



JANUARY 2010

COUNTRY SUMMARY

Thailand

Political instability and polarization continued in 2009 and occasionally resulted in violence when anti-government groups, affiliated with Thaksin Shinawatra, clashed with Thai security forces. Public pledges of the army-backed government of Prime Minister Abhisit Vejjajiva (who succeeded Somchai Wongsawat in December 2008) to give priority to human rights and the restoration of democracy have largely been unfulfilled.

Political Violence

Episodes of political violence involving supporters of former prime minister Thaksin broke out throughout the year. On April 7, anti-government protests turned violent when protesters from the Thaksin-backed United Front for Democracy against Dictatorship (UDD) attacked Prime Minister Abhisit's motorcade in Pattaya. The red-shirted protesters then clashed with pro-government groups in Pattaya on April 10 and 11. After UDD protesters broke into the meeting site of the summit of the Association of Southeast Asian Nations (ASEAN), the summit was cancelled. In response, the government declared a state of emergency in Pattaya on April 11 and in Bangkok and surrounding provinces on April 12. UDD protesters on April 12 forced their way into the Interior Ministry in Bangkok, where Abhisit was meeting with senior government officials, and again attacked the prime minister's motorcade, dragging people from cars and beating them.

Street battles erupted in Bangkok on April 13 when UDD protesters, who had been blocking main intersections in Din Daeng district with buses and taxis, attacked approaching soldiers with guns, petrol bombs, and other improvised weapons. UDD protesters also threatened to blow up trucks with liquefied petroleum gas near residential areas and hospitals. Soldiers used teargas and live ammunition to disperse the protesters and clear the blockades; while most gunfire was into the air, some soldiers fired assault rifles directly at the protesters. Clashes spilled across Bangkok through the next day, when two members of neighborhood watch groups were shot dead in a clash with UDD protesters. At least 123 people were injured, including four soldiers wounded by gunshots.

Leaders and members of the UDD were arrested and briefly detained after the dispersal of their protests. At this writing, the UDD continues periodically to mobilize anti-government protests across the country.

On September 7 the National Counter Corruption Commission (NCCC) ruled that National Police Chief Patcharawat Wongsuwan and six other high-ranking police officers should be charged with criminal offenses and subject to disciplinary action, and criminal charges should be brought against former prime minister Somchai and then deputy prime minister Chavalit Yongchaiyut, in connection with the crackdown on protesters from the anti-Thaksin People's Alliance for Democracy (PAD) on October 7, 2008, when police violently dispersed about 2,000 protesters in front of parliament. Two PAD supporters died and 443 were injured; about 20 police officers were wounded.

There has been no independent and impartial investigation into politically motivated violence and human rights abuses committed by the yellow-shirted PAD during its protests in 2008, which included occupying Bangkok's Suvarnabhumi airport. Prosecutions of PAD leaders and members have been delayed amid growing public perception that the PAD is immune to legal accountability. Ultra-nationalist protesters in the network of the PAD violently clashed with villagers, who were mobilized by the Interior Ministry and local politicians, during a rally in Srisaket on September 19, 2009.

Freedom of Expression and the Media

In 2009 Thai authorities have closed down more than 18,000 websites after accusing them of promoting anti-monarchy sentiments and posing threats to national security. The charge of *lese majeste* (insulting the monarchy, penal code article 112) has been used against Thai citizens and foreigners, journalists and academics, bloggers and web board discussants; government critics such as Giles Ji Ungpakorn, Jakrapob Penkair, and Suchart Nakhangsai have fled or been unable to return to the country after being so charged.

Those accused have reason to fear the consequences. On January 14, 2009, Suwicha Thakor was arrested for allegedly posting *lese majeste* comments on the internet, and on April 3 was sentenced to 10 years in prison under article 112 and the Computer Crimes Act. On January 18 Australian author Harry Nicolaides was sentenced to three years in prison for defaming the crown prince in his 2005 novel "Verisimilitude"; he was pardoned and freed on February 19 after an international outcry. On August 28 government critic Daranee Charnchoengsilpakul (also known as Da Torpedo) was sentenced to 18 years in prison for insulting the monarchy in her speeches at a UDD rally. She was reportedly put in solitary

confinement in Lard Yao prison. On March 6 Chiranuch Premchaiyaporn of online news forum *Prachatai* was arrested and her office raided by police. She was accused of violating the Computer Crimes Act and disseminating *lese majeste* content on the website in October-November 2008. She has been released on bail while the Attorney General's Office processes the case.

On November 1 Katha Pajariyapong and Theeranan Vipuchan were arrested by police for posting on the internet their comments and Thai translations of international media reports about King Bhumibol Adulyadej's poor health. They have been charged under the Computer Crimes Act with feeding false information causing harm to national security and the public. Both received bail, on condition that they must not leave Thailand while police undertake further investigation.

