieged many government buildings in Bangkok, including the National Broadcasting of Thailand (NBT) building and Government House, where the prime minister and cabinet members have their offices. The government obtained injunctions and arrest warrants from the courts against PAD leaders, but could not end the siege of Government House. After clashes between police and PAD protesters on August 29, the PAD closed international airports in Thailand's southern provinces and imposed worker strikes on train services across the country.

Violence escalated when the pro-government Democratic Alliance against Dictatorship (DAAD) engaged in street fighting with the PAD on September 2, resulting in one death and more than 40 injuries. Prime Minister Samak declared a state of emergency in Bangkok, but army chief General Anupong Paochinda refused to use the emergency powers to crack down on the PAD and suppress basic freedoms. After Samak was removed from office by the Constitutional Court—the court ruled he had violated the constitution by accepting payment for appearances on a cooking show—the new prime minister, Somchai Wongsawat, approved General Anupong's proposal to lift the state of emergency on September 9.

On October 7, thousands of PAD protesters surrounded the parliament in an attempt to block Prime Minister Somchai from delivering a policy statement. To clear the area,

police riot units and BPP units used tear gas and rubber bullets, in some cases firing tear gas from close range directly at the protesters. PAD protesters responded by firing guns, shooting slingshots, throwing bricks and metal pipes, trying to run over police officers with pickup trucks, and stabbing police with flagpoles. According to the Public Health Ministry, two PAD supporters died and 443 were injured, including four cases of amputation. About 20 police were injured.

On October 13, Thailand's National Human Rights Commission concluded that Chinese-made tear gas canisters and grenades used by police on October 7 may have caused many of the deaths and severe injuries.

To date, there has been no independent and impartial investigation into politically motivated violence and human rights abuses committed by the PAD.

At this writing, the PAD was still occupying Government House. PAD leaders were demanding that the military have the right to intervene in politics to check corruption and to protect the monarchy and national sovereignty. They also were proposing that the number of elected MPs be reduced to 50 percent of the total—with the remainder filled through appointment.

Freedom of Expression and Media Freedom

The government has continued to interfere in the media. A news talk radio program hosted by former senator Jermsak Pinthong was taken off the air on February 13, 2008, after he claimed that Prime Minister Samak distorted the truth about a massacre of students at Thammasat University on October 6, 1976. On April 19, Jakrapob Penkair—who was then in charge of the government's Public Relations Department—ordered some 500 community radio operators to allocate three hours a day to promote the government or risk closure.

Prime Minister Samak attempted to use the NBT broadcast to counter daily attacks by PAD-controlled media outlets, ASTV, and Manager Radio. On July 21, the time slot for the political talk show "Page Four News" on NBT TV Channel 11 was reassigned to commentators affiliated with the ruling People's Power Party (PPP) to host a pro-government program called "Truth Today."

The PAD's protests included criminal violence against the media. On August 26, armed PAD protesters stormed into NBT headquarters and attempted to stop the broadcast of NBT television and radio stations. On that day, PAD protesters harassed NBT reporters and staff at Government House and chased them out of their mobile broadcast trucks.

Pro-government groups also have harassed the media. On November 3, about 200 red-clad members of the Love Chiang Mai 51 Group stormed into the regional office of the Thai Public Broadcasting Service in Chiang Mai province. They cut open the fence and blocked the building's entrance with tents, threatening to cut electricity and water supplies after TPBS reported that members of the Love Chiang Mai 51 Group were paid 2,000 baht (about US\$57) each to join the pro-government rally in Bangkok organized by the pro-government DADD on November 1.

The PAD, the opposition Democrat Party, and senior military officers have actively advocated the arbitrary use of *lese majeste* (insulting the monarchy) charges against supporters of the government. Jakrapob had to resign from office on May 30 after he was charged with *lese majeste* for a speech at the Foreign Correspondent's Club about the patronage system. On July 22, government supporter Daranee Charnchoengsilpakul was arrested for allegedly insulting the monarchy in her speech at a DAAD rally. In 2008 authorities also closed down more than 400 websites after accusing them of promoting anti-monarchy sentiments.

Thai authorities have warned the vibrant international media in Thailand not to comment on the role of the monarchy. Jonathan Head—a Bangkok-based reporter for the BBC—faced a criminal investigation for allegedly making anti-monarchy comments in his stories.

Violence and Abuses in the Southern Border Provinces

Attacks on civilians by both Thai security forces and armed separatist groups in Thailand's southern border provinces continued in 2008. Soldiers from the Army's 39th Taskforce in Rue Soh district of Narathiwat province were implicated in the highly publicized torture and murder of imam Yapa Kaseng on March 21. On June 21, armed insurgents stormed a passenger train in Ra Ngae district and executed a

Buddhist Thai train police officer and three Buddhist train workers. Car bombs were used in a March 15 attack on CS Pattani Hotel in Pattani province and an August 21 attack in Su Ngai Kolok district of Narathiwat province. Some insurgents aimed to spread terror among the Buddhist Thai population, most notably by beheading victims or setting their bodies on fire. Insurgents burned down government schools and continued to engage in roadside ambushes and targeted assassinations of teachers and students.

Although the government and General Anupong vowed to deliver justice to the ethnic Malay Muslim population, Thai security forces still faced little or no consequences for extrajudicial killings, torture, and arbitrary arrests of suspected insurgents. After a sharp decline in 2007, new cases of enforced disappearances emerged again in 2008.

Refugees and Migrant Workers

The international law prohibition against *refoulement*—returning refugees to any country where they are likely to be persecuted or their lives put at risk—continued to be breached in 2008, as ethnic Karen refugees and asylum seekers were deported to Burma. Similarly, Lao Hmong seeking asylum in Petchabun province were rounded up from camps and sent back to Laos.

Thailand hosted the Association of Southeast Asian Nations (ASEAN) Labor Ministerial Meeting in May 2008, but migrant workers remain largely unprotected by Thai labor laws. They continue to be vulnerable to arrest and extortion by corrupt officials, and risk exploitation, abuse, and death. On April 10, 54 Burmese migrants died of suffocation in an unventilated truck while being smuggled to work in Ranong province. Decrees in Ranong, Rayong, and Phang Nga provinces have made it unlawful for migrants to go out at night, carry mobile phones, and ride motorcycles.

Human Rights Defenders

There has been little progress in official investigations into the cases of 20 human rights defenders killed during the Thaksin administration. This includes the

“disappearance” and presumed murder of well-known Muslim lawyer Somchai Neelapaijit.

Thai authorities have threatened to revoke the registration of international NGOs in order to deter them from speaking up about government abuses in southern border provinces.

Key International Actors

Thailand assumed the rotating chairmanship of the ASEAN in 2008, but has yet to ratify the ASEAN charter. Thailand’s efforts to set the terms of reference for the ASEAN human rights mechanism have been discredited by its poor human rights record and close alliance with military rulers in Burma. Prime Minister Somchai used the October ASEAN-Europe Meeting in Beijing to launch a diplomatic campaign to support the Burmese military government, asserting that lifting economic sanctions and supporting government-led development is the best path to democratization in Burma.

The United States and other western governments resumed normal relations with Thailand after an elected government came to power in 2008. The US used its strong bilateral relationship with Thailand to raise human rights concerns regarding the political confrontation in Bangkok and violence in Thailand’s southern border provinces.

Together with the United Kingdom, Australia, and the European Union, the US sought to promote the restoration of democracy in Thailand and expressed strong opposition to attempts by conflicting political factions to incite a military coup and suppress civil liberties.