

Thailand

Yingluck Shinawatra, younger sister of exiled former Prime Minister Thaksin Shinawatra, won a landslide victory in July 2011 elections, offering what was hoped would be political stability in Thailand after several years of political upheaval. The new government has not yet fulfilled early promises to give priority to Thailand's many human rights problems. In October and November Bangkok—the capital—and 23 other provinces were severely affected by the worst flooding in decades, which displaced hundreds of thousands people and massively devastated livelihood and economy.

Accountability for Political Violence

At least 90 people died and more than 2,000 were injured during violent political confrontations from March to May 2010. The loss of life resulted from the unnecessary use of lethal force by Thai security forces, attacks by armed elements operating in tandem with the United Front for Democracy against Dictatorship (UDD), known as the “Red Shirts,” and incitement to violence by some UDD leaders.

In January 2011 the Justice Ministry's Department of Special Investigation (DSI) announced the results of preliminary investigations into the violence. The DSI implicated soldiers in 13 deaths, and armed UDD elements in another 12 deaths. But lack of police cooperation stalled efforts to initiate post-mortem inquests and prosecutions. Prime Minister Yingluck vowed to end these delays after appointing Gen. Prieuwan Damapong, Thaksin's brother-in-law, as national police chief in September.

The status of investigations into alleged crimes by UDD “Black Shirt” militants remained unclear, with the Yingluck government denying the group's existence. A number of those accused of deadly attacks against soldiers, police officers, and anti-UDD groups were released on bail. The election of 12 senior UDD leaders as ruling Pheu Thai Party members of parliament raised serious concerns that they would be able to use their political influence and parliamentary immunity to evade accountability for their role in the 2010 violence.

Yingluck promised full support for the work of the Truth for Reconciliation Commission of Thailand (TRCT), established by the government of Abhisit Vejjajiva to look into the political

violence, but has yet to grant the TRCT subpoena power, rendering it unable to obtain complete information about security force deployment plans and operations, autopsy reports, witness testimony, photos, and military and police video footage.

In its initial work, the TRCT found that the Abhisit government had pressured law enforcement officials to charge hundreds of ordinary UDD protesters with serious criminal offenses and hold them in pre-trial detention for months without the possibility of bail. The government announced in September that it would review the charges against those protesters and ensure they are treated in accordance with due process and human rights guarantees. The TRCT also recommended that a special mechanism be established to provide fair compensation and other remedies to all victims of abuse and political violence.

Progress in investigating criminal offenses committed by members of the People's Alliance for Democracy (PAD), known as the "Yellow Shirts," during protests in 2008 has also been slow. Additionally, the police officers and politicians believed responsible for the excessive use of force against PAD protesters rallying in front of the parliament on October 7, 2008, continue to enjoy impunity.

Freedom of Expression and Freedom of Media

From 2008 to 2011 the Abhisit government oversaw the closure of more than 1,000 websites, a satellite television station, online television channels, printed publications, and more than 40 community radio stations for allegedly threatening national security or broadcasting material deemed offensive to the monarchy.

Thai authorities continue to use the Computer Crimes Act and article 112 of the penal code, lese majeste (insulting the monarchy), to enforce censorship and persecute dissidents. The National Human Rights Commission estimates that more than 400 lese majeste cases were sent to trial in 2010 and 2011. Persons charged with lese majeste offenses are frequently denied bail and remain in prison for months awaiting trial. In most cases, the trials are closed to the public. In March a court sentenced Tanthawut Taweewarodomkul to 13 years in prison for posting material on the anti-monarchy website Nor Por Chor USA. Lese majeste prosecutions in 2011 also targeted webmasters and editors, such as Chiranuch Premchaiporn, webmaster and director of Prachatai.com, and Somyos Pruksakasemsuk, editor of *Red Power* magazine.

New Deputy Prime Minister Chalerm Yubumrung told parliament on August 26 that lese majeste offenses would not be tolerated. The government established a "war room" at

national police headquarters to monitor the internet and lead the crackdown on websites deemed critical of the monarchy. On September 1, police arrested Surapak Phuchaisaeng in Bangkok for allegedly posting pictures, audio clips, and messages deemed insulting to the royal family on Facebook. It was the first lese majeste arrest under Yingluck's government.

Critics of Yingluck and the Pheu Thai Party, such as Jermsak Pinthong and T-News group, lost contracts with the government-controlled National Broadcasting Services of Thailand (NBT) to produce television and radio news analysis programs broadcast nationally.

Violence and Human Rights Abuses in the Southern Border Provinces

Separatist insurgents in the loose National Revolution Front-Coordinate (BRN-Coordinate) network continue to attack civilians in the southern border provinces. Car bombs and motorcycle bombs killed six and wounded 118 in the September 16 attacks in the Su Ngai Kolok district, Narathiwat province. Insurgents have planted landmines in rubber plantations to spread terror among the ethnic Thai Buddhist population and force them to relinquish ownership of the plantations.