Abusive Anti-Narcotics Policy

Abhisit supported the reopening of investigations into the 2,819 extrajudicial killings that allegedly accompanied Thaksin's "war on drugs" in 2003. Facing strong resistance from the Royal Thai Police, which was implicated in many of these killings, slow progress has been made to bring perpetrators to justice and end systematic police brutality and abuse of power in drug suppression operations. In a positive development, in September 2009 nine police officers from Kalasin and Bangkok were charged with murder and other serious offenses related to two separate "war on drugs" cases.

The government responded to a surge in drug sales and use by resuming executions of convicted traffickers, after a six-year hiatus. Bundit Jaroenwanit and Jirawat Poompreuk, convicted in March 2001, were executed by lethal injection on August 24, 2009. TV news reported their execution minute-by-minute in reality show style.

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

Violence and Abuses in the Southern Border Provinces

There were fewer reports in 2009 of abuses committed by security forces in the southern border provinces of Pattani, Yala, Narathiwat, and Songkhla, as the government appeared to take seriously the human toll and the cycle of violence that such abuses contribute to.

However, gunmen from a local Aor Ror Bor militia unit were suspected of responsibility for the massacre of 10 ethnic Malay Muslims inside Al-Furquan mosque in Narathiwat's Joh Ai Rong district on June 8, 2009. Despite public commitments from the government to bring the perpetrators to justice, at this writing no arrests have been made.

Separatist groups continue to target civilians, including roadside ambushes and beheading victims or burning them to death. Some attacks were aimed at spreading terror among Buddhist Thais, or justified by insurgents as reprisal for abuses committed by Thai security forces against ethnic Malay Muslims. Insurgents burned down government schools and continued to engage in killings of teachers; many government schools were closed temporarily in response to security threats. The insurgents recruit children from private Islamic schools to participate in the armed hostilities and to serve other secondary roles, such as spying or carrying out arson attacks. In response, government security forces have at times raided private Islamic schools, and detained teachers and students for questioning.

The Attorney General's Office decided in February not to press charges against soldiers and police officers responsible for the Krue Se mosque killings on April 28, 2004, while the provincial court of Songkhla ruled on May 29 that Thai security forces were not responsible for the death of 78 ethnic Malay Muslims in the Tak Bai incident of October 25, 2004. Both decisions fly in the face of the facts and led to outrage in the Muslim community in the south. No progress was made in 2009 in the criminal prosecution of soldiers from the army's 39th Taskforce who tortured and murdered Imam Yapa Kaseng in Narathiwat's Rue Soh district on March 21, 2008.

Refugees and Migrant Workers

Thai authorities continue to violate the international principle of nonrefoulement by returning refugees and asylum seekers to countries or origin where they were likely to face persecution. Throughout 2009, Lao Hmong seeking asylum in Petchabun continued to be repatriated to Laos. Staff of the United Nations High Commissioner for Refugees were barred from access to Lao Hmong detention camps in Petchabun or from taking part in the refugee status determination process. There were also reports that exiled Chinese dissidents, many of them linked with Falungong, were arrested and deported to China. Ongoing raids of undocumented migrants have forced Burmese human rights and democracy activists in northern Thailand to close down their offices.

Thai authorities adopted a hard-line stance toward Rohingya boatpeople from Burma and Bangladesh. In January 2009 the National Security Council (chaired by Abhisit) ordered

authorities to intercept incoming Rohingya boats and detain passengers in off-shore holding centers. After being exposed by human rights groups and the international media, the government admitted that its navy had pushed some boats laden with Rohingyas back to international waters (see also Burma chapter). Despite many public promises, Thai authorities did not conduct independent investigations into this and related allegations of abuses.

Migrant workers remain largely unprotected by Thai labor laws, making them vulnerable to arrest, extortion, and other abuse.

Human Rights Defenders

There has been little progress in official investigations into the cases of 20 human rights defenders killed during the Thaksin administration. These include the 2004 “disappearance” and presumed murder of well-known Muslim lawyer Somchai Neelapaijit, whose case was accepted by the UN Working Group on Enforced or Involuntary Disappearances in June 2005. The Justice Ministry’s Department of Special Investigation has since 2006 taken over investigation of Somchai’s case from the Royal Thai Police, which was implicated in his “disappearance,” but still failed to determine what happened to Somchai and who was responsible.

Key International Actors

The United States, United Kingdom, Australia, and the European Union worked to promote the restoration of democracy in Thailand, and expressed strong opposition to attempts by conflicting political factions to incite a military coup and violence.

Thailand, as the chair of ASEAN for 2009, has been active in promoting a regional human rights mechanism. But these efforts have been limited by the ASEAN principles of non-interference and consensus decision making. Human rights groups have little expectation that the ASEAN Intergovernmental Commission on Human Rights could take any meaningful steps in promoting and protecting human rights.