



January 2011

country summary

## Thailand

Political instability and polarization continued in 2010, and occasionally resulted in violence. There were at least 90 deaths and 2,000 injuries of civilians and security personnel during politically motivated street battles between March and May. Public pledges by the Thai government to prioritize human rights, political reconciliation, and accountability for abuses have largely been unfulfilled.

### Political Violence

After a month of largely peaceful rallies, on April 7, anti-government protesters from the United Front for Democracy against Dictatorship (UDD)—backed by former prime minister Thaksin Shinawatra—stormed Parliament, forcing cabinet ministers and parliamentarians to flee the building. In response, Prime Minister Abhisit Vejjajiva declared a state of emergency and created the Center for the Resolution of Emergency Situations (CRES), an ad hoc body made up of civilians and military officers, to handle the crisis and enforce emergency powers.

On April 10 the CRES deployed thousands of soldiers in an attempt to reclaim public space occupied by the red-shirted UDD, sparking violent clashes around Phan Fa Bridge. At nightfall the soldiers were ambushed by the heavily armed “Black Shirt” militants, apparently connected to the UDD and operating in tandem with it. At the same time some UDD security guards and protesters used weapons such as pistols, homemade explosives, petrol bombs, and slingshots to attack the soldiers. The panicked soldiers withdrew, firing live ammunition at the protesters. The government reported that 26 people (including five soldiers) were killed, and at least 860 wounded (including 350 soldiers).

Between April 23 and 29, groups of armed UDD security guards searched King Chulalongkorn Memorial Hospital every night, claiming hospital officials had sheltered soldiers and pro-government groups. The hospital relocated patients and temporarily shut down most services.

Negotiations in early May, based on Prime Minister Abhisit’s five-point proposal, ultimately foundered when Maj.-Gen. Khattiya Sawasdipol, who claimed to represent Thaksin’s interests, and other hardliners attempted to seize control of the UDD from more moderate

leaders. On May 12 the prime minister warned that the government planned to disperse UDD protesters at Ratchaprasong junction.

As government troops moved to encircle UDD-controlled areas on May 13, an unknown sniper shot Major-General Khattiya, who died four days later. Violence escalated as UDD protesters and the Black Shirts began to openly fight the security forces surrounding their camps. The CRES set out rules of engagement, permitting security forces to use live ammunition as warning shots to deter protesters from moving closer; for self-defense; and when troops had clear visuals of "terrorists," a term the government failed to define. In reality, the military deployed snipers to shoot anyone who breached "no-go" zones between the UDD and army barricades, or who threw projectiles towards soldiers. Sometimes soldiers also shot into crowds of protesters.

On May 19 the government launched a military operation to reclaim areas around Ratchaprasong junction, sparking another round of street battles, in which soldiers used live ammunition, and some UDD protesters and the Black Shirts fought back. Around midday key UDD leaders surrendered and thousands of protesters sought sanctuary in the Wat Pathum Wanaram temple, which had been declared a safe zone by agreement with the government. A Human Rights Watch investigation, based on eyewitness accounts and forensic evidence, found that soldiers later opened fire on persons sheltering in the temple. Many were wounded, and six people, including a volunteer medic, were killed.

After the surrender of UDD leaders, groups of UDD protesters and the Black Shirts launched a coordinated campaign of looting and arson attacks on the Central World shopping complex and other locations across Bangkok for two days, starting on May 19. Previously key UDD leaders had urged their supporters to loot and burn should the government forcibly disperse the UDD protests.

Street battles injured at least nine reporters and photographers and led to the deaths of two foreign journalists. On May 19, UDD protesters burned the headquarters of Bangkok's TV Channel 3 and provincial branches of NBT TV, accusing both stations of bias.

That same day UDD supporters outside Bangkok rioted and burned government buildings in reaction to events in the capital, inflicting damage in Khon Kaen, Ubon Ratchathani, Udorn Thani, and Mukdahan provinces. The security forces opened fire on the protesters, killing at least three, and wounding dozens more.

Throughout the year bomb attacks in Bangkok and other provinces targeted government and military locations, as well as political groups, companies, and properties associated with anti-UDD elements. For example, on April 22, M79 grenades fired at pro-government groups near Saladaeng junction killed one person and wounded 85.

As a means to reconciliation, Prime Minister Abhisit endorsed an impartial investigation into the violence committed by all sides. However, the UDD said the inquiry was not fully independent or impartial, and in any case, the military was not fully cooperative. Separate inquiries by the National Human Rights Commission and the specifically appointed Independent Fact-Finding Commission for Reconciliation made little progress.

### **Emergency Decree Detention**

On April 7 the government proclaimed the Emergency Decree on Public Administration in Emergency Situation in Bangkok and other provinces.

The decree allows the CRES to hold suspects without charge for up to 30 days in unofficial places of detention, and gives officials effective immunity from prosecution for most acts committed while implementing the decree.

The CRES questioned, arrested, and detained UDD leaders and members who took part in the protests, as well as accused sympathizers. The CRES 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. The CRES ordered foreign and Thai journalists and volunteer medics to report to the CRES headquarters and substantiate their public statements that they witnessed abuses committed by the security forces.

At this writing the government has failed to provide the exact number and whereabouts of those detained without charge by the CRES.

### **Repressions of Media Freedom and Freedom of Expression**

The CRES used the emergency decree to shut down more than 1,000 websites, a satellite television station, online television channels, publications, and more than 40 community radio stations, most of which are considered to be closely aligned with the UDD.

In addition, the government continued to use the Computer Crimes Act and the charge of *lese majeste* (insulting the monarchy) to enforce online censorship and persecute dissidents,

particularly those connected with the UDD, by accusing them of promoting anti-monarchy sentiments and posing threats to national security. Chiranuch Premchiaporn, webmaster of online news portal Prachatai, was arrested on September 24 and charged with violating the act because of reader comments on the site deemed offensive to the monarchy in 2008.

### **Abusive Anti-Narcotics Policy**

The government supported reopening investigations into the 2,819 extrajudicial killings that allegedly accompanied the 2003 "war on drugs." However, little progress was made to bring perpetrators to justice, or end systematic police brutality and abuse of power in drug suppression operations. In June Ratchaburi province police officers shot and killed Manit Toommuang, a suspected drug trafficker, while he was handcuffed and in their custody.

Concerns remained about the detention of drug users in compulsory drug "rehabilitation" centers, mostly run by the military and the Interior Ministry. "Treatment" is based on military-style physical exercise, with little medical assistance for drug withdrawal symptoms.

### **Violence and Abuses in the Southern Border Provinces**

Human Rights Watch expressed concern about the alleged mistreatment of insurgent suspects in custody after Sulaiman Naesa was found dead at the Inkhayuthboriharn army camp in Pattani on May 30. Muslim people and human rights groups also made a growing number of complaints about the unlawful use of force by Thai security personnel, including assassinations of religious teachers and community leaders suspected of involvement in the insurgency. There have been no successful criminal prosecutions in these cases. On September 1, police dropped criminal charges against army-trained militiaman Suthirak Kongsuwan, who had been accused of leading an attack on Muslim worshippers at Al Furqan Mosque in June 2009, killing 10 people and wounding 12 others.

Separatist groups continued to attack and kill civilians, including teachers from government-run schools, and threaten teachers and principals, forcing them to close schools temporarily. Government security forces frequently occupied schools, impairing education by turning schools into armed camps. Insurgents recruited children from private Islamic schools to participate in armed hostilities, serve as spies, and carry out arson. Thai security forces raided private Islamic schools, and detained teachers and students for questioning.

## **Refugees, Asylum Seekers, and Migrant Workers**

Thai authorities violated the international principle against refoulement by returning refugees and asylum seekers to countries where they were likely to face persecution. Despite international outcry, including strong protests by the United Nations High Commissioner for Refugees (UNHCR) and the UN secretary-general, the Thai army on December 28, 2009, forcibly returned 4,689 Lao Hmong, including 158 UNHCR-designated "persons of concern," to Laos. In November Thai authorities sent back to Burma thousands of Burmese fleeing armed conflicts in border areas before UNHCR could assess whether they were returning voluntarily.

In October the Immigration Police arrested 128 Tamils for illegal entry, including many registered with UNHCR, and threatened to send them back to Sri Lanka.

The Thai government failed to fulfill its promise to conduct an independent investigation into allegations in 2008 and 2009 that the Thai navy pushed boats laden with Rohingyas from Burma and Bangladesh back to international waters, which allegedly resulted in hundreds of deaths. A group of 54 Rohingyas have been held at the Immigration Detention Center since January 2009, without access to any mechanism for refugee determination or sufficient medical care. Two of them died in detention in 2009.

Migrant workers from Burma, Cambodia, and Laos continue to be abused with impunity by local police, civil servants, employers, and thugs; with little enforcement of Thai labor laws. A poorly designed and implemented "nationality verification" registration scheme caused hundreds of thousands of migrant workers to lose their legal status, deepening their vulnerability to exploitation. Female migrant workers are also vulnerable to sexual violence and trafficking.

## **Human Rights Defenders**

The government made little progress in official investigations into the cases of 20 human rights defenders killed, including the 2004 "disappearance" and presumed murder of Muslim lawyer Somchai Neelapaijit.

## **International Actors**

The UN, the United States, Australia, and the European Union expressed strong support for political reconciliation and the restoration of human rights and democracy in Thailand, including by urging the government and the UDD to engage in dialogue and refrain from using

violence. The UN provided training and technical assistance to the inquiry process, which aims to bring to justice those responsible for politically motivated violence and abuses.

The UDD, through an international law firm hired by Thaksin, submitted a report to the prosecutor of the International Criminal Court in October, calling for an investigation into the alleged crimes against humanity committed by Thai authorities during the dispersal of the UDD protests.

Thailand made a significant number of human rights pledges in its successful campaign to join the UN Human Rights Council, and expectations for progress were further raised when Sihasak Phuangketkeow, Thailand's ambassador to the UN in Geneva, was selected as the president of the Council in June, but little has been implemented at this writing.