Insurgent groups continue to target teachers in government-run schools, whom they see as symbols of state efforts to undermine ethnic Malay Muslim identity. On September 6, insurgents fatally shot teacher Kanit Lamnui in Yala province's Raman district, poured gasoline over his body, and set it ablaze. Since 2004, insurgents have killed at least 148 teachers and educational officials. Government security forces frequently use schools for barracks and bases, endangering students and teachers, and impairing education.

Although Fourth Region Army commander Lt. Gen. Udomchai Thammasarorat vowed that the ethnic Malay Muslim population would see justice done for abuses against them, Thai security forces still face little or no consequences for extrajudicial killings, torture, enforced disappearances, and other abuses. After a sharp decline since 2007, new cases of "disappearances" increased in 2011.

Anti-Narcotics Policy

Deputy Prime Minister Chalerm announced in September that the government would respect human rights and due process when implementing anti-narcotics policy, but flatly denied any official involvement in the more than 2,800 extrajudicial killings that accompanied then Prime Minister Thaksin's 2003 "war on drugs."

Starting in September the Yingluck government set a target to “rehabilitate” 400,000 drug users within one year. There was little change in the government practice of arbitrarily arresting drug users and detaining them in compulsory drug “rehabilitation” centers, mostly run by the military and the Interior Ministry, where the ostensible treatment is based on military-style physical exercise. Routinely detained in prison prior to compulsory rehabilitation, detainees get little or no medical assistance for drug withdrawal symptoms.

Human Rights Defenders

Gunmen shot dead environmentalist Thongnak Sawekchinda in Samut Sakhon province on July 28, allegedly in retaliation for his campaign against local coal industry pollution. Since 2001 more than 20 environmentalists and human rights defenders have been killed in Thailand. Investigations into the killings have frequently suffered from inconsistent and shoddy detective work, the failure of the Justice Ministry to provide adequate protection for witnesses, and political interference in law enforcement efforts.

Refugees, Asylum Seekers, and Migrant Workers

Thai authorities continue to return refugees and asylum seekers to countries where they are likely to face persecution. Nur Muhammed, an ethnic Uighur, was arrested on August 6 and taken to the Bangkok Immigration Detention Center (IDC), where he was charged under the Immigration Act with illegal entry. Instead of being brought to a court, as stipulated by Thai law, he was handed directly into the custody of Chinese government officials and has since disappeared. China’s record of arbitrary detention and torture of ethnic Uighurs places Muhammed at grave risk of abuse.

Thai authorities at least twice “pushed back” boats carrying ethnic Rohingyas from Burma and Bangladesh in 2011 despite allegations that such practices led to hundreds of deaths in 2008 and 2009. After providing basic supplies of food and water, Thai authorities towed the boats far out into international waters before cutting the boats adrift. One boat of 91 Rohingya was stopped in Trang province on January 22 and pushed back out to sea, ultimately landing in India’s Andaman and Nicobar Islands. A second boat, with 129 Rohingya on board, was pushed back on the high seas and drifted to Aceh, Indonesia.

Thailand is not a party to the 1951 Refugee Convention and has no law that recognizes refugee status. Asylum seekers and refugees who are arrested often face long periods of detention until they are accepted for resettlement or agree to be sent back to their own country. In some cases, Sri Lankan, Nepalese, and Rohingya refugees have been held for more than two years. On June 6, 94 refugees and two asylum seekers from Pakistan’s

persecuted Ahmadiyah community were released on bail; some had been detained for nearly six months.

Thai labor laws provide little protection to migrant workers from Burma, Cambodia, and Laos who have been abused by police, civil servants, employers, and criminal elements. A migrant worker registry and “nationality verification” scheme provides legal documentation for workers, but does little to counter the impunity with which employers violate such workers’ rights. Migrant workers remain extremely vulnerable to exploitation, with female migrants enduring sexual violence and labor trafficking, and male migrants facing extreme labor exploitation, including being trafficked onto fishing boats. In October NGOs and the media documented that migrant workers fleeing Thailand’s flooding, which affected millions of people, were being targeted by police for arrest, extortion, and abuse.

Key International Actors

The United Nations, United States, Australia, European Union, Switzerland, and Norway expressed strong support for political reconciliation and greater human rights protections in Thailand in 2011, urging the government and all other conflicting political factions to engage in dialogue and refrain from using violence. Switzerland provided training and technical assistance to the TRCT.

Thailand made many human rights pledges in its successful 2010 campaign to join the UN Human Rights Council, but few have been implemented. In September Foreign Minister Surapong Tovichakchaikul said Thailand would seek to renew its seat at the council for another term and also bid for a non-permanent seat at the UN Security Council.

The Cluster Munitions Coalition strongly criticized Thailand for using cluster munitions in a border conflict with Cambodia in February 2011. In June the Thai ambassador to the UN in Geneva informed the first intersessional meeting of the Convention on Cluster Munitions that Thailand hoped to ratify the convention in “the near future.